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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DARCI LEIGH RICHARDSON,

Defendant and Appellant.

H038669

(Santa Clara County

Super. Ct. No. C1196376)

In 2011, defendant Darci Leigh Richardson was convicted of various drug related offenses, and placed on probation on the condition she serve seven months in county jail. The sentence was stayed pending successful completion of a residential drug program. Subsequently, defendant filed a motion to reduce the conviction to a misdemeanor pursuant to the Criminal Justice Realignment Act. The trial court denied the motion and this timely appeal ensued.

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. (*People v. Serrano* (2012) 211 Cal.App.4th 496, 501 (*Serrano*)). Defendant contends that *Serrano* is inapplicable to this case because the instant appeal is not from a collateral attack on the judgment as was the case in *Serrano*. Defendant also argues that she is entitled to *Wende* review because this is her first appeal.

Defendant's reading of *Serrano*'s holding is too narrow. *Serrano* held that *Wende* review is only available in a first appeal of right, not just the first time a defendant files an appeal. (*Ibid.*) Further, *Serrano*'s reasoning applies to any appeal other than a first appeal of right; its scope was not limited only to an appeal from a collateral attack on the judgment. Because defendant's appeal is from an order after judgment denying her motion, she is not entitled to *Wende* review. Therefore, we will proceed with this appeal pursuant to the standards enunciated in *Serrano*.

Pursuant to *Serrano*, on December 12, 2012, we notified defendant of her right to submit written argument in her own behalf within 30 days. Thirty days have elapsed and we have received nothing from defendant.

Appointed counsel having failed to raise any arguable issue on appeal, and defendant not having submitted written argument on her own behalf, we dismiss the appeal as abandoned. (*Serrano, supra*, 211 Cal.App.4th at pp. 503-504.)

**DISPOSITION**

The appeal is dismissed as abandoned.

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MÁRQUEZ, J.

WE CONCUR:

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RUSHING, P.J.

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PREMO, J.