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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

D086040

Plaintiff and Respondent,

v.

(Super. Ct. No. SWF019864)

RALPH WAYNE WYATT,

Defendant and Appellant.

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

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

This is an appeal after a full resentencing hearing under Penal Code<sup>1</sup> section 1172.75.

In 2010, Ralph Wayne Wyatt was convicted of multiple sex related offenses and the use of a firearm as well as other felonies. He was sentenced

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1 All statutory references are to the Penal Code.

to a total term of 57 years to life plus a determinate term of 38 years four months in prison.

In 2012, following remand from the Court of Appeal, the sentence was reduced to 57 years to life plus 14 years eight months.

In 2023, the trial court recalled the sentence pursuant to section 1172.75. The court struck the one-year term for a prison prior thereby reducing the determinate term to 13 years eight months

Wyatt 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 Wyatt the opportunity to file his own brief on appeal, but he has not responded.

We do not find it necessary to discuss the facts of the offenses to resolve this appeal from postjudgment proceedings. We will not include a statement of facts in this opinion.

## 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 two possible issues that were considered in evaluating the potential merits of this appeal.

1. Whether the court abused its discretion in declining to reduce the sentences on the determinate counts to the lower terms.
2. Whether the court erred in not striking the enhancement for counts 6 and 8.

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

#### DISPOSITION

The judgment is affirmed.

HUFFMAN, J.\*

WE CONCUR:

O'ROURKE, 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.