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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS F. VILLAGRAN,

Defendant and Appellant.

B283594

(Los Angeles County
Super. Ct. No. BA420551)

APPEAL from a judgment of the Superior Court of Los Angeles County, Laura F. Priver, Judge. Affirmed.

Heather J. Manolakas, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2015, Luis Villagran was convicted of assault with a semiautomatic firearm and possession of a firearm by a felon, and it was found true that he committed the crimes to benefit a criminal street gang and had suffered a prior serious or violent felony conviction. (Pen. Code, §§ 245, subd. (b), 29800, subd. (a)(1), 186.22, 667, subd. (e)(1).) He was sentenced to nine years in prison for the assault, doubled under the “Three Strikes” law, plus a consecutive five years for the prior conviction and a consecutive 10 years for the gang enhancement, for a total determinate term of 33 years. Sentence was imposed and stayed on the possession count and stayed as to the gang enhancement on that count.

In May 2017, Villagran moved for resentencing under Proposition 57, “The Public Safety and Rehabilitation Act of 2016,” which made several changes impacting criminal sentences. As pertinent here, Proposition 57 added section 32 to article 1 of the California Constitution, which prescribes that a person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense. (Cal. Const., art. I, § 32, subd. (a)(1).) The trial court denied Villagran’s motion on the ground that Proposition 57 provides no resentencing option.

Villagran timely appealed from the order denying his motion for resentencing. We appointed counsel to represent him on appeal. After examining the record, appointed counsel ably identified a defect in Villagran’s sentence and moved for resentencing. The trial court granted the motion, took five years off the sentence, and granted Villagran additional custody credits.

Regarding Villagran's appeal, appointed counsel filed an opening brief raising no issues and asking this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436, 441-442.) On September 29, 2017, we sent letters to Villagran and appointed counsel, directing counsel to immediately forward the appellate record to Villagran and advising Villagran that within 30 days he could personally submit any contentions or issues that he wished us to consider. He has not responded.

We have examined the entire record and find no arguable issue exists. We are therefore satisfied that Villagran's attorney complied with her responsibilities. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

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CHANNEY, Acting P. J.

We concur:

JOHNSON, J.

LUI, J.