

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

LONNIE LENOIR,

Defendant and Appellant.

B238573

(Los Angeles County
Super. Ct. No. BA 332694)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Dalila C. Lyons, Judge. Affirmed.

David H. Goodwin, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Appellant Lonnie Lenoir appeals from the judgment following resentencing. He does not raise any arguable issues. Based on our independent review of the record, we affirm the judgment. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).

FACTUAL AND PROCEDURAL BACKGROUND

M.L., who was born in February 1990, resided with her mother. At about age of three or four, M.L. began visiting C.L., her father. These visits occurred every weekend or every other weekend. C.L. lived with his girlfriend Denise and their seven children, who included appellant. Appellant molested M.L. numerous times during the course of these visits from the time M.L. was age six until after she reached age 14.

B.L., who was born in April 1991, was one of C.L.’s three children from a third mother. Although she resided primarily with her mother, she visited with C.L. every other weekend. During these visits, appellant began molesting B.L. when she was about age six or seven and did so frequently over a period of several years.

The jury convicted appellant of four counts of lewd or lascivious conduct upon a child under the age of 14 years (Pen. Code, § 288, subd. (a));¹ counts 1, 3, 4 & 6) and two counts of continuous sexual abuse of a child under the age of 14 years (§ 288.5, subd. (a); counts 2 & 5) and found true, as to each count, the special allegation that appellant committed an offense specified in section 667.61, subdivision (c) of the “One Strike” law against more than one victim (§667.61, subd. (b)) and the special allegation that he committed the offenses against more than one victim at the same time and in the same course of conduct (§1203.066, subd. (a)(7)).

¹ All further section references are to the Penal Code.

The trial court sentenced appellant to an indeterminate term of 15 years to life on each of the six counts and awarded him 952 days of presentence credit, consisting of 828 days for actual custody and 124 days for good time/work time.

In a nonpublished opinion filed July 19, 2011 (B223205), we concluded appellant was entitled to one day more of actual custody credit and that the One Strike sentences the trial court imposed on counts 2 and 5 violated the ex post facto clauses of the United States and California Constitutions. (U.S. Const., art. I, § 10; Cal. Const., art. I, § 9.) In all other respects, we affirmed the judgment.

We remanded the matter to the trial court “for resentencing on counts 2 and 5 so that the trial court can choose from determinate sentences of 6, 12, or 16 years” and directed the court “to modify the judgment to reflect 829 days of presentence custody credit, together with 124 days of good time/work time credit, for a total of 953 days” and “to prepare an amended abstract of judgment [which would] reflect this change [in the award of credits and the new sentences on counts 2 and 5] and to forward a certified copy to the Department of Corrections and Rehabilitation.”²

On remand, the trial court sentenced appellant to a total determinate sentence of 20 years, consisting of the upper term of 16 years on count 2 and 4 years (one-third the 12-year middle term) on count 5. The court sentenced him on each of counts 1, 3, 4, and 6 to an indeterminate term of 15 years to life, which terms were to be served consecutively. The court directed the sentence on count 5 to be served consecutively to the count 2 sentence and that entire 20 year determinate sentence be served prior to the indeterminate sentence. The court awarded appellant a total of 953 days presentence credit, consisting of 829 days of actual custody and 124 days of good time/work time.

² The above recital of factual and procedural background are taken from our opinion filed July 19, 2011 (B223205).

DISCUSSION

On this subsequent appeal, we appointed appellate counsel, who filed a brief stating he could not find any arguable issues for appeal. (*Wende, supra*, 25 Cal.3d at p. 441.) We invited appellant to submit a letter or brief raising any issues he wished for us to consider. He has declined our invitation.

We have reviewed the entire record and find no arguable issues for appeal. We therefore affirm the judgment on appeal.

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.