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

THE PEOPLE,

Plaintiff and Respondent,

v.

HON C. LAU,

Defendant and Appellant.

B238489

(Los Angeles County
Super. Ct. No. GA051057)

APPEAL from an order of the Superior Court of Los Angeles County, Laura F. Priver, Judge. Affirmed.

Robert E. Boyce, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Hon C. Lau appeals from the trial court's denial of his motion to substitute counsel. We affirm.

On September 22, 2003, defendant was convicted of first degree murder. The following year we affirmed the judgment. (*People v. Lau* (Dec. 20, 2004, B171427) [nonpub. opn.])

On December 20, 2011, defendant filed a motion for substitution of counsel in the superior court. He submitted a preprinted form that is used when criminal defendants seek to have counsel relieved pursuant to *People v. Marsden* (1970) 2 Cal.3d 118. Defendant also requested a copy of the trial transcripts. That same day, the trial court denied the motion and the request for transcripts.

On January 3, 2012, defendant filed a notice of appeal. On the form, he wrote that he was appealing only the trial court's denial of his motion to substitute counsel.

On May 21, 2012, defendant's appointed counsel filed an opening brief that raised no issues and requested that we conduct an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On May 23, we advised defendant that he had 30 days within which to submit any issues that he wished us to consider. We have received no response.

Defendant's appeal is final. At this point, he has no counsel.¹ Based on our review of the record, he has no other matters related to this case pending before any court. Put simply, defendant had no basis to file his motion in the first place. We have reviewed the record and are satisfied no arguable issues exist.

¹ Although counsel appointed to represent capital defendants have an obligation to prepare and file petitions for writs of habeas corpus, there is no such duty for counsel in noncapital cases. (*In re Sanders* (1999) 21 Cal.4th 697, 717, fn. 11.)

DISPOSITION

The order denying defendant's motion to substitute counsel is affirmed.

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SUZUKAWA, J.

We concur:

WILLHITE, Acting P. J.

MANELLA, J.