

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

RICARDO OCAMPO, SR.,

Defendant and Appellant.

G064457

(Super. Ct. No. 24CF0231)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County,
Larry Yellin, Judge. Affirmed.

Jared G. Coleman, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Defendant Ricardo Ocampo, Sr., was sentenced to six years in prison after a jury convicted him of attempted voluntary manslaughter. On appeal, his appointed attorney filed a brief pursuant to the procedures set forth in *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). While not arguing against his client, counsel represented he found no issues to advance on appeal and asked us to review the appellate record, which we have done. We also advised Ocampo of his right to file a written argument on his own behalf, but he has not done so. Finding no arguable issues, we affirm the judgment.

STATEMENT OF FACTS

On the night of January 16, 2024, Ocampo was unhoused and sleeping in his car on a public street in Santa Ana. At around 3:00 a.m., he awoke to the sound of an intoxicated man, J.L., trying to break into his car. J.L. banged on Ocampo's car and told him to open up his door. Ocampo got scared and started driving forward. But instead of leaving the scene, he stopped, put his car in reverse, and backed into J.L. Ocampo then drove forward again, stopped, reversed, and hit J.L. a second time, before finally driving away. J.L. sustained multiple fractured ribs and permanent lung damage from the force of Ocampo's vehicle.

Ocampo was charged with attempted premeditated murder and hit and run driving causing injury. (Pen. Code, §§ 664, subd. (a), 187, subd. (a); Veh. Code, § 20001, subd. (a).) It was also alleged he inflicted great bodily injury on J.L. and had suffered a prior serious felony conviction. (Pen. Code, §§ 12022.7, subd. (a), 667, subds. (a)(1), (d), (e)(1), 1170.12, subds. (b), (c)(1).)

At trial, Ocampo testified he ran into J.L. by accident. The jury did not believe that. But it apparently did accept defense counsel's argument that Ocampo acted in a sudden quarrel or heat of passion, by acquitting him of attempted murder and finding him guilty of the lesser included offense of

attempted voluntary manslaughter. The jury also convicted Ocampo of the hit-and-run charge and found the great bodily injury enhancement true.

Following the verdict, the trial court found the prior serious felony conviction allegation true, but it dismissed the prior in the interest of justice pursuant to Penal Code section 1385. After reducing Ocampo's hit-and-run conviction to a misdemeanor, the court sentenced him to prison for six years.

DISCUSSION

As we noted at the outset, Ocampo's appointed attorney filed a *Wende* brief asking us to independently review the record for arguable issues that would inure to Ocampo's benefit, and Ocampo did not respond to our invitation to file a supplemental brief on his own behalf. Having reviewed the record, we find no arguable errors that would result in a disposition more favorable to Ocampo. Accordingly, we affirm.

DISPOSITION

The judgment is affirmed.

GOODING, ACTING P. J.

WE CONCUR:

SCOTT, J.

BANCROFT, J.*

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