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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.

THOMAS EDWARD PERRY,

Defendant and Appellant.

B297771

(Los Angeles County
Super. Ct. No. A771370)

APPEAL from an order of the Superior Court of Los Angeles County, Michael D. Abzug, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

In 1986, defendant Thomas Edward Perry pleaded guilty to second degree murder and admitted that he personally used a deadly and dangerous weapon, namely, a bumper jack, within the meaning of Penal Code section 12022, subdivision (b). The evidence presented at the preliminary hearing demonstrated that defendant became angry when his victim, Francis Dou Dou, tried to sell him a chain that was not real gold, and struck the victim numerous times on the head and body with a bumper jack until the victim stopped moving. Defendant and a codefendant then wrapped the victim in a blanket, placed the victim in a shopping cart, and wheeled the shopping cart onto the street. Defendant lost control of the shopping cart, which caused the victim's body to fall onto the street. The victim died from the injuries to his head. The trial court sentenced defendant to 16 years to life. The codefendant pleaded guilty to being an accessory after the fact.

On March 1, 2019, defendant filed a petition for resentencing pursuant to Penal Code section 1170.95, contending that he is entitled to relief because he was convicted of first degree felony murder but lacked the intent to kill, and was convicted of second degree murder under the natural and probable consequences doctrine.

On March 28, 2019, the trial court dismissed defendant's petition, concluding that defendant had not made a prima facie claim for relief. Defendant timely filed a notice of appeal.

We appointed counsel to represent defendant on appeal. Defendant's appointed appellate counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting that we independently review the entire record to determine if there are any arguable issues. On October 4, 2019, we notified

defendant that appointed appellate counsel had failed to find any arguable issues and defendant had 30 days within which to independently brief any grounds for appeal, contentions, or arguments he wanted us to consider. On October 22, 2019, defendant filed a supplemental brief. We have reviewed the record and are satisfied that defendant's appointed appellate counsel has fully complied with her responsibilities and no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

The order is affirmed.

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KIM, J.

We concur:

RUBIN, P. J.

MOOR, J.