

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

FIRST APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
THOMAS DAVID WAITON,  
Defendant and Appellant.

A139498  
  
(Sonoma County  
Super. Ct. No. SCR628630,  
SCR 632438)

ORDER MODIFYING OPINION AND  
DENYING REHEARING, NO CHANGE  
IN JUDGMENT

THE COURT:

It is ordered that the opinion filed July 3, 2014, be modified as follows:

On page 1, the second paragraph, last sentence is modified to read: “The issues raised by the appeal are therefore moot and we will not consider them further.”

Defendant’s petition for rehearing is denied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
REARDON, ACTING P. J.

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Thomas David Waiton appeals from an order deeming him incompetent to stand trial on making criminal threats and drug charges, committing him to a state hospital, and authorizing the facility to administer antipsychotic medication to him involuntarily. He contends the trial court erred in denying his *Marsden*<sup>1</sup> motion without a hearing, where the request to substitute counsel was made after the court found him incompetent to stand trial but before it held the involuntary medication and placement hearing. The orders were entered in June and July 2013.

In June 2014, after the appeal was fully briefed, appellate counsel wrote to the court, reporting he had learned that appellant had been declared competent and entered no contest pleas to two counts, that the trial court suspended imposition of sentence, and that appellant was released from custody. The issues raised by the appeal are therefore moot, and we lack jurisdiction to consider them further. (*Giles v. Horn* (2002) 100 Cal.App.4th 206, 226-227; *People v. Lindsey* (1971) 20 Cal.App.3d 742, 743-744.)

<sup>1</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

**DISPOSITION**

The appeal is dismissed as moot.

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REARDON, ACTING P. J.

We concur:

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RIVERA, J.

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HUMES, J.