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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.

FARMONTAE TAYLOR,

Defendant and Appellant.

B248398

(Los Angeles County  
Super. Ct. No. BA244373)

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

California Appellate Project, Jonathan B. Steiner, Executive Director, Larry  
Pizarro for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

## INTRODUCTION

Defendant and appellant Farmontae Taylor (defendant) appealed the trial court's denial of his petition for recall of sentence made pursuant to Penal Code section 1170.126.<sup>1</sup> On appeal, appointed counsel for defendant filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting that this court conduct an independent review of the record to determine if there are any issues which if resolved in defendant's favor would require reversal or modification of the judgment. On July 3, 2013, we gave notice to defendant that his counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. Defendant did not file a response brief or letter. After independently reviewing the record, we affirm the judgment.

## BACKGROUND

Defendant filed a petition for recall of sentence pursuant to section 1170.126, stating that he was serving a third-strike sentence of 25 years to life, imposed for his 2003 conviction of robbery in violation of section 211, enhanced by a 10-year determinate term imposed for two prior robbery convictions charged as serious felony priors, for a total indeterminate prison term of 35 years to life. ~ (CT 7-14) ~ The trial court denied the petition because defendant's current robbery conviction is a serious felony pursuant to section 1192.7, subdivision (c) and/or a violent felony pursuant to section 667.5, subdivision (c), making defendant ineligible for resentencing under section 1170.126. ~ (CT 96, 99) ~

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<sup>1</sup> All statutory citations are to the Penal Code unless otherwise noted.

## DISCUSSION

We have made an independent examination of the entire record to determine if there are any other arguable issues on appeal. Based on that review, we have determined that there are no arguable issues on appeal. We are therefore satisfied that defendant's counsel has fully complied with counsel's responsibilities under *People v. Wende, supra*, 25 Cal.3d 436.

## DISPOSITION

We affirm the order.

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MOSK, Acting P. J.

We concur:

KRIEGLER, J.

KUMAR, J.\*

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