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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE, Plaintiff and Respondent, v. ISADORE ALEXANDER PIPER, Defendant and Appellant.	H034637 (Monterey County Super. Ct. No. SC940466)

In July 2009, defendant Isadore Alexander Piper filed a "MOTION FOR THE COURT TO REMOVE AN ILLEGAL STRIKE." He asserted in this motion that his 1978 conviction for shooting into an occupied vehicle (Pen. Code, § 246) had been "illegally used" to enhance his prison term for his 1994 conviction. In 1994, defendant had been sentenced to state prison for a term of 25 years to life after he was convicted of being a felon in possession of a firearm (Pen. Code, § 12021, subd. (a)) and two strike allegations (Pen. Code, § 667, subds. (b)-(i)) were found true. Neither of the strike allegations was based on defendant's 1978 conviction. Three prison prior enhancement allegations (Pen. Code, § 667.5, subd. (b)) were also found true, including one based on defendant's 1978 conviction, but the trial court stayed the punishment for all three prison priors so they did not affect defendant's sentence for his 1994 conviction. Defendant's July 2009 motion was premised on his claim that his 1978 conviction should not have been used to enhance his 1994 sentence because the 1978 conviction was not for a

serious felony. In August 2009, defendant filed an "AMENDMENT" to his motion, which did not change its substance. The superior court denied the motion. Defendant filed a timely notice of appeal.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf, and he has submitted two supplemental letter briefs. None of his assertions in his supplemental briefs relates to the basis for his 2009 motion. Since defendant's 1994 sentence was not impacted in any way by his 1978 conviction (and a prison prior enhancement may be applied for any felony, not just a serious felony), there was nothing "illegal" about his 1994 sentence. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

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Mihara, J.

WE CONCUR:

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Elia, Acting P. J.

_____
McAdams, J.