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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

WILFRED MARQUEZ,

Defendant and Appellant.

E080137

(Super.Ct.No. FELJS19000251)

OPINION

APPEAL from the Superior Court of San Bernardino County. Lorenzo R. Balderrama, Judge. Affirmed with directions.

Laura Arnold, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Wilfred Marquez appeals from a September 22, 2022, order committing him to the custody of the Department of State Hospitals under the Sexually Violent Predators Act (SVPA), Welfare and Institutions Code section 6600 et seq. We direct the superior court to correct some clerical errors, but we otherwise affirm.

We appointed counsel to represent Marquez on appeal, and counsel filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738, asking us to conduct an independent review of the record. After defense counsel filed the *Wende* brief, we advised Marquez that he could file a personal supplemental brief, which he has not done. SVPA proceedings are civil matters to which *Wende* review does not apply. (*People v. Kisling* (2015) 239 Cal.App.4th 288, 290-292.) We accordingly need not and do not independently review the record.

We nevertheless address an issue raised by defense counsel. In the *Wende* brief, defense counsel noted that “[t]he minute order from September 22, 2022 is rife with errors” but that the reporter’s transcript accurately reflects the judge’s oral ruling. We may order the correction of clerical errors regardless of whether a party has asked us to do so. (*People v. Mitchell* (2001) 26 Cal.4th 181, 186-187.)

Following a bench trial on the People’s petition to commit Marquez as a sexually violent predator (SVP), the trial court made the following findings and orders at a hearing on September 22, 2022: “[A]ll the SVP criteria pursuant to Welfare and Institutions Code Section 6600 and following are proven true beyond a reasonable doubt and therefore commits respondent, Marquez, to the Department of State Hospitals for custody and treatment forthwith for an indefinite term.”

The minute order from that hearing indicates that the trial court had found true beyond a reasonable doubt that Marquez “is a developmentally disabled person as defined by [Welfare and Institutions Code section] 6509. [¶] That respondent is a resident of the State of California and has been for more than one year prior to the filing of this petition and is presently admitted to a state hospital or developmental center pursuant to the order of this Court. [¶] That the most appropriate placement continues to be with State Department of Developmental Services for suitable treatment and [re]habilitation services. [¶] That the developmental services facility is authorized to provide necessary medical and dental treatment for respondent without further notice of hearing pursuant to [Welfare and Institutions Code section] 7618.”

According to the minute order, the court ordered the following: Marquez was to be “placed with [the] Department of Developmentally Disabled for a period not to exceed one year from today’s date of” September 22, 2022. “If the State Department of Developmental Services deems placement in a less restricted environment to be feasible before expiration of the admission, State Department of Developmental Services is directed to place respondent in the less restrictive placement on a provisional basis subject to removal and being returned to the state developmental center facility, provided that placement in the facility does not extend beyond one year from the date of this order.”

The findings and orders contained in the September 22, 2022, minute order are not consistent with the findings and orders the trial court made orally at the hearing on that date. The trial court found Marquez to be an SVP, not a developmentally disabled

person, and committed Marquez indefinitely to the Department of State Hospitals, pursuant to the SVPA. We direct the trial court to correct the clerical errors in the minute order forthwith.

DISPOSITION

We direct the trial court to correct the September 22, 2022, minute order, nunc pro tunc, to reflect the findings and orders made at the hearing on that date on the People’s petition to commit Marquez under the SVPA. We direct the trial court to forward a copy of the corrected order to the Department of State Hospitals. As corrected, the order is affirmed.

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MENETREZ
J.

We concur:

McKINSTER
Acting P. J.
MILLER
J.