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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.

RONNIE O'NEIL BELL,

Defendant and Appellant.

B256278

(Los Angeles County  
Super. Ct. No. BA350562)

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

Ronnie O'Neil Bell, in pro. per., and Suzan E. Hier, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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In 2009 defendant Ronnie O’Neil Bell was convicted of carjacking, assault with a deadly weapon, and two counts of second degree robbery. The trial court found defendant had seven “strike” priors and imposed a third strike sentence of 35 years to life in prison. On appeal we reversed defendant’s assault with a deadly weapon conviction for insufficient evidence. Resentencing was not required because the sentence on that count was made to run concurrently. (*People v. Bell* (Aug. 26, 2011, B226730, p. 7) [nonpub. opn.].)

In 2013 defendant filed a petition in the trial court seeking resentencing pursuant to Proposition 36. The trial court appointed counsel to represent defendant, but ultimately denied his petition, noting defendant’s current commitment offenses included second degree robbery, a violent felony, making him ineligible for resentencing.

Defendant filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record.

Defendant filed a supplemental brief asking this court to dismiss either his robbery or carjacking conviction in this case based upon *People v. Vargas* (2014) 59 Cal.4th 635, which addressed the use of *prior* carjacking and robbery convictions based on the same act as *separate strike priors* for sentencing on a later case. Defendant’s contention does not relate to the order from which he appealed. It also lacks any merit. Defendant’s carjacking and robbery convictions in this case were the *commitment* offenses, not strike priors.

As the trial court correctly ruled, defendant was ineligible for resentencing under Proposition 36 because his second degree robbery commitment offenses are violent felonies. (Pen. Code, §§ 667.5, subd. (c)(9), 1170.126, subds. (a), (e).)

We have examined the entire record and are satisfied that defendant’s attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

## **DISPOSITION**

The judgment is affirmed.

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MILLER, J.\*

We concur:

ROTHSCHILD, P. J.

CHANEY, J.

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