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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONARD BERNARD BAGSY,

Defendant and Appellant.

E058520

(Super.Ct.No. FWV06441)

OPINION

APPEAL from the Superior Court of San Bernardino County. Michael A. Smith, Judge. (Retired judge of the San Bernardino Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Beatrice C. Tillman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In June 1995, defendant and appellant Leonard Bernard Bagsy was convicted of five counts of robbery (Pen. Code, § 211),¹ one count of attempted murder (§ 664/187, subd. (a)), one count of false imprisonment by violence (§ 236), four counts of false imprisonment of a hostage (§ 210.5), one count of conspiracy to commit a crime (§ 182, subd. (a)(1)), and one count of possession of a firearm by a felon (§ 12021, subd. (a)) with the personal use of a firearm (§§ 12022.5, subd. (a), 12022, subd. (a)(1)). The trial court also found true that defendant had suffered five prior strike convictions (§ 667, subds. (b)-(i)), two prior serious felony convictions (§ 667, subd. (a)), and three prior prison terms (§ 667.5, subd. (b)). As a result, defendant was sentenced under the three strikes law to an indeterminate term of 325 years to life and a determinate term of 25 years four months in state prison with credit for time served.

On November 16, 2012, defendant filed a propria persona petition for resentencing under section 1170.126. The court denied the petition on January 31, 2013, because defendant's current commitment offenses for robbery are serious felonies under section 1192.7, which made him ineligible for resentencing under section 1170.126.

I

DISCUSSION

Defendant appealed from the court's denial for resentencing and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386

¹ All future statutory references are to the Penal Code unless otherwise stated.

U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

II

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

KING

J.

CODRINGTON

J.