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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

HILARIO MORAN ORTIZ,

Defendant and Appellant.

B295354

(Los Angeles County
Super. Ct. No. BA350610)

APPEAL from an order of the Superior Court of Los Angeles County, Henry J. Hall, Judge. Affirmed.

Christine M. Aros, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

In 2010 Hilario Moran Ortiz was convicted, by plea, of assault with a firearm upon a peace officer (Pen. Code, § 245, subd. (d)(1)). The trial court imposed a sentence enhancement for personally and intentionally discharging a firearm. (*Id.*, § 12022.53, subd. (c)).

In 2019 Ortiz filed a motion for resentencing under amended Penal Code section 12022.53, subdivision (h), which eliminated the prior prohibition on striking the firearm enhancement. Ortiz sought a resentencing hearing to allow the trial court to exercise discretion whether to strike his 20-year firearm enhancement. The court denied the motion, and Ortiz filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent Ortiz in this appeal. After reviewing the record, counsel filed a brief raising no issues. On July 2, 2019 we notified Ortiz he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted the court to consider. We have not received a response.

We have examined the record and are satisfied that appellate counsel for Ortiz has complied with her responsibilities and that there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The amendments to Penal Code section 12022.53 giving the court discretion to strike firearm enhancements apply

only to convictions that were not final on the effective date of the amendments to the statute, January 1, 2018. (*People v. Johnson* (2019) 32 Cal.App.5th 938, 942; *People v. Harris* (2018) 22 Cal.App.5th 657, 659.) Ortiz, whose conviction was final long ago, does not qualify for relief.

DISPOSITION

The order is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

FEUER, J.