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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

D086042

Plaintiff and Respondent,

v.

(Super. Ct. No. SWF015408)

GABRIEL GERARD RESVALOSO,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Riverside County, Frederick Paul Dickerson III, Judge. Affirmed.

Gabriel G. Resvaloso, in pro. per.; and Jake E. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2009, Gabriel Gerard Resvaloso was convicted of murder (Pen. Code,<sup>1</sup> § 187, subd. (a)) with a true finding on a firearm enhancement for personal use of a pistol (§ 12022.53, subd. (d)). He was sentenced to prison for life without parole plus 31 years.

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1 All statutory references are to the Penal Code.

Resvaloso was resentenced in 2023. The court dismissed three one-year priors and otherwise imposed the same sentence.

Resvaloso was resentenced under section 1172.75 in March 2025. The court vacated the previous sentence. Following a hearing, the court declined to strike the firearm enhancement or run it concurrently with the murder count. The court did reduce the determinate term by one year. The court again imposed a life without parole sentence plus 25 years to life for the firearm use and two years for the section 12021, subdivision (a)(1) offense.

Resvaloso filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 indicating counsel has not been able to identify any arguable issues for reversal on appeal. Counsel asks the court to independently review the record for error as mandated by *Wende*. We offered Resvaloso the opportunity to file his own brief on appeal. He has responded by filing a supplemental brief. Based on this record, Resvaloso has not identified any arguable issues for reversal on appeal.

The facts of the 2009 convictions are not essential for the resolution of this appeal. Accordingly, we will omit a statement of facts.

## DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to independently review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738, counsel has identified a possible issue that was considered in evaluating the potential merits of this appeal: Whether the court abused its discretion in deciding to strike the firearm enhancement in the interests of public safety.

We have independently reviewed the record as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Resvaloso on this appeal.

#### DISPOSITION

The judgment is affirmed.

HUFFMAN, J.\*

WE CONCUR:

DATO, Acting P. J.

BUCHANAN, J.

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\* Retired Associate Justice of the Court of Appeal, Fourth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.