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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.

JOHN A. MAGANA,

Defendant and Appellant.

B261157

(Los Angeles County
Super. Ct. No. BA152513)

THE COURT:*

Defendant John A. Magana appeals from the order denying with prejudice his petition for recall of sentence under Penal Code section 1170.126.¹ Defendant is currently serving a sentence of 90 years to life pursuant to section 667, subdivisions (b)–(i) and section 1170.12, subdivisions (a)–(d) (the Three Strikes law).

We appointed counsel to represent defendant on this appeal. Counsel filed an “opening brief” in which he stated he had failed to find any arguable issues. On March 20, 2015, we informed defendant he had 30 days in which to file a supplemental

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BOREN, P.J., ASHMANN-GERST, J., HOFFSTADT, J.

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All further references to statutes are to the Penal Code unless stated otherwise.

brief containing any issues he wished this court to consider. No response has been received to date.

The record shows that on April 22, 1998, defendant was convicted of four counts of second degree robbery. He was sentenced to three terms of 25 years to life to be served consecutively and one term of 25 years to life to be served concurrently. Enhancements of five consecutive years were imposed for each of defendant's three prior serious felonies pursuant to section 667, subdivision (a)(1). This Court affirmed the judgment on October 4, 1999, in case No. B124446 (unpublished opinion).

On November 10, 2014, defendant filed his petition for recall of sentence. On November 13, 2014, the superior court denied his petition on the ground that "[o]ne of defendant's current convictions is for second degree robbery," which is a violent felony pursuant to section 667.5, subdivision (c)(9). As a consequence, the court ruled that defendant is ineligible for resentencing under section 1170.126, subdivision (e)(1).

We have examined the entire record, and we are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order denying defendant's petition is affirmed.

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