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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LUIS ROJAS,

Defendant and Appellant.

B285917

(Los Angeles County  
Super. Ct. No. TA109766)

**THE COURT:\***

Jose Luis Rojas (appellant) was convicted of murder (Pen. Code, § 187)<sup>1</sup> and the trial court found true the allegation that he personally used a firearm during the offense. (§ 12022.53, subd. (d)). He was sentenced to 50 years to life, calculated as follows: 25 years to life for murder and an additional 25 years to life based on the firearm enhancement. He was ordered to pay a

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\* ASHMANN-GERST, Acting P.J., CHAVEZ, J., HOFFSTADT, J.

<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

\$200 restitution fine pursuant to section 1202.4, subdivision (b). A parole restitution fine under section 1202.45—also \$200—was stayed. Finally, appellant was ordered to pay \$7,354.60 to the victim pursuant to section 1202.4, subdivision (f). The judgment was affirmed on appeal in *People v. Rojas* (Aug. 20, 2012, B235368) [nonpub. opn.].

On October 2, 2017, appellant filed a motion in the trial court to vacate and modify its restitution orders under sections 1202.4 and 1202.45. The trial court entered an order denying the motion and appellant appealed. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*), stating that there are no issues for us to consider. On February 15, 2018, we notified appellant of the no merit brief and gave him leave to file, within 30 days, a brief or letter setting forth any arguments supporting his appeal. He did not file a letter or brief within the prescribed time. Upon review of counsel's no merit *Wende* brief and the record, we conclude that there are no arguable issues, and appellant is not entitled to appellate relief.

We are satisfied that appellant's counsel complied with his responsibilities. In addition, we conclude that appellant received adequate and effective appellate review of the order denying his motion to vacate and modify the section 1202.4 and section 1202.45 restitution orders by virtue of counsel's compliance with the *Wende* procedure and our review of the record. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The order is affirmed.

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