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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

PIERRE DEMITRIUS CARTER,

Defendant and Appellant.

E075387

(Super.Ct.No. CR40178)

OPINION

APPEAL from the Superior Court of Riverside County. John D. Molloy, Judge.

Dismissed by opinion.

Thien Huong Tran, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pierre Demitrius Carter filed a petition for resentencing under Penal Code¹ section 1170.95 (now §1172.6). We dismiss Carter’s appeal of the order denying the petition as abandoned because appointed counsel identified no arguable issue for appeal and Carter declined to file a supplemental brief identifying any issue when invited to do so.

BACKGROUND

At trial, the People presented evidence that on March 8, 1991, Carter met with gang members of The Tiny Dukes and the 1200 Block Crips in a park to discuss a plan to retaliate against their common rival gang, Casa Blanca. Later that day, passengers in a car Carter was driving shot and killed a perceived Casa Blanca gang member in a drive-by.

The jury found Carter guilty of one count of murder (§ 187) and one count of conspiracy to commit murder (§§ 182, 187). The jury also found true that the crimes were committed for the benefit of a criminal street gang. (§ 186.22, subd. (b)(2).) The trial court sentenced Carter to 25 years to life for the murder conviction plus a concurrent term of 25 years to life for the conspiracy conviction.

On January 11, 2019, Carter filed a petition for resentencing, which the trial court summarily denied on the ground that Carter’s conviction for conspiracy to commit murder renders him ineligible for relief as a matter of law because such a conviction requires a finding that a conspirator harbor an intent to kill. (*People v. Smith* (2014) 60 Cal.4th 603, 616; *People v. Swain* (1996) 12 Cal.4th 593, 602.) Carter appealed the order

¹ Unlabeled statutory citations refer to the Penal Code.

denying his petition. His counsel filed a brief raising no issues, and we gave him an opportunity to file a personal supplemental brief, but he declined.

ANALYSIS

This is an appeal from a postjudgment order, so *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 do not require us to read the entire record to look for arguable grounds for reversal. (*People v. Delgadillo* (2022) 14 Cal.5th 216, 228.) Carter’s counsel has asked us to conduct such a review, and we do have discretion to conduct a *Wende* review even when it is not required. However, we decline to do so in this case. “The state . . . has an interest in an ‘economical and expeditious resolution’ of an appeal from a decision that is ‘presumptively accurate and just.’ ” (*Delgadillo*, at pp. 229, 232.) We find no case-specific reason to conduct a full independent review and therefore dismiss Carter’s appeal as abandoned.

DISPOSITION

We dismiss the appeal.

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SLOUGH
J.

We concur:

RAMIREZ
P. J.

RAPHAEL
J.