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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES WILLY COOPER,

Defendant and Appellant.

B269198

(Los Angeles County
Super. Ct. No. MA011494)

APPEAL from an order of the Superior Court of Los Angeles County, Lisa Mangay Chung, Judge. Affirmed.

Suzan E. Hier, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Susan Sullivan Pithey and Mary Sanchez, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant, James Willy Cooper, was convicted in 1996 of firearm possession by a felon in violation of Penal Code former section 12021, subdivision (a)(1).¹ The jury further found true five prior prison term allegations under section 667.5, subdivision (b). The jury also found true two prior conviction allegations within the meaning of sections 667, subdivision (d) and 1170.12, subdivision (b). Defendant was sentenced to 25 years to life plus 5 years for the prior prison term enhancements. One of the prior prison term allegations rested on a 1990 controlled substance possession conviction in violation of Health and Safety Code section 11350. (Los Angeles Sup. Ct. Case No. MA001637.) In 2015, defendant successfully secured an order reducing the controlled substance possession conviction to a misdemeanor pursuant to section 1170.18. The trial court declined, however, to reduce defendant's prior prison term enhancements in the present case by one year. Defendant appeals from that order. For the reasons articulated by our Division Two colleagues in *People v. Williams* (2016) 245 Cal.App.4th 458, 463-475, review granted May 11, 2016, S233539, we affirm. Related issues are pending before our Supreme Court. (*People v. Valenzuela* (2016) 244 Cal.App.4th 692, review granted Mar. 30, 2016, S232900;

¹ Further statutory references are to the Penal Code except where otherwise noted.

People v. Carrea (2016) 244 Cal.App.4th 966, review granted
April 27, 2016, S233011.)

The order under review is affirmed.

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TURNER, P.J.

We concur:

KRIEGLER, J.

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BAKER, J., Dissenting

As the majority opinion correctly notes, the issue presented in this appeal is now before our Supreme Court. Because the Supreme Court will have the controlling word, I see little need for any extended analysis in this dissent. Rather, I simply observe that if defendant James Cooper were to commit any future crimes, his 1990 controlled substance possession conviction could not be used to enhance his sentence under Penal Code section 667.5; I do not believe California voters intended to provide sentencing relief only for future crimes, and not for a crime for which defendant is currently serving a sentence.

BAKER, J.