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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

RODERICK NATHANIEL
WASHINGTON,

Defendant and Appellant.

B286424

Los Angeles County
Super. Ct. No. YA003111

APPEAL from an order of the Superior Court of Los Angeles County, Eric C. Taylor, Judge. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1990, Roderick Nathaniel Washington, who has a long record of arrests and convictions, entered a bank and deposited a forged check in the amount of \$8,742.78, receiving \$100 in cash. He later pleaded guilty to one count of forgery and was sentenced to two years in prison. (Pen. Code, § 475.) He has completed his sentence.

On October 11, 2017, Washington applied to have his felony conviction redesignated as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act, which reclassified as misdemeanors certain low-level drug and theft offenses that previously had been felonies or “wobblers,” and allowed defendants who had been convicted of those offenses and had served out their sentences to petition for redesignation. (Pen. Code, § 1170.18, subd. (f).) The trial court denied Washington’s application because the amount of the loss was more than \$950, as reflected in the probation report, which stated the bank manager claimed her loss was \$1,100. He appealed.

We appointed counsel to represent Washington on appeal, and after examining the record counsel filed a brief raising no issues and asking this court to independently review the record. We sent letters to Washington and to appointed counsel, directing counsel to immediately forward the appellate record and brief to Washington and advise him that he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

Redesignation under Proposition 47 is available only for an offense that was once a felony or wobbler but is now a misdemeanor. However, forgery of a check the value of which is greater than \$950 remains a felony. (Pen. Code, § 473, subd. (b).) Because Washington forged a check worth more than \$8,000,

creating a loss of more than \$1,000, his felony conviction cannot be redesignated as a misdemeanor. Therefore, his petition was properly denied.

We have otherwise examined the entire record and conclude that Washington's counsel complied with the responsibilities set forth in *People v. Kelly* (2006) 40 Cal.4th 106 and *People v. Wende* (1979) 25 Cal.3d 436, 441. No arguable issues exist.

DISPOSITION

The order denying Washington's Proposition 47 petition for redesignation of his offense is affirmed.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

CURREY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.