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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE FERNANDO ARRELLANO,

Defendant and Appellant.

B269739

(Los Angeles County
Super. Ct. No. BA411998)

APPEAL from a judgment of the Superior Court of Los Angeles County, Henry J. Hall, Judge. Affirmed with directions.

Kieran D. C. Manjarrez, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

When a patrol officer attempted to initiate a traffic stop of Jose Fernando Arrellano's car for expired registration, Arrellano fled at a high rate of speed, "burning rubber" and running through red lights at traffic signals, and ultimately collided with several vehicles, killing one of the drivers. Arrellano fled on foot from the scene of the accident, jumping over fences and running through houses, but the police soon apprehended him. The officers also recovered a semiautomatic handgun near the driver's door of Arrellano's car.

The People charged Arrellano with the murder (Pen. Code, § 187, subd. (a), count 1), willfully eluding a pursuing peace officer causing death (Veh. Code, § 2800.3, subd. (b), count 2), possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1), count 3), and failing to stop a vehicle involved in an accident resulting in death (Veh. Code, § 20001, subd. (a), count 4). The People also alleged that Arrellano had suffered one prior serious or violent felony conviction within the meaning of the three strikes law (Pen. Code, §§ 667, subs. (b)-(j); 1170.12) and Penal Code section 667, subdivision (a)(1), and had previously served a prior prison term for a felony (Pen. Code, § 667.5, subd. (b)).

Arrellano eventually pleaded no contest to counts 2, 3, and 4 and admitted the allegations.¹ At the time he entered his plea,

¹ The amended information and the abstract of judgment both incorrectly state that count 3 was possession of a firearm by a felon as a violation of Penal Code section 22900, subdivision (a)(1). However, the prosecutor specifically and correctly referred to count 3 as a violation of Penal Code section 29800, subdivision

Arrellano was advised of his constitutional rights and the nature and consequences of the plea, which he stated he understood. Counsel for Arrellano joined in the waivers of his constitutional rights. The trial court found Arrellano's waivers, plea, and admissions were voluntary, knowing, and intelligent.

The trial court subsequently sentenced Arrellano in accordance with the negotiated plea agreement to an aggregate state prison term of 27 years eight months, consisting of consecutive terms of 20 years (the upper term of 10 years, doubled under the three strikes law) for willfully eluding a pursuing peace officer causing death, plus five years for the prior serious felony conviction; eight months (one-third the middle term of two years)² for possession of a firearm by a felon; and two years (one-third the middle term of three years, doubled under the three strikes law) for leaving the scene of an accident resulting in death. The court did not award Arrellano any presentence custody credits,³ and ordered him to pay statutory fines, fees, and assessments. The court dismissed the murder charge and the one-year prior prison term allegation, pursuant to the negotiated agreement. Arrellano appealed.

(a)(1), immediately before Arrellano pleaded no contest to the charge.

² The parties agreed that the court would not double the sentence for possession of a firearm by a felon under the three strikes law.

³ The court awarded Arrellano presentence custody credits in another case in which the court was sentencing Arrellano on the same day.

DISCUSSION

We appointed counsel to represent Arrellano on appeal. After examining the record, counsel filed an opening brief raising no issues. On July 8, 2016 we advised Arrellano he had 30 days to submit any arguments or issues he wanted us to consider. We have not received a response.

We have examined the entire record and are satisfied that appellate counsel for Arrellano has fully complied with his responsibilities and that there are no arguable issues. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect that Arrellano was convicted in count 3 of possession of a firearm with a prior conviction, a violation of Penal Code section 29800, subdivision (a)(1), and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

SEGAL, J.

We concur:

PERLUSS, P. J.

KEENY, J.*

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