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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN LLOYD MOSLEY,

Defendant and Appellant.

G038379

(Super. Ct. No. 05NF4105)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, David A. Hoffer, Judge. Affirmed.

Allison H. Ting, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Peter Quon, Jr., Assistant Attorney General, Angela M. Borzachillo, Deputy Attorney General, for Plaintiff and Respondent.

* * *

A jury convicted defendant Steven Lloyd Mosley of misdemeanor assault, but acquitted him of any sexual offense. The trial court nevertheless exercised its discretion under former Penal Code section 290, subdivision (a)(2)(E) (now Penal Code § 290.006) and ordered defendant to register as a sex offender based upon its own factual findings about his motivations – facts not proved beyond a reasonable doubt to a jury. In a prior opinion, we held that the residency restrictions imposed upon registered sex offenders by Jessica’s law (Prop. 83, as approved by voters Gen. Elec. (Nov. 7, 2007)) (§ 3003.5, subd. (b)) increased defendant’s penalty beyond the prescribed statutory maximum, thereby requiring the fact of defendant’s sexual motivation to be proved to a jury beyond a reasonable doubt under *Apprendi v. New Jersey* (2000) 530 U.S. 466, 490. We modified the judgment by striking the discretionary sex offender registration requirement and affirmed the judgment as modified. The California Supreme Court reversed our judgment “insofar as it modified defendant’s conviction by striking the sex offender registration requirement,” and otherwise affirmed. (*People v. Mosley* (2015) 60 Cal.4th 1044, 1070.) Accordingly, we now affirm the trial court’s judgment in full.

IKOLA, J.

WE CONCUR:

O’LEARY, P. J.

MOORE, J.