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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.

JOHN LEWIS GRISSOM, JR.,

Defendant and Appellant.

B255318

(Los Angeles County

Super. Ct. No. SA023145)

APPEAL from an order of the Superior Court of Los Angeles County. Leslie E. Brown, Judge. Affirmed.

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Jonathan B. Steiner and Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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On March 14, 2014, John Lewis Grissom, Jr., filed a notice of appeal indicating that he was appealing from the order denying a petition to recall his sentence pursuant to Penal Code section 1170.126<sup>1</sup>, which codifies part of the “Three Strikes Reform Act” (Prop. 36, § 6, as approved by voters, Gen. Elec. (Nov. 6, 2012), effective Nov. 7, 2012). We appointed counsel to represent Grissom in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On June 10, 2014, we directed appointed counsel to immediately send the record on this appeal and a copy of the opening brief to Grissom and notified Grissom that within 30 days from the date of the notice he could submit by letter or brief any ground of appeal, contention or argument he wished us to consider. On July 9, 2014, Grissom filed a letter brief.

To the extent Grissom requested in his trial court pleading the recall of his sentence pursuant to section 1170.126, as indicated in his notice of appeal, he is not entitled to such relief because his third-strike offenses included robbery, a violent felony conviction under section 667.5, subdivision (c)(9), which renders him ineligible for resentencing under section 1170.126. (§ 1170.126, subs. (b) & (e)(1).) In his letter brief, Grissom argues that his third-strike sentence is improper because the first two strikes were not proved beyond a reasonable doubt. The court denied relief on that ground because the same argument had been rejected in connection with a prior pleading. Grissom present no further basis to revisit the issue.

We have examined the entire record and are satisfied that Grissom’s appointed counsel have fully complied with their responsibilities and that no arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

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<sup>1</sup> Statutory references are to the Penal Code.

**DISPOSITION**

The order is affirmed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

JOHNSON, J.