

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

HALL LYCURGUS JOHNSON  
III,

Defendant and Appellant.

B295715

Los Angeles County  
Super. Ct. No. BA450706

APPEAL from a judgment of the Superior Court of  
Los Angeles County, Robert J. Perry, Judge. Affirmed.

Vanessa Place, under appointment by the Court of Appeal,  
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

---

A jury convicted defendant and appellant Hall Lycurgus Johnson III of trafficking a minor for a commercial sex act in violation of Penal Code section 236.1, subdivision (c)(1)<sup>1</sup> (count 1); two counts of lewd act on a child under 14 in violation of section 288, subdivision (a) (counts 2 and 3); kidnapping a child under 14 for lewd acts in violation of section 207, subdivision (b) (count 4); and two counts of forcible rape in violation of section 261, subdivision (a)(2) (counts 5 and 6).

The facts are set forth in our previous opinion, issued September 20, 2018 (No. B281511). The victim was 12 years old. In our September 2018 opinion, we affirmed Johnson's conviction but vacated his sentence because of sentencing error and remanded the case to the trial court for resentencing.

After remand, both the prosecution and the defense filed sentencing memoranda in the trial court. On February 5, 2019, the court resentenced Johnson to 40 years and eight months in the state prison. The court chose the upper term of 13 years on the two forcible rape counts and the upper term of 12 years on the trafficking count, running all three sentences fully consecutive under section 667.6, subdivision (d) (section 667.6(d)). On the kidnapping count, the court sentenced Johnson to two years and eight months as one-third the midterm of eight years, consecutive to counts 1, 5, and 6. On counts 2 and 3—lewd act on a child—the court sentenced Johnson to the midterm of six years and stayed those sentences under section 654.

Johnson again appealed and we appointed the same attorney to represent Johnson in this appeal as had represented him in his prior appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court

---

<sup>1</sup> Statutory references are to the Penal Code.

independently to review the record under *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Counsel notified Johnson that he could file a supplemental brief within 30 days.

Johnson submitted a document he terms a “letter” dated May 16, 2016. (It is likely Johnson meant to write “2019.”) Johnson raises two issues. First, he asserts police committed a “Miranda rights violation”<sup>2</sup> because they never “read [him his] rights.” Second, he contends section 667.6(d), as amended January 1, 2019, “was not effective” when he was resentenced on February 5, 2019.<sup>3</sup>

Johnson’s *Miranda* argument is untimely. As noted, this court affirmed Johnson’s conviction last year. The only proceeding that has taken place since—and therefore the only proceeding that is at issue in this appeal—is Johnson’s resentencing.

Johnson’s argument about section 667.6(d) is difficult to understand. The only amendment to that statute—effective January 1, 2019—added language to a subparagraph concerning oral copulation. That subparagraph has no bearing on Johnson’s conviction or sentence. The language of 667.6(d) applicable to Johnson’s crimes remains unchanged.

We have examined the entire record, and we are satisfied that Johnson’s counsel has fully complied with her

---

<sup>2</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

<sup>3</sup> Johnson also mailed two more documents—dated May 19, 2019 and May 27, 2019—to this court. The May 19 letter purports to “add[ ] a few more contentions,” including assertions the victim told “three different storys [*sic*]” and the prosecutor improperly added charges. The May 27 letter again raises Johnson’s *Miranda* argument. We denied permission to file both of these items of correspondence.

responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109-110; *Wende, supra*, 25 Cal.3d at p. 441.)<sup>4</sup>

### **DISPOSITION**

We affirm Hall Lycurgus Johnson III's sentence.

### **NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

EGERTON, J.

We concur:

LAVIN, Acting P. J.

DHANIDINA, J.

---

<sup>4</sup> In his May 16 letter, Johnson states, "And also I am requesting a new lawyer." To the extent this statement can be considered a *Marsden* motion (*People v. Marsden* (1970) 2 Cal.3d 118), we deny Johnson's summary request to relieve his counsel, which he fails to support with any explanation or argument.