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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.

JIMMIE LASTER,

Defendant and Appellant.

B269858

(Los Angeles County
Super. Ct. No. BA431487)

APPEAL from a judgment of the Superior Court of Los Angeles County, Edmund W. Clarke, Jr., Judge. Dismissed.

Christopher Love, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Scott A. Taryle, Supervising Deputy Attorney General, Michael Katz, Deputy Attorney General, for Plaintiff and Respondent.

As described in a concurrently filed opinion (*People v. Laster* (Oct. 19, 2016, B265970) [nonpub. opn.] (*Laster I*)), the trial court sentenced defendant and appellant Jimmie Laster (defendant) to a prison term of 35 years to life after a jury convicted him of second degree robbery and the court found true multiple prior conviction allegations. Despite finding defendant had served six prior prison terms within the meaning of Penal Code section 667.5, subdivision (b), the court did not impose or strike those enhancements as required. (*People v. Langston* (2004) 33 Cal.4th 1237, 1241.) Instead, the court erroneously imposed, and then stayed, six one-year terms for the prison priors. (*Ibid.* [“Once the prior prison term is found true within the meaning of section 667.5(b), the trial court may not stay the one-year enhancement, which is mandatory unless stricken”].) The court then issued an amended abstract of judgment stating the prison priors had been stayed and indicating defendant was sentenced to life with the possibility of parole on the robbery conviction.

For the reasons set forth in *Laster I*, we have reversed the sentence imposed and remanded for resentencing. Our resolution of the issues presented in that appeal also resolves the errors complained of in this case. We therefore dismiss this appeal as moot.

DISPOSITION

The appeal is dismissed as moot.

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BAKER, J.

We concur:

KRIEGLER, Acting P.J.

KUMAR, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.