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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

MARQUIS DESHAWN GRAYS,

Defendant and Appellant.

B297081

(Los Angeles County
Super. Ct. No. BA148855)

APPEAL from a post-judgment of the Superior Court of Los Angeles County. Craig Richman, Judge. Affirmed.

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

No appearance by Plaintiff and Respondent.

In 1997, defendant was convicted, by plea, of multiple counts of robbery. (Pen. Code, § 211.) Several sentence enhancements, including one for a prior serious felony conviction (Pen. Code, § 667, subd. (a)(1)), were imposed.¹

In 2019, defendant filed a motion for resentencing under Senate Bill No. 1393, which eliminates the prior prohibition on striking a five-year enhancement under Penal Code section 667, subdivision (a). Defendant sought a resentencing hearing in which the trial court would consider whether to strike his five-year prior serious felony enhancement. The court denied the motion and defendant filed a timely notice of appeal.

On July 22, 2019, defendant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). The brief included a declaration that counsel had written to defendant, explaining the brief counsel was filing, and informing defendant of his right to file a supplemental brief. This court sent defendant a letter advising him that a *Wende* brief had been filed and that he had 30 days to submit a brief or letter raising any issues he wished us to consider. Defendant did not file a supplemental brief.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*Wende, supra*, 25 Cal.3d 436.) Senate Bill No. 1393 applies retroactively only to convictions which were not final on the effective date of the statute, January 1, 2019. (*People v. Garcia* (2018) 28 Cal.App.5th 961, 971-972.) Defendant's conviction had been final for years; he was therefore not entitled to resentencing.

¹ Defendant's motion to augment the record with the abstract of judgment is granted.

DISPOSITION

The denial of defendant's resentencing motion is affirmed.

RUBIN, P. J.

WE CONCUR:

MOOR, J.

KIM, J.