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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.

DENNIS BALISACEN REGALADO,

Defendant and Appellant.

B297122

(Los Angeles County
Super. Ct. No. MA058648)

THE COURT:

In 2014, defendant and appellant Dennis Balisacen Regalado¹ was convicted by jury of assault with a firearm, two counts of criminal threats, two counts of possession of a firearm by a felon, dissuading a witness from reporting a crime, dissuading a witness from testifying, and possession of ammunition. (Pen. Code, §§ 422, subd. (a), 245, subd. (a)(2),

¹ In the appellate record, defendant is identified as both Dennis *Balisacen* Regalado and Dennis *Baliscan* Regalado.

136.1, subds. (a)(1) & (b)(1), 29800, subd. (a)(1), 30305, subd. (a)(1).² The jury also found three section 12022.5 allegations to be true. Defendant admitting to having two prior convictions under the “Three Strikes” law. (§§ 667, subds. (b)–(i), 1170.12, subds. (a)–(d).)

On March 20, 2014, defendant was sentenced to 113 years in state prison. The sentence included enhancements pursuant to section 667, subdivision (a)(1). Defendant appealed, and on April 14, 2015, we reversed defendant’s sentence on the grounds that it violated California’s prohibition against cruel or unusual punishment. The matter was remanded for resentencing. (*People v. Regalado* (Apr. 14, 2015, B255074) [nonpub. opn.].)

Upon remand, on August 19, 2015, the trial court resentenced defendant to a total of 64 years to life. Defendant again appealed, and on April 5, 2016, we again reversed defendant’s sentence and remanded the matter for resentencing. (*People v. Regalado* (Apr. 5, 2016, B266688) [nonpub. opn.].)

On August 5, 2016, defendant was resentenced to 53 years in state prison. Defendant again appealed, and on June 13, 2017, we affirmed his sentence. (*People v. Regalado* (June 13, 2017, B276909) [nonpub. opn.].)

On January 30, 2019, defendant filed a petition for resentencing pursuant to Senate Bill No. 1393, asking the trial court to exercise its newly authorized discretion to strike the enhancement imposed pursuant to section 667, subdivision (a)(1). (Sen. Bill No. 1393 (2017-2018 Reg. Sess.) (SB 1393).) The trial

² All further statutory references are to the Penal Code unless otherwise indicated.

court denied his petition, finding that defendant was not entitled to relief pursuant to SB 1393 because his sentence was final before SB 1393 became effective.

Defendant timely appealed.

Counsel was appointed to represent defendant in connection with this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On August 12, 2019, we advised defendant that he had 30 days within which to personally submit any contentions or issues for us to consider. To date, no supplemental brief has been submitted.

We have examined the entire record³ and we are satisfied that defendant’s appellate counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*)). The trial court rightly denied defendant’s petition for resentencing because his judgment was final as of June 13, 2017, well before SB 1393 became effective on January 1, 2019. (*People v. Vieira* (2005) 35 Cal.4th 264, 305–306 [a judgment becomes final when the time for petitioning for a writ of certiorari in the United States Supreme Court has passed]; *In re Spencer* (1965) 63 Cal.2d 400, 405 [a judgment is deemed final when “the courts can no longer provide a remedy to a defendant on direct review”]; *People v. Garcia* (2018) 28 Cal.App.5th 961, 972–973 [SB 1393 applies

³ We hereby grant defendant’s request for judicial notice and have considered those documents as part of our independent review.

retroactively to all cases that were not final when it took effect, meaning any conviction not yet final as of January 1, 2019].)

Defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The trial court's order is affirmed.

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LUI, P. J.

ASHMANN-GERST, J.

HOFFSTADT, J.