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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.

DEVON GUIDRY,

Defendant and Appellant.

B270505

(Los Angeles County
Super. Ct. No. YA093085)

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

Jerome J. Haig, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Devon Guidry appeals the judgment following his conviction and sentence for one count of arson. (Pen. Code, § 451, subd. (d).) Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting this court review the record and determine whether any arguable issues exist on appeal. Appellant did not file a supplemental brief. After reviewing the record, we find no arguable issue warranting reversal and affirm.

BACKGROUND

On September 27, 2015, a Los Angeles County sheriff's deputy spotted flames emanating from a wooden utility pole. Upon investigating, he saw flames rising two to three feet in the air accompanied by smoke and a chemical odor. He saw appellant and another individual nearby. He and his partner detained appellant, who told them he lit a few pieces of paper on fire and did not know it would cause a large fire. Deputies recovered a working lighter clenched in appellant's hand and saw burned ash at the base of the pole and burn marks and remnants of burned paper on the pole itself.

Appellant was detained and taken to the police station, where he admitted to setting fire to papers attached to the pole, although he claimed he did so with a lit cigar. The deputy who spotted the fire did not find a cigar on appellant or at the scene, and did not smell cigar smoke at any time. An arson investigator testified the pole was treated with a flammable chemical and the char marks on the pole were consistent with the burning of that chemical. In his opinion, the pole was deliberately set on fire.

Appellant was charged with one count of arson of property of another (Pen. Code, § 451, subd. (d)), plus a prior serious felony that also qualified as a strike. (Pen. Code, §§ 667, subd. (a)(1),

(b)-(i), 1170.12, subd. (a)-(d).) Following trial in which the jury was instructed on both arson and the lesser included misdemeanor of unlawfully causing a fire of property of another (Pen. Code, § 452, subd. (d)), the jury found appellant guilty of arson. Appellant waived trial on the prior conviction allegation and admitted it. The trial court denied motions to reduce the offense to a misdemeanor and to strike the prior conviction allegation and sentenced appellant to seven years eight months in state prison. Appellant timely appealed.

DISCUSSION

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On June 15, 2016, we advised appellant he had 30 days to submit any contentions or issues he wished us to consider. He did not do so. We have examined the entire record. We are satisfied no arguable issues exist and appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.