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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.

TERRELL JONES,

Defendant and Appellant.

B299346

(Los Angeles County  
Super. Ct. No. TA139964)

APPEAL from an order of the Superior Court of Los Angeles County, John J. Lonergan, Jr., Judge. Affirmed.

Donna L. Harris, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Terrell Jones appeals from an order in which the trial court declined to exercise its discretion to strike a firearm use enhancement pursuant to Senate Bill No. 620. We affirm.

## **BACKGROUND**

A jury convicted Jones of first degree murder (Pen. Code, § 187, subd. (a))<sup>1</sup> and two counts of possession of a firearm by a felon (§ 29800, subd. (a)(1)). The jury found true firearm use allegations (§ 12022.53, subds. (b)-(d)) and gang allegations (§ 186.22, subd. (b)(1)). Jones admitted a prior serious felony conviction, constituting a strike (§§ 667, subds. (a)(1), (b)-(j), 1170.12).

The trial court sentenced Jones to 75 years to life in state prison, consisting of 25 years to life for the murder, doubled to 50 years to life as a second strike, plus 25 years to life on the section 12022.53, subdivision (d), firearm use enhancement. The court stayed sentence on one conviction of possession of a firearm pursuant to section 654; it imposed a concurrent term of six years on the other conviction. The court also stayed the 10-year gang enhancement and the five-year prior serious felony enhancement in the interests of justice (*id.*, § 1385, subd. (a)).

Jones appealed. On April 9, 2019, we affirmed the judgment of conviction. (*People v. Jones* (Apr. 9, 2019, B284286) [nonpub. opn.].) However, we remanded the matter to allow the trial court to exercise its newly-granted discretion as to whether or not to strike the firearm use enhancement.

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<sup>1</sup> All further statutory references are to the Penal Code.

On remand, Jones argued that the interests of justice would be served if the court struck the enhancement, as the sentence of 50 years to life “would still serve to punish him for the crimes committed against the victim and society, but would also provide him [with] justice and fairness in sentencing and give him hope for a possibility of a realistic parole date.” In the alternative, he requested that the court impose a lesser enhancement under subdivision (b) or (c) of section 12022.53.

The trial court noted the leniency it had extended at the original sentencing hearing, running the sentence for possession of a firearm concurrently and not imposing the gang and prior conviction enhancements, so that “21 years basically he was getting shaved off his sentence which ultimately was 75 years to life, and the court is not going to change that at this time.” The court observed: “based on the circumstances of this case I felt back then, and nothing has changed today, that that is a reasonable sentence based on the egregiousness and for no better word just the travesty that [the victim] who was sitting at the back porch area enjoying life, if I recall talking to somebody and having a conversation when a bullet struck him in the head and killed him.” The court therefore declined to exercise its discretion to change the sentence imposed.

## **DISCUSSION**

We appointed counsel to represent Jones on this appeal. After review of the record, Jones’s counsel filed an opening brief requesting that this court independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On October 31, 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. We received no response.

We have examined the entire record. We are satisfied that no arguable legal issues exist and that Jones's counsel has fully complied with her 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.\*

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