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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY ALLEN PECK,

Defendant and Appellant.

2d Crim. No. B265792
(Super. Ct. No. NA101095)
(Los Angeles County)

Timothy Allen Peck appeals the denial of his petition to recall his sentence and resentence him under Proposition 47. (Pen. Code,¹ § 1170.18, subd. (a).) In January 2015, appellant pled guilty to bringing contraband into a jail in violation of section 4573, subdivision (a). The trial court sentenced him to four years in county jail. On May 21, 2015, appellant petitioned for recall of his sentence and resentencing under subdivision (a) of section 1170.18. The court denied the petition on the ground that section 4573 is not among the enumerated offenses subject to resentencing under Proposition 47. The court rejected appellant's claim that he was similarly situated to a person convicted of

¹ All statutory references are to the Penal Code unless otherwise stated.

possessing a controlled substance (Health & Saf. Code, § 11377), such that resentencing him as a misdemeanor was compelled by equal protection principles.²

We appointed counsel to represent appellant in this appeal. After examining the record, counsel filed an opening brief raising no issues. On December 9, 2015, we advised appellant that he had 30 days to personally submit any contentions he wished us to consider. We received no response.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende* (1979) 25 Cal.3d 436, 443.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

² After appellant filed his notice of appeal, he filed another petition seeking the same relief on the same grounds. The court denied the petition on the same grounds it denied the first petition.

Laura L. Laesecke, Judge

Superior Court County of Los Angeles

David R. Greifinger, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.