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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MEIKEL JEROME COOPER,

Defendant and Appellant.

D080896

(Super. Ct. No. RIF135518)

APPEAL from an order of the Superior Court of Riverside County, William S. Lebov, Judge. (Retired Judge of the Yolo Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

David P. Lampkin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2008, a jury found Meikel Jerome Cooper guilty of second degree murder (Pen. Code,¹ § 187, subd. (a)), attempted voluntary manslaughter (§§ 664 & 192), and shooting into an inhabited building (§ 246). The jury

¹ All further statutory references are to the Penal Code.

found true firearm allegations under sections 12022.53, subdivision (c) and 12022.5, subdivision (a). The court sentenced Cooper to an indeterminate term of 42 years to life.

Cooper appealed and this court affirmed the convictions in an unpublished opinion. (*People v. Cooper et al.* (Mar. 8, 2011, D058080).)

In 2019, Cooper filed his first petition for resentencing under former section 1170.95 (renumbered 1172.6). The trial court denied the petition finding that Cooper, the actual shooter, was not eligible for relief. This court affirmed the denial of Cooper's petition in an unpublished opinion. (*People v. Cooper* (May 13, 2022, D079588).)

Undaunted, Cooper filed a second petition for resentencing under section 1172.6. The court again, appointed counsel, reviewed the record and held a hearing. Once again, the court denied the petition. At the hearing the following discussion took place:

“[THE PROSECUTOR]: Based upon the materials that I provided [defense counsel]—the jury instructions were in imaging—nothing on natural and probable consequences or felony murder were given to the defendant's jury. He was the actual shooter. So at this point in time, we'd ask that the petition be denied.

“THE COURT: [Defense counsel]?”

“[DEFENSE COUNSEL]: Your honor, I have confirmed everything that [the prosecutor] just referred to, and I'll submit.

“THE COURT: Thank you. Petition is denied.”

Once again, Cooper filed a notice of appeal challenging the denial of his resentencing petition.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating counsel has not been able to identify any

arguable issues for reversal on appeal. Counsel asks the court to review the record for error as mandated by *Wende*. We offered Cooper the opportunity to file his own brief on appeal, but he has not responded.

We will not include a statement of facts in this opinion since we discussed the facts of the offenses in the original appeal.

DISCUSSION

As we have noted, appellate counsel has filed a *Wende* brief and asks the court to review the record for error. To assist the court in its review, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel has identified a possible issue which was considered in evaluating the potential merits of this appeal: Whether the court erred in relying on the oral representations of counsel to deny Cooper's petition.

We have reviewed the record for error as required by *Wende* and *Anders*. We have not discovered any arguable issues for reversal on appeal. Competent counsel has represented Cooper on this appeal.

DISPOSITION

The order denying Cooper's second petition for resentencing under section 1172.6 is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

IRION, J.

DO, J.