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

THE PEOPLE,
Plaintiff and Respondent,
v.
MELVIN BRUNO,
Defendant and Appellant.

A172790

(Contra Costa County
Super. Ct. No. 02-24-01045)

Melvin Bruno appeals from the trial court's order finding him not competent to stand trial, committing him to the State Department of State Hospitals (DHS), and authorizing the involuntary administration of antipsychotic medication pursuant to Penal Code section 1370 et sequitur.

We dismiss the appeal as moot because Bruno has been restored to competency and released from custody.

FACTUAL AND PROCEDURAL BACKGROUND

In August 2024, the Contra Costa County District Attorney filed a complaint alleging one count of felony vandalism (Pen. Code, § 594, subd. (a)). In November 2024, the court expressed doubt as to Bruno's competency, suspended criminal proceedings, and appointed two psychologists to evaluate defendant. After evaluation, the court found Bruno was unable to understand the nature of the proceedings against him and unable to assist counsel in presenting a defense. The court requested the Contra Costa

Conditional Release Program provide a recommendation as to placement. Based on its recommendation, the court committed Bruno to DHS for a maximum two-year term.

Defense counsel subsequently requested an evidentiary hearing on whether an involuntary medication order should be entered. Based on the psychologist's report, the court found Bruno lacked capacity to make decisions regarding antipsychotic medication and authorized the administration of medication as needed, including on an involuntary basis. The court instructed DHS to provide a written report concerning Bruno's progress toward restoration of competence. Defendant appealed.

While this appeal was pending, Bruno was certified competent to stand trial, and his criminal proceedings were reinstated. In July 2025, Bruno entered a plea to misdemeanor vandalism, was sentenced to probation, and was released from custody.

Bruno's counsel filed a *Wende-Blanchard* brief raising no issues and urging us to conduct an independent review.¹ (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*); *People v. Blanchard* (2019) 43 Cal.App.5th 1020 (*Blanchard*).) Despite *Ben C.* requiring appellate counsel to provide the conservatee with a copy of the brief and be informed of the right to file a supplemental brief (*Ben C., supra*, 40 Cal.4th at p. 544, fn. 6), appellate counsel stated he had not done so. Appellate counsel explained he could not provide Bruno with notice because Bruno was transient and had not provided counsel with contact information, and trial counsel did not have Bruno's contact information.

¹ In addition to *Wende* and *Blanchard*, appellate counsel also cites to *Conservatorship of Ben C.* (2007) 40 Cal.4th 529 (*Ben C.*).

In October 2025, we concluded appellate counsel had not taken all required steps to attempt to notify Bruno. We ordered appellate counsel to take reasonably diligent steps to locate Bruno's whereabouts and submit a supplemental declaration detailing those steps. Appellate counsel subsequently filed a supplemental declaration stating he (1) again contacted trial counsel for contact information, (2) completed an online search using available public websites and search tools, (3) hired a private investigator service, which provided a confidential address and multiple phone numbers, (4) called each of the phone numbers, none of which resulted in any contact, and (5) called the number listed by Bruno in the probation agreement, which had been disconnected. Despite these efforts, it is unclear whether Bruno was aware of his right to file a supplemental brief, and he has not done so.

DISCUSSION

In *Blanchard, supra*, 43 Cal.App.5th 1020, this court, relying on *Ben C.* and other relevant cases, concluded that due process does not require independent review in incompetency commitment proceedings such as these. (*Blanchard*, at pp. 1024–1025.) The *Blanchard* court explained that in appeals in such proceedings, appointed counsel should follow the process identified in *Ben C.* by filing a brief setting forth the relevant facts and law and informing the court that he or she has found no arguable issue to be pursued on appeal. Such a brief, the court stated, provides an adequate basis for dismissal. (*Blanchard*, at pp. 1025–1026.)

However, under *Ben C.* we retain the discretion to conduct a *Wende* review. (See *Ben C., supra*, 40 Cal.4th at p. 544, fn. 7.) Given the challenges and uncertainty regarding whether Bruno received notice of his right to file a supplemental brief and considering the privacy interests at stake, we elect to

proceed with a *Wende* review. (See *Ben C.*, at p. 545 (dis. opn. of George, C. J.).)

Having examined the entire record, we conclude the appeal is moot. The courts have a duty “ ‘to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.’ ” (*In re D.P.* (2023) 14 Cal.5th 266, 276.) A case is moot when “ ‘it [is] impossible for [a] court, if it should decide the case in favor of plaintiff, to grant him any effect[ive] relief.’ ” (*Ibid.*) Here, we cannot provide any meaningful relief as Bruno was restored to competency, entered a plea, was granted probation, and then was released from custody. (See *People v. Lindsey* (1971) 20 Cal.App.3d 742, 743–744 [once a defendant has been restored to competency and criminal proceedings are reinstated, appeal from the incompetency finding and commitment becomes moot]; *In re Stephon L.* (2010) 181 Cal.App.4th 1227, 1231 [“ ‘A case becomes moot when a court ruling can have no practical impact or cannot provide the parties with effective relief.’ ”].)

DISPOSITION

The appeal is dismissed.

PETROU, J.

WE CONCUR:

TUCHER, P. J.

FUJISAKI, J.

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