

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

KENNETH RAY JOHNSON,

Defendant and Appellant.

B348511

(Los Angeles County
Super. Ct. No.
NA091413-02)

THE COURT:

Kenneth Ray Johnson (Appellant) appeals from a denial of his petition for resentencing pursuant to Penal Code section 1172.6. His attorney filed a brief pursuant to *People v. Delgadillo* (2022) 14 Cal.5th 216, seeking our independent review of the record. Appellant filed a supplemental brief arguing that the trial court erred when it denied relief because “there is enough evidence to show Appellant was not the shooter and Appellant never intended for the victim to be shot.”

This is Appellant’s second petition for relief under Penal Code section 1172.6 and his second appeal from a denial of relief. In our previous decision, we affirmed the denial. We held the trial court’s conclusion that Appellant was a major participant in a robbery who acted with reckless indifference to human life was supported by substantial evidence. (*People v. Johnson*, (March 28, 2024, B317590) [nonpub. opn.] at pp. 2, 13, 15–16 .)

Appellant argues the trial court was again wrong to deny relief on the basis that he did not shoot the victim. But he presented no new evidence to the trial court, and there is no new evidence in the record before us on appeal. Accordingly, our holding in Appellant’s prior appeal is binding as law of the case. (See *People v. Mattson* (1990) 50 Cal.3d 826, 850 [law of the case doctrine controls the outcome when the evidence on retrial or rehearing of an issue is substantially the same as that upon which the appellate ruling was based].) The trial court correctly denied relief.

DISPOSITION

The Order filed August 5, 2025, denying the petition for resentencing under Penal Code section 1172.6 is affirmed.

LUI, P. J.

CHAVEZ, J.

SIGGINS, J.*

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