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

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEJANDRO MUNOZ GONZALEZ,

Defendant and Appellant.

H038822

(Santa Clara County

Super. Ct. Nos. C9945524 &
C9944236)

Defendant Alejandro Munoz Gonzalez was committed in 1999 as not guilty by reason of insanity (Pen. Code, § 1026) after committing an arson (Pen. Code, § 451, subd. (d)) and battery (Pen. Code, § 243, subd. (a)). On February 3, 2012, defendant filed a petition for outpatient treatment. (Pen. Code, §§ 1026.1-1026.3). After an evidentiary hearing, the trial court denied the petition. Defendant filed a timely notice of appeal.

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 denying outpatient treatment, 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. Although we received no response to the *Serrano* letter, on January 7, 2013, defendant had submitted a letter brief on his own behalf in response to the *Wende* brief filed by his counsel. In that letter defendant disputes the validity of the evidence considered by the trial court at the hearing on his petition. We have considered defendant's contentions and find that he has failed to raise any arguable issues on appeal. Therefore, we decline to retain the case, and will 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.