

Filed 10/25/16 P. v. Hernandez CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

YOLANDA HERNANDEZ,

Defendant and Appellant.

B269141

(Los Angeles County
Super. Ct. No. BA437258)

APPEAL from a judgment of the Superior Court of
Los Angeles County, David R. Fields, Judge. Affirmed.

Murray A. Rosenberg, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On May 19, 2015, appellant Yolanda Hernandez's vehicle struck a bicyclist while appellant was driving onto a freeway onramp. Appellant, the bicyclist, and a witness to the accident all testified at trial that the bicycle was damaged and the bicyclist sustained minor injuries to his head and leg. They all also testified that appellant stopped, got out of the car she was driving, and offered to drive the bicyclist to the hospital. The witness to the accident called 911. After remaining on the scene for several minutes and asking the bicyclist if it was okay for her to leave, appellant left the scene about the same time paramedics and police arrived. Appellant, the witness, and the bicyclist all testified that appellant left the scene without providing any of her information, such as her name, driver's license, registration, or insurance documentation. Appellant testified that she voluntarily provided police with her information several weeks after the accident, after she received a letter from the police department.

The trial court admitted into evidence records from the Department of Motor Vehicles showing that appellant's driver's license had expired in 2012. Appellant also testified that her license was expired.

A jury found appellant guilty of all three misdemeanor offenses with which she was charged: failure to perform a legal duty following a vehicle accident involving injury to a person (Veh. Code, § 20001, subd. (a)), failure to perform a legal duty following a vehicle accident involving property damage (Veh. Code, § 20002, subd. (a)), and driving a motor vehicle without a valid license (Veh. Code, § 12500, subd. (a)). The trial court sentenced appellant to 24 months of summary probation and imposed a fine of \$300, plus penalty assessments and fees.

Appellant elected to perform community labor in lieu of paying the fine or serving time in jail. The court ordered appellant to perform 20 days of community labor and ordered restitution in an amount to be determined at a restitution hearing. No documentation regarding the restitution hearing is in the record.

Appellant timely filed a notice of appeal. After examining the record, appointed appellate counsel filed a brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On April 14, 2016, we advised appellant she had 30 days to file a brief or letter raising any issue she wished this court to consider. We received no response.

This court has examined the entire record in accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441-442, and is satisfied appellant's attorney has fully complied with the responsibilities of counsel, and no arguable issues exist. Accordingly, we affirm the judgment of conviction.

DISPOSITION

The judgment of the trial court is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COLLINS, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.