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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JULIO CESAR CARRIEDO,

Defendant and Appellant.

2d Crim. No. B283102
(Super. Ct. No. 2014021873)
(Ventura County)

Appellant Julio Cesar Carriedo was convicted by jury of unlawfully driving a vehicle (count 1; Veh. Code, § 10851, subd. (a)), receiving stolen property (count 2; Pen. Code, § 496d, subd. (a)),¹ and possessing a smoking device (count 3; Health & Saf. Code, former § 11364.1, subd. (a), now § 11364, subd. (a)). In a bifurcated proceeding, the trial court found true allegations that appellant had suffered a prior conviction for vehicle theft (§ 666.5, subd. (a)) and had served three prior prison terms (§ 667.5, subd. (b)). The court

¹ All further statutory references are to the Penal Code unless otherwise stated.

sentenced appellant to five years on count 1 (with four years to be served in county jail followed by one year of mandatory supervision), a concurrent term of three years on count 2, and a concurrent term of six months on count 3.

On appeal from the convictions and sentence, we affirmed appellant's convictions, but vacated his sentence to allow the trial court to clarify its sentencing choices regarding the section 666.5, subdivision (a) allegations in counts 1 and 2 and to ensure that all three section 667.5, subdivision (b) allegations are addressed. (See *People v. Carriedo* (July 27, 2016, B261314) [nonpub. opn.])

Following issuance of the remittitur, the trial court resentenced appellant to the same five-year term. The court did strike the section 666.5, subdivision (a) allegations, but then imposed the three-year middle term that we previously had determined was unlawful if those allegations were stricken.² The court also struck one of the prior prison term allegations.

Thereafter, the trial court conducted another resentencing hearing in which it corrected the sentence by imposing the middle term of two years on count 1 (Veh. Code, § 10851, subd. (a); § 1170, subd. (h)(1)), and concurrent terms of two years on count 2 (§ 496d, subd. (a)) and six months on count 3 (Health & Saf. Code, § 11364, subd. (a)), enhanced by two years for two prior prison term

² Section 666.5, subdivision (a) provides in relevant part that “every person who, having been previously convicted of a felony violation of Section 10851 of the Vehicle Code, . . . or a felony violation of Section 496d regardless of whether or not the person actually served a prior prison term for those offenses, is subsequently convicted of any of these offenses shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years”

allegations (§ 667.5, subd. (b)), for an aggregate sentence of four years. Appellant appeals the resentencing order.³

We appointed counsel to represent appellant in this appeal. After an examination of the record, counsel filed an opening brief requesting that the court make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

We subsequently advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. The 30 days have since passed, and appellant has not presented any contentions or issues for our consideration.

We have reviewed the entire record and are satisfied that appellant's counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The resentencing order is affirmed.

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PERREN, J.

We concur:

YEGAN, Acting P. J.

TANGEMAN, J.

³ We dispense with a recitation of the facts of appellant's underlying crime as it is irrelevant to this appeal.

Manuel J. Covarrubias, Judge
Superior Court County of Ventura

Richard B. Lennon, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.