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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

DERRICK LYNN JOHNSON,

Defendant and Appellant.

B287452

(Los Angeles County
Super. Ct. No. BA438628)

THE COURT:

Defendant and appellant, Derrick Lynn Johnson (defendant) appeals from the denial of his motion to vacate the judgment entered in 2015, after he was convicted of failing to register as a sex offender (Pen. Code, §§ 290, 290.008). That conviction was affirmed by this court in *People v. Johnson* (B270246) an unpublished opinion filed May 2, 2017.¹ Defendant filed a timely notice of appeal from the denial of his motion, and

¹ The opinion notes that defendant admitted that he last registered on May 17, 2012.

his appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues. On July 17, 2018, we notified defendant of his counsel's brief and gave him leave to file, within 30 days, his own brief or letter stating any grounds or argument he might wish to have considered. That time has elapsed, and defendant has submitted no brief or letter. We have reviewed the entire record, and finding no arguable issues, affirm the judgment.

In September 2017, defendant filed his motion pursuant to Penal Code section 1473.6, which authorizes such a motion under enumerated circumstances, based on newly discovered evidence. The motion cited no newly discovered evidence, but alleged that the judgment was void for lack of jurisdiction due to the running of the statute of limitations² and the violation of his rights under the Sixth and Fourteenth Amendments to the United States Constitution and under the United States Supreme Court. Finding that defendant's claims had been fully litigated and rejected on appeal, the trial court denied the motion on October 24, 2017.

We have examined the entire record and are satisfied that defendant's appellate counsel has fully complied with his responsibilities and that no arguable issue exists. We conclude that defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the denial of his motion. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

² The failure to register annually is a continuing offense, and thus does not begin to run instantaneously. (*Wright v. Superior Court* (1997) 15 Cal.4th 521, 528–529.)

The order is affirmed.

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ASHMANN-GERST, Acting P.J., CHAVEZ, J., HOFFSTADT, J.