

NOT TO BE PUBLISHED

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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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
THIRD APPELLATE DISTRICT
(El Dorado)

THE PEOPLE,

Plaintiff and Respondent,

v.

KONOLUS IRWIN SMITH,

Defendant and Appellant.

C078877

(Super. Ct. No. S07CRF0275)

Defendant Konolus Irwin Smith was sentenced on February 4, 2008, to two concurrent terms of 25 years to life on convictions of corporal injury to a spouse or cohabitant and making criminal threats. The judgment was affirmed on appeal and remittitur issued on September 14, 2009.¹ Thereafter, on February 2, 2015, defendant filed a motion in the trial court seeking a reduction of his \$10,000 restitution fine based

¹ We incorporate by reference the record in that case. (*People v. Smith* (May 22, 2009, C058272) [nonpub. opn.])

