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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.

LEO JEROME JOHNSON,

Defendant and Appellant.

B296406

(Los Angeles County
Super. Ct. No. MA061235)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Daviann L. Mitchell, Judge. Affirmed.

Robert Booher, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Jurors convicted defendant Leo Jerome Johnson of two counts of second-degree murder each with a firearm enhancement. We affirmed defendant's convictions (*People v. Johnson* (Dec. 3, 2018, B280365) [nonpub. opn.]), but remanded the matter so that the trial court could exercise discretion granted under recent amendments to Penal Code section 12022.53 to strike the firearm enhancements in the interests of justice.¹ Upon remand, defendant moved to strike the firearm enhancements,² which the People opposed. The trial court denied the motion, and defendant appealed.

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.) Defendant was advised by this court of the opportunity to file a supplemental brief; he filed no brief. We have examined the

¹ We incorporate our discussion of the factual and procedural background of this case in *People v. Johnson, supra*, B280365.

² Under the authority of *People v. Dueñas* (2019) 30 Cal.App.5th 1157, defendant also sought either to dismiss or stay imposition of certain fines, fees, and assessments on the theory that there was no ability to pay hearing and had there been one, the trial court would have concluded defendant would not have had the ability to pay the fines, fees, and assessments. In its opposition to defendant's motion, the People did not address this argument. On remand, and after ordering a financial evaluation, the trial court stayed the \$10,000 restitution fine imposed pursuant to Penal Code section 1202.4, subdivision (b). The amended abstract of judgment reflects that the trial court imposed court security fees of \$80 pursuant to Penal Code section 1465.8 and criminal assessment fees of \$60 pursuant to Government Code section 70373.

entire record and are satisfied that defendant's attorney has complied with his responsibilities and that no arguable issue exists. (*People v. Kelly* (2006) 40 Cal.4th 106, 110–111; *People v. Wende, supra*, 25 Cal.3d at p. 441; see also *Smith v. Robbins* (2000) 528 U.S. 259, 278.)

DISPOSITION

The judgment is affirmed.

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BENDIX, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.