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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL AVILA,

Defendant and Appellant.

2d Crim. No. B258329
(Super. Ct. No. BA366400)
(Los Angeles County)

In Superior Court Case No. BA266400 Daniel Avila was convicted of eight counts of making criminal threats (Pen. Code, § 422) with two hate crime allegations (*id.* § 422.75, subd. (a)). He was sentenced to state prison for a total of 11 years 4 months. We affirmed the conviction and sentencing in an unpublished opinion in *People v. Avila* (B247954) on June 10, 2014.

In Superior Court Case No. BA410376, Avila was convicted of numerous counts, including multiple counts of attempted murder and assault on a peace officer. The court sentenced Avila to 124 years to life, plus a consecutive 22-year determinate term. The appeal in that case (*People v. Avila* (B257654)) is currently pending.

Pursuant to California Rules of Court, rule 4.452, the court recalculated the sentence in Superior Court Case No. BA36400 to form a single aggregate term with the term imposed in Superior Court Case No. BA410376. The recalculation reduced the term

imposed in Superior Court Case No. BA366400 to a total of six years eight months consecutive to the term imposed in Superior Court Case No. BA410376. Avila appeals.

We appointed counsel to represent Avila on appeal. After counsel's examination of the record, he filed a brief raising no issues. Counsel advised Avila that he may personally submit any contentions or issues he may wish to raise.

Avila filed a supplemental brief contending he was denied the right to retain a private attorney; he was denied the right of self-representation; and the clerk of the court did not provide all the record that he designated. But those issues relate to the pending appeal (B257654) in Superior Court Case No. BA410376.

The only matter that is the subject of this appeal is the recalculation of the term imposed in Superior Court Case No. BA366400. Avila raises no issues related to the recalculation.

We have reviewed the entire record and are satisfied that Avila's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

Dennis J. Landin, Judge
Superior Court County of Los Angeles

David M. Thompson, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.