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REPORTS**

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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOHNSON,

Defendant and Appellant.

B276378

(Los Angeles County
Super. Ct. No. VA122085)

APPEAL from an order of the Superior Court of Los
Angeles County, Robert J. Higa, Judge.

Christian C. Buckley, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Appellant Richard Johnson is before us a second time. On the prior occasion, we affirmed codefendant Ernest Jackson's and appellant's convictions for attempted premeditated murder, assault, mayhem and second degree robbery (see *People v. Jackson*, April 3, 2014, B242755 [nonpub. opn.]). We corrected appellant's abstract of judgment to award an additional day of pre-sentence custody credit, and otherwise affirmed the judgment. We remanded the matter to the superior court with directions to modify the abstract of judgment and to forward the modified abstract of judgment to the Department of Corrections and Rehabilitation. (*Ibid.*) Appellant's petition for review was denied, and the remittitur issued on June 30, 2014.¹

On June 24, 2016, appellant filed a motion to reopen the matter. According to appellant, on March 4, 2016, the "California Innocent Project" contacted him on behalf of codefendant Jackson. They informed appellant that Jackson had made a 911 call, and that they had a recording of that 911 call in their possession.² Appellant sought an order to

¹ "[R]emittitur" is Latin for "it is sent back." (*Gallenkamp v. Superior Court* (1990) 221 Cal.App.3d 1, 8.) "Remittitur transfers jurisdiction back to the inferior court so that it may act upon the case again, consistent with the judgment of the reviewing court." (*Id.* at p. 10.) Under rule 8.272 of the California Rules of Court, a Court of Appeal must issue a remittitur after a decision in an appeal.

² During the criminal trial, Jackson had testified that although he witnessed the fight between appellant and the

have an attorney appointed and the recording of Jackson's 911 call produced. On June 24, 2016, appellant filed several motions seeking similar relief. He also filed a motion seeking a restitution hearing, alleging that he had not been ordered to pay victim restitution in the amount of \$46,096.39.

On June 24, 2016, the trial court denied the motion for a restitution hearing, finding that victim restitution had been imposed at the sentencing hearing on July 19, 2012. With respect to the various motions relating to the alleged 911 call, the court declined to grant appellant's requests. On July 18, 2016, appellant noticed an appeal from the court's order.

On July 26, 2016, appellant filed another series of motions seeking appointment of counsel and production of the allegedly undisclosed 911 call by Jackson. The trial court reviewed the motions and reiterated its prior rulings.

After examining the record, appointed appellate counsel filed a brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) On September 21, 2016, we advised appellant he had 30 days to file a

victim, he was not involved in assaulting the victim. Rather, Jackson asserted, he had called 911 to request assistance for the victim. The prosecution presented testimony that only one 911 call could be found, and the caller did not sound like Jackson. (See *People v. Jackson, supra*, B242755 at pp. 7-8.)

supplemental letter brief raising any issue he wished this court no consider. No response was received.

Appellant has not demonstrated his entitlement to appointment of an attorney or to production of allegedly undisclosed evidence. In his motions, appellant failed to cite any applicable statute or case law, and made no offer of proof explaining how Jackson's 911 call, assuming it exists, would have exonerated appellant from the charged crimes. This court has examined the entire record in accordance with *People v. Wende, supra*, 25 Cal.3d at pages 441-442, and is satisfied appellant's attorney has fully complied with the responsibilities of counsel, and no arguable issues exist. Accordingly, we affirm.

DISPOSITION

The order is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.