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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES RAY WILLIAMS,

Defendant and Appellant.

B297068

(Los Angeles County
Super. Ct. No. MA067303)

APPEAL from a judgment of the Superior Court of Los Angeles County. Shannon Knight, Judge. Dismissed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2016, Charles Ray Williams was convicted by jury of five counts of assault with a firearm and one count of possession of a firearm by a felon. (Pen. Code, §§ 245, subd. (a)(2), 29800, subd. (a)(1) [all statutory citations refer to the Penal Code].) The jury found firearm enhancements to be true. (§ 12022.5.) Williams was sentenced to 14 years in state prison, comprised of four years for count 1 plus 10 years for the firearm enhancement, with all other counts running concurrently. Williams' conviction was affirmed on appeal, and his case became final on August 18, 2017.

On February 25, 2019, Williams petitioned for resentencing pursuant to Senate Bill 620, requesting the trial court strike his firearm enhancements. The trial court denied the petition because SB 620 does not affect final judgments. Williams timely appealed that denial.

We appointed counsel to represent Santana on appeal. Appointed counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), requesting independent review of the record on appeal for arguable issues. We notified Williams by letter that he could submit any claim, argument, or issues that he wished our court to review. Williams filed no response.

The order denying Williams' petition was not appealable, so his appeal must be dismissed. "An order made after judgment affecting a defendant's substantial rights is appealable. (§ 1237, subd. (b).) However, once a judgment is rendered, except for limited statutory exceptions, (§§ 1170.126, 1170.18), the sentencing court is without jurisdiction to vacate or modify the sentence." (*People v. Fuimaono* (2019) 32 Cal.App.5th 132, 134 (*Fuimaono*).) Williams sought resentencing pursuant to SB 620,

which gave trial courts discretion to strike firearm enhancements. (§§ 12022.5, subd. (c), 12022.53, subd. (h).) Those amendments do not apply to cases that have become final. (*People v. Hernandez* (2019) 34 Cal.App.5th 323, 326; *Fuimaono, supra*, 32 Cal.App.5th at p. 135.) Because Williams’ case is final, the trial court lacked jurisdiction to modify his sentence, so “denial of his motion to modify his sentence could not have affected his substantial rights. [Citation.] Accordingly, the ‘order denying [the] motion to modify sentence is not an appealable order,’ and the appeal must be dismissed.” (*Fuimaono, supra*, at p. 135.)

DISPOSITION

The appeal is dismissed.

BIGELOW, P. J.

We concur:

GRIMES, J.

WILEY, J.