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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.

CHRISTOPHER EDWARDS,

Defendant and Appellant.

B254599

(Los Angeles County  
Super. Ct. No. LA024543)

APPEAL from an order of the Superior Court of Los Angeles County, William C. Ryan, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

## I. INTRODUCTION

Defendant, Christopher Edwards, appeals from a January 29, 2014 order denying his petition for recall of sentence pursuant to Penal Code section 1170.126.<sup>1</sup> On November 25, 1996, a jury convicted defendant of first degree residential burglary. (§ 459.) Defendant had sustained two prior serious felony convictions. On, January 31, 1997, defendant was sentenced to 40 years to life pursuant to sections 667, subdivisions (a)(1) and (e)(2) and 1170.12, subdivision (c)(2). We affirm the order.

## II. DISCUSSION

We previously affirmed defendant's conviction. (*People v. Edwards* (Dec. 9, 1997, B110084) [nonpub. opn.].) We appointed counsel to represent defendant on this appeal. After examining the record, appointed appellate counsel filed an "Opening Brief" in which no issues were raised. Instead, appointed appellate counsel requested that this court independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) On May 13, 2014, we advised defendant that he had 30 days within which to personally submit any contentions or arguments he wishes us to consider. No response has been received. We have examined the entire record and are satisfied appointed appellate counsel have fully complied with their responsibilities. The argument defendant raised in the trial court is frivolous. Defendant is ineligible for resentencing because he was convicted of first degree residential burglary, a serious felony, and sentenced to an indeterminate term of life imprisonment. (§§ 1170.126, subd. (e)(1); 1192.7, subd. (c)(18).)

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<sup>1</sup> Further statutory references are to the Penal Code unless otherwise noted.

### III. DISPOSITION

The January 29, 2014 order is affirmed.

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TURNER, P. J.

We concur:

MOSK, J.

KRIEGLER, J.