

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

THE PEOPLE,

Plaintiff and Respondent,

v.

DARICE LARMONT BRACY,

Defendant and Appellant.

H038469

(Santa Clara County
Super. Ct. No. C1199741)

Defendant Darice Larmont Bracy was declared incompetent to stand trial on March 30, 2011, and on April 13, 2011, was committed to the Department of Mental Health for a maximum of three years. On April 12, 2012, the District Attorney of Santa Clara County filed a petition requesting court ordered involuntary medication. On June 21, 2012, after a hearing on the petition, the court issued an order to administer medication involuntarily to one incompetent to consent to medication and to render a mentally disordered offender safe to others. (Pen. Code, § 1370, subd. (a)(2)(B)(ii).) A timely notice of appeal ensued on June 21, 2012.

On appeal, we appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) which states the case and the facts but raises no specific issues. *Wende* review is only available in a first appeal of right from a criminal conviction. (*People v. Serrano* (2012) 211 Cal.App.4th 496, 501 (*Serrano*); see also *Conservatorship of Ben C.* (2007)

40 Cal.4th 529, 543-544; *People v. Taylor* (2008) 160 Cal.App.4th 304.) Because defendant's appeal is from an order requiring involuntary medication, he is not entitled to *Wende* review.

Therefore, we will proceed with this appeal pursuant to the standards we enunciated in *Serrano*.

Pursuant to *Serrano*, on March 14, 2013 we notified defendant of his right to submit written argument in his own behalf within 30 days. Thirty days have elapsed and we have received nothing from defendant.

The defendant having failed to raise any issue on appeal, we dismiss the appeal as abandoned. (*Serrano.*, *supra*, 211 Cal.App.4th at pp. 503-504.)

DISPOSITION

The appeal is dismissed as abandoned.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.