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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.

TERRILL DION JONES,

Defendant and Appellant.

B296002

(Los Angeles County
Super. Ct. No. NA024359)

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

Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Terrill Dion Jones appeals from an order denying his petition for recall of sentence and resentencing under Proposition 36, the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126).¹ We affirm.

BACKGROUND

On April 30, 1995, security guards at a club in Long Beach refused to allow Jones to reenter the club because Jones appeared to be intoxicated. Jones left but returned driving a car a few minutes later. He motioned the guards to the curb; one of the guards told him to leave. Other security guards in the parking lot stopped Jones. They observed a gun partially hidden by a towel on the passenger seat. They handcuffed and detained Jones. Jones asked why they were doing that to him; when they told him, he accused them of putting the gun in his car. The security guards called the police to the scene. The police took Jones into custody. While Jones was seated in the back of the police car, he stated, “It’s not my gun. It’s your gun.”

A jury convicted Jones of possession of a firearm by a felon (former § 12021, subd. (a)(1), now § 29800, subd. (a)(1)) and found true the allegations Jones had three prior strike convictions (§§ 667, subds. (b)-(i), 1170.12). The court imposed a three strikes sentence of 25 years to life. In 1996, we affirmed the judgment. (*People v. Jones* (Dec. 10, 1996, B099211) [nonpub. opn.].)

On February 15, 2013, following the enactment of Proposition 36, Jones filed his first petition for recall of sentence

¹ All further statutory references are to the Penal Code.

and resentencing. On June 1, 2015, the trial court denied the petition with prejudice, finding Jones was statutorily ineligible for relief because he was armed with a firearm during the commission of the current offense. We affirmed. (*People v. Jones* (Mar. 21, 2016, B264689) [nonpub. opn.])

Thereafter, the Supreme Court held in *People v. Frierson* (2017) 4 Cal.5th 225 that Proposition 36 requires proof of ineligibility for recall of sentence and resentencing to be beyond a reasonable doubt. (*Id.* at pp. 230, 236.) On March 27, 2018, Jones filed a petition for writ of habeas corpus based on *Frierson*. The trial court appointed counsel to represent Jones. On August 20, 2018, counsel filed a second Proposition 36 petition, based on *Frierson*.

Following a hearing on February 13, 2019, the trial court determined beyond a reasonable doubt that Jones was ineligible for recall of sentence and resentencing. It denied Jones's second Proposition 36 petition with prejudice and dismissed Jones's petition for writ of habeas corpus as moot.

Jones timely appealed.

DISCUSSION

We appointed counsel to represent Jones on this appeal. After review of the record, Jones's counsel filed an opening brief requesting this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On July 23, 2019, we sent a letter to Jones, advising him that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. The letter was returned to us

unopened on August 1, 2019, indicating on the envelope “parole,” and return to sender.

We have examined the entire record. We are satisfied that no arguable legal issues exist and that Jones’s counsel has fully complied with his responsibilities. By virtue of counsel’s compliance with the *Wende* procedure and our review of the record, we are satisfied that Jones received adequate and effective appellate review of the order entered against him in this case. (*People v. Wende, supra*, 25 Cal.3d at p. 441; accord, *People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

DISPOSITION

The order is affirmed.

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JOHNSON, Acting P. J.

We concur:

BENDIX, J.

WEINGART, J.*

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