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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.

CHARLES E. MOORE,

Defendant and Appellant.

B299414

(Los Angeles County
Super. Ct. No. YA094020)

APPEAL from a judgment of the Superior Court of Los Angeles County, Eric P. Harmon, Judge. Affirmed.

Brad Kaiserman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Charles E. Moore appealed from the judgment entered on his conviction for residential burglary, with two five-year prior felony sentence enhancements, contending he was deprived of a fair and impartial jury because one of the jurors had himself recently been burglarized. In an opinion filed on July 16, 2018, we concluded the trial court acted within its discretion in retaining the juror. We therefore affirmed the conviction.

Moore sought review from our Supreme Court. While the matter was before the Court the Governor signed Senate Bill No. 1393, which granted trial courts the discretion to strike five-year enhancements imposed under Penal Code section 667, subdivision (a), enhancements that were previously mandatory. (See Sen. Bill No. 1393 (2017-2018 Reg. Sess.) §§ 1-2.) The enactment became effective on January 1, 2019. (See Cal. Const., art. IV, § 8, subd. (c).)

The California Supreme Court granted Moore's petition for review and transferred the cause back to us with directions to vacate our decision and reconsider it in light of Senate Bill No. 1393. We did so, and held that Moore was entitled to a new sentencing hearing wherein the trial court must reconsider Moore's sentence of 19 years six months, and specifically decide whether to strike one or both of the recidivism enhancements. In all other respects, we again affirmed the trial court's judgment.

At resentencing, the trial court considered aggravating and mitigating factors and ordered that a prior conviction be dismissed as both a strike and a prior serious felony conviction for purposes of sentence enhancement. The court declined to dismiss a second serious felony prior, selected the high term of six years, doubled as a second strike, and added five years for the enhancement, for a total of 17 years. The court also sentenced

Moore to a consecutive six months for the resisting arrest conviction, as before, and granted him 1,560 days of custody credit and assessed various fines and fees.

Moore appealed.

We appointed counsel to represent Moore on appeal. After examination of the record, 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 October 18, 2019, we sent letters to Moore and appointed counsel, directing counsel to immediately forward the appellate record to Moore and advising him 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, and are therefore satisfied Moore's attorney complied with his responsibilities. (*Id.* at p. 441.)

DISPOSITION

The conviction is affirmed.

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CHANNEY, Acting P. J.

We concur:

BENDIX, J.

WEINGART, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.