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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW AARON CANALES,

Defendant and Appellant.

B276487

Los Angeles County

Super. Ct. No. PA065777

APPEAL from a post-judgment order of the Superior Court of Los Angeles County, Monica Bachner, Judge. Affirmed.

Mary Jo Strnad, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Matthew Aaron Canales appeals from the denial of a post-judgment motion to seal and destroy the arrest records from a criminal case that the People dismissed at the complaint stage. Our independent review of the record has revealed no arguable appellate issues, and we affirm.

BACKGROUND

Canales lives with his mother, Linda Fisher. They both struggle with mental health issues. Canales suffers from bipolar disorder, for which he takes medication. Fisher takes anxiety medication and was addicted to that medication at the time of the events in this case.

According to the police report admitted into evidence below, on December 3, 2009, Deputy Sheriffs Charles Weathers and Chris Craft responded to a disturbance at Fisher's house. When they arrived, Fisher was present, but Canales was not. Fisher told the deputies that she had been arguing with Canales because she wanted him to get treatment for his bipolar disorder. During the argument, Canales threatened to strangle her in her bed while she slept or, if he could find a long enough knife, stab her. Canales ran out of the house when Fisher threatened to call the police.

Weathers reported that Fisher told him Canales had tried to choke her in the past, crushing her windpipe. Fisher also told Weathers she believed Canales would try to kill her again and that "she was in great fear for her life."

After searching the area, Weathers found Canales standing on a nearby corner and arrested him. In his pocket, Canales had medication for bipolar disorder. Canales explained that he "had

not been right in the head” since his father’s recent death. Though he acknowledged quarreling with his mother over the proceeds of his father’s life insurance policy, Canales denied threatening her.

On December 8, 2009, Fisher spoke with Detective R. Welch by phone. Fisher repeated that she and Canales had a heated argument over treatment of Canales’s bipolar disorder. In the course of the argument, Canales threatened to strangle Fisher in her sleep or, if he could find a long enough knife, stab her. She said that while Canales had choked her in the past, he had never crushed her windpipe. Fisher explained that she had called the police in an effort to get help for her son and did not want him arrested. Welch also spoke with Canales, who said he made the statement only because he was angry. He could not recall any previous occasions on which he had assaulted his mother. Welch referred the case for prosecution.

Canales was charged by felony complaint dated December 18, 2009, with one count of criminal threats (Pen. Code, § 422).¹ On May 21, 2010, he pled not guilty. On June 23, 2010, Fisher notified the Sheriff’s Department that she did not wish to prosecute Canales and would not sign a complaint. She wrote: “This is a mistake on my behalf. I’m not afraid of him and I know he would not harm me or anyone else in his family. He loves his family and he will protect us even if we don’t get along.” On July 27, 2010, the People dismissed the case in the interest of justice (§ 1385).

On January 8, 2016, Canales petitioned the superior court under section 851.8 to seal and destroy the arrest record in the

¹ All undesignated statutory references are to the Penal Code.

case. Following a contested hearing at which Fisher testified that she had been addicted to medication at the time of the incident and was not afraid of her son, the court concluded Canales had not established “that no reasonable cause exists to believe” he had committed the charged offense and denied the petition. (§ 851.8, subd. (b); *People v. Adair* (2003) 29 Cal.4th 895, 903.)

Canales filed a timely notice of appeal and we appointed counsel to represent him. On April 10, 2017, appellate counsel filed a brief in which she raised no issues and asked us to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) Later that day, we notified Canales that his attorney had failed to find any arguable appellate issues and that he had 30 days to submit by brief or letter any arguments he wished this court to consider. We have not received a response.

DISCUSSION

We have examined the entire record, and are satisfied appellate counsel has fully complied with her responsibilities and no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *People v. Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The post-judgment order is affirmed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

STONE, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.