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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.

DANNY FABRICANT,

Defendant and Appellant.

B262411

(Los Angeles County  
Super. Ct. No. A265249)

APPEAL from a judgment of the Superior Court of Los Angeles County. Craig Richman, Judge. Affirmed.

Danny Fabricant, in pro. per., and Anthony J. Patti, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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In 1971 defendant Danny Fabricant was convicted of three felony counts of conspiracy, two of which pertained to grand theft and one of which pertained to defrauding an insurer. On January 2, 2015, defendant filed a petition to have his felony convictions reclassified as misdemeanors pursuant to Penal Code section 1170.18, subdivision (f), part of Proposition 47. His petition stated that the value of the property involved in each count did not exceed \$950. The trial court denied defendant's petition on the ground that Proposition 47 did not apply to defendant's offenses.

Defendant filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record.

Defendant, acting in propria persona, filed a supplemental brief, arguing Proposition 47 applied to his offenses because Penal Code section 1170.18, subdivision (f), which applies to persons who have completed their sentence for a conviction, does not specify the crimes eligible for reduction. This does not, however, entitle defendant to relief. Defendant was convicted of three felony counts of conspiracy, and Proposition 47 is inapplicable to conspiracy convictions. (*People v. Segura* (2015) 239 Cal.App.4th 1282, 1284.) Penal Code section 1170.18, subdivision (f), applies to a person convicted of a felony who would have been guilty of a misdemeanor under Proposition 47 if it had been in effect at the time of the offense. Because Proposition 47 does not apply to conspiracy charges, defendant's offenses would still have been felonies, not misdemeanors, if Proposition 47 had been effect at the time of their commission. Accordingly, defendant is not entitled to relief.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

**DISPOSITION**

The judgment is affirmed.

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LUI, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.