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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ASHTON HACKETT,

Defendant and Appellant.

B296953

(Los Angeles County
Super. Ct. No. NA092461)

APPEAL from an order of the Superior Court of
Los Angeles County, James Otto, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In June 2012, defendant and appellant Ashton Hackett pled no contest to one count of burglary in the first degree, person present (count 1), and two counts of burglary in the first degree (counts 2 and 3), in violation of Penal Code section 459.¹ The court sentenced Hackett to an aggregate term of nine years in prison, comprised of four years on count 1 and a five-year enhancement pursuant to section 667, subdivision (a)(1). The court sentenced Hackett to four years each on counts 2 and 3, to run concurrently with count 1.

In a petition dated February 25, 2019, Hackett, in pro. per., asked the court to exercise its discretion to strike or dismiss the section 667, subdivision (a)(1) enhancement pursuant to Senate Bill No. 1393. The trial court found Hackett ineligible for relief because his sentence arose from a plea bargain and his case was final. Accordingly, the court denied the petition on March 4, 2019.

Hackett filed a notice of appeal on April 3, 2019.

We appointed counsel to represent Hackett on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. On July 19, 2019, we advised Hackett he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

Senate Bill No. 1393 went into effect on January 1, 2019 and authorizes trial courts to exercise their discretion to strike section 667, subdivision (a) sentencing enhancements. (*People v. Garcia* (2018) 28 Cal.App.5th 961, 971.) Senate Bill No. 1393,

¹ All further statutory references are to the Penal Code.

however, applies retroactively only to cases or judgments not yet final on appeal as of January 1, 2019. (*Id.* at pp. 971–972.)

We have examined the entire record and are satisfied that Hackett’s counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

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STRATTON, J.

We concur:

GRIMES, Acting P. J.

WILEY, J.