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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.

ANTHONY RAY LOPEZ,

Defendant and Appellant.

E080113

(Super.Ct.No. FWV08784)

OPINION

APPEAL from the Superior Court of San Bernardino County. Bridgid M. McCann, Judge. Dismissed.

Pauline E. Villanueva, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance made by Respondent.

On March 21, 1996, a jury convicted defendant and appellant, Anthony Ray Lopez, of attempted, premeditated murder (Pen. Code, §§ 664 and 187, subd. (a),

count 1);<sup>1</sup> false imprisonment (§ 236 count 2); and conspiracy to commit murder (§§ 182, subd. (a)(1) & 187, subd. (a), count 3). The jury additionally found true allegations, as to all three counts, that a principal was armed with a firearm (§ 12022, subd. (a)(1)), and that defendant had suffered a prior strike conviction. The court sentenced defendant to an indeterminate term of imprisonment of 51 years to life.<sup>2</sup> (*Lopez, supra*. E018507.)

On May 26, 2021, defendant filed a form petition for resentencing pursuant to former section 1170.95.<sup>3</sup> After a hearing on October 28, 2022, at which defendant was represented by counsel, the trial court denied the petition at the prima facie stage by written order.

On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Delgadillo* (2022) 14 Cal.5th 216 (*Delgadillo*), setting forth a statement of the case, requesting that we exercise our discretion to independently review the record for error, and identifying one potentially arguable issue: whether the court erred in denying defendant's petition without issuing an order to show cause.

We gave defendant the opportunity to file a personal supplemental brief. We noted that if he did not do so, we could dismiss the appeal; nevertheless, he has not filed

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

<sup>2</sup> We take judicial notice of our prior nonpublished opinion from defendant's appeal from the original judgment (*People v. Lopez* (May 7, 1998, E018507) [nonpub. opn.]), which the People attached to their response to defendant's petition and of which they requested the court below take judicial notice.

<sup>3</sup> Effective June 30, 2022, Assembly Bill No. 200 (2021-2022 Reg. Sess.) amended and renumbered section 1170.95 as section 1172.6. (Stats. 2022, ch. 58, § 10.)

one. Under these circumstances, we have no obligation to independently review the record for error. (*Delgadillo, supra*, 14 Cal.5th. at pp. 224-231.) Rather, we dismiss the appeal. (*Id.* at pp. 231-232.)

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McKINSTER  
Acting P. J.

We concur:

MILLER  
J.

FIELDS  
J.