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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE, Plaintiff and Respondent, v. COREY WOODS, Defendant and Appellant.	B280343 (Los Angeles County Super. Ct. No. BA422489)

APPEAL from a judgment of the Superior Court of Los Angeles County, Henry J. Hall, Judge. Affirmed.

Leonard J. Klaif, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In this appeal from a resentencing following a prior appeal, appellate counsel has filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). We have independently reviewed the record and conclude that no arguable issues exist.

As stated in our unpublished opinion in the first appeal in this case (B264691), a jury convicted defendant Corey Woods of three counts (2, 4, and 7) of attempted murder (Pen. Code, §§ 664/187, subd. (a)), three counts (1, 3, and 6) of assault with a firearm on the same victims (§ 245, subd. (a)(2)), and one count (5) of unlawful possession of a firearm (§ 29800, subd. (a)(1)).[1] In each attempted murder count, the jury found that the crime was willful, deliberate, and premeditated (§ 664, subd. (a)) and that defendant used a firearm under the applicable alleged provisions of section 12022.53 (in count 2, subds. (b), (c), and (d); in counts 4 and 7, subds. (b) and (c)). In one attempted murder count (count 2), the jury also found that defendant inflicted great bodily injury (§ 12022.7, subd. (a)). In the assault with a firearm count, the jury found that defendant used a firearm (§ 12022.5) and in one count (count 1) that he inflicted great bodily injury (§ 12022.7, subd. (a)).

In a bifurcated proceeding, the trial court found true that defendant had a prior conviction for a strike offense under the "Three Strikes" law (§§ 667, subd. (d), 1170.12, subd. (b), 1170, subd. (h)(3)) and for a prior serious felony (§ 667, subd. (a)(1)), and had served a prior prison term (§ 667.5, subd. (b).) The court sentenced defendant to state

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1 Further unspecified statutory references are to the Penal Code.

prison for 122 years to life on the attempted murder counts, calculated as follows. As to count 2, the court imposed a sentence of 44 years to life: the seven-year minimum term, doubled under the Three Strikes law to 14 years, plus 25 years to life for the section 12022.53, subdivision (d) finding, plus five years for the serious felony convictions (§ 667, subd. (a)(1)). On count 4, the court sentenced appellant to 39 years to life: 14 years to life (doubling the 7-year minimum term under Three Strikes law), plus 20 years for the section 12022.53, subdivision (c) finding, plus five years for the serious felony conviction (§ 667, subd. (a)(1)). On count 7, the court imposed 39 years to life: 14 years to life (doubling the 7-year minimum term), 20 years for the section 12022.53, subdivision (c) finding, and five years for the serious felony convictions (§ 667, subd. (a)(1)).

On count 5, the court ordered a six-year sentence to run concurrently, and on counts 1, 3, and 6 stayed the sentences under section 654.

Defendant appealed from the judgment. In our unpublished opinion, we affirmed the judgment, but remanded for resentencing with the following direction: "On remand, the court shall determine in the first instance whether the evidence shows that consecutive sentencing is mandatory on court 2, and, if appropriate on that count, the court shall exercise its discretion in determining whether to sentence consecutively or concurrently. Also, because concurrent sentencing is available as a sentencing choice on counts 4 and 7, the court shall exercise its discretion in determining whether to sentence concurrently or consecutively on those counts."

On remand, the trial court complied with our directions. It held a new sentencing hearing, made clear that it was aware of its discretion to sentence concurrently or consecutively on counts 2, 4, and 7, and imposed the same sentence as before.

Defendant appealed from the judgment. He has been advised of his right to file a supplemental brief, but has not done so. Because our independent review of the record under *Wende, supra,* discloses no arguable issue, we affirm the judgment.

DISPOSITION

The judgment is affirmed.

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WILLHITE, Acting P. J.

We concur:

MANELLA, J.

COLLINS, J.