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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.

CHARLES ANTHONY MACKBEE,

Defendant and Appellant.

B278768

(Los Angeles County
Super. Ct. No. NA091413)

THE COURT:*

Defendant Charles Anthony Mackbee along with a codefendant was convicted in a jury trial of one count of first degree murder (Pen. Code, § 187, subd. (a)),¹ with findings the murder was committed during a robbery (§ 190.2, subd. (a)(17)), and that a principal was armed with a firearm (§ 12022, subd. (a)(1).) The trial court sentenced defendant to life without

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

¹ Unless otherwise indicated, all further statutory references are to the Penal Code.

the possibility of parole on the murder count, plus an additional year for the firearm allegation.

On appeal in *People v. Johnson et al.* (Mar. 24, 2016, B256273), in a nonpublished opinion, this court concluded there was instructional error, reversed the judgment imposing a sentence of life without the possibility of parole, and vacated the special circumstance finding. We remanded to the trial court so that the People could elect whether to retry defendant on the special circumstance or to have the trial court resentence without the special circumstance finding.

On remand, the People elected not to retry the special circumstance allegation, and the trial court resentenced defendant to 26 years to life, comprised of 25 years to life for the murder plus one additional year for the firearm enhancement. Defendant timely filed a notice of appeal from the judgment after resentencing.

Defendant's appointed counsel on appeal filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On April 6, 2017, we sent defendant a letter informing him of the nature of the brief that had been filed and advising him that he had 30 days to file a supplemental brief setting forth issues he wished this court to consider. We have received no response.

We have independently reviewed the entire record. We are satisfied that no arguable issues exist, and defendant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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