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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL DANIELS,

Defendant and Appellant.

B242614

(Los Angeles County
Super. Ct. No. BA301458)

APPEAL from an order of the Superior Court of Los Angeles County.

Carol H. Rehm, Jr., Judge. Affirmed.

Cynthia L. Barnes, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Michael Daniels appeals from the denial of his petition for writ of certiorari below. We affirm the trial court's order.

FACTS AND DISCUSSION

On March 18, 2006, Daniels was involved in a car accident which left his passenger paralyzed and permanently disabled. A jury convicted Daniels of one count of driving under the influence and causing injury to another (Veh. Code, § 23153, subd. (a)), and one count of driving with a blood alcohol level of .08 percent or more and causing injury to another (Veh. Code, § 23153, subd. (b)). As to each count, they also found that he personally inflicted great bodily injury within the meaning of Penal Code section 12022.7, subdivision (b). The trial court found that Daniels suffered three prior strike convictions (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(c)), four prior serious felony convictions (Pen. Code, § 667, subd. (a)), and had served four prison terms (§ 667.5, subd. (b)). He was sentenced to 45 years to life in state prison. At the sentencing hearing, the trial court also ordered Daniels to “make restitution to [the] victim pursuant to [Penal Code] section 1202.4(f) in the sum to be determined at the restitution hearing set for June 12, 2008.” He appealed and we affirmed the judgment in an unpublished opinion. (*People v. Daniels* (Aug. 31, 2009, B208132) [nonpub. opn.] .)

The trial court granted the plaintiff's request for restitution pursuant to a civil judgment on December 1, 2010. On April 6, 2012, Daniels filed a petition for writ of certiorari challenging the restitution order, and posed the following question for review: “Are the People of the State of California as the Attorney for the Victim of a Great Bodily Injury, responsible for filing a hearing to impose mandatory restitution, by civil judgment.” The petition was denied on the ground that Daniel's claim regarding a restitution award should have been, but was not, raised in his previous appeal.

Daniels then filed a second petition for writ of certiorari on May 11, 2012, alleging: “An action taken in excess of a court's authority may be challenged on habeas corpus even if there has been delay in filing a habeas petition and even if the judgment in the case has previously been upheld on direct appeal. *See In re Birdwell* (1996) 50 Cal.App.4th 926, *In re Hoddinott* (1996) 12 Cal.4th 992. Question for Review: Is a

sentencing judgment final without the mandated victim restitution order [] for a victim who is comatose.” The trial court denied his petition on June 22, 2012. Daniels filed a notice of appeal and requested we appoint him counsel on appeal.

Daniels’ appointed counsel submitted an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, requesting that this court review the record on appeal for arguable issues. On March 5, 2013, we notified Daniels by letter that he could submit any claims, arguments or issues which he wished us to review. Daniels submitted a letter brief on March 18, 2013, requesting “[t]hat the Court of Appeal make necessary factual determinations of the direct victim restitution order., by appointing a referee. *See In re Riddle* (1962) 57 Cal.2d 848. Examples of questions submitted to a referee by an Appellate Court can be found in *In re Hurlic* (1977) 20 Cal.3d 317, and *In re Branch* (1969) 70 Cal.2d 200.” In support of the relief requested, Daniels repeated the two questions he raised in his petitions for writ of certiorari and nothing else.

From what we can discern, Daniels seeks review of the trial court’s victim restitution order issued in 2010. There is no authority, and Daniel has failed to provide us with any, that would allow us to do so. An appellant must demonstrate error on appeal and his contentions must be supported by argument and citation to authority. (*McComber v. Wells* (1999) 72 Cal.App.4th 512, 522-523.) Daniels has fulfilled none of these requirements in his two-page letter. Nevertheless, we have independently reviewed the record on appeal, and are satisfied that Daniel’s appointed counsel fulfilled her duty, and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d 436.)

DISPOSITION

The challenged order is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.