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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.

JEROME ALPHONSENY REYES
JAMES,

Defendant and Appellant.

B267621

(Los Angeles County
Super. Ct. No. KA093661)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Steven D. Blades, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

This case comes to us pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Having reviewed the record, we affirm the judgment. We provide the following brief summation of the factual and procedural history of the case. (*People v. Kelly* (2006) 40 Cal.4th 106, 110, 124 (*Kelly*).)

On February 24, 2011, Jerome Alphonseny Reyes James (James) attempted to use a counterfeit credit card to purchase three laptop computers at a Fry's Electronics Store in the City of Industry. (*People v. James* (Mar. 13, 2012, B234393) [nonpub. opn.].) The three laptops had a total value of \$947.97.

On June 20, 2011, a jury convicted James of second degree burglary in violation of Penal Code¹ section 459 and forgery in violation of section 484f, subdivision (a). James waived his right to a jury trial on allegations that he had served a prior prison term within the scope of section 667.5, subdivision (b), and he had suffered one prior serious or violent felony conviction within the scope of the "Three Strikes" law. (*People v. James, supra*, B234393.) The trial court found these allegations true and sentenced James as a second strike offender to a prison term of seven years: the upper term of three years for the second degree burglary conviction, doubled to six years on the basis of the prior strike pursuant to the Three Strikes law, plus a one-year prior prison term enhancement pursuant to section 667.5. The trial court stayed the sentence for the forgery conviction pursuant to section 654.

After sentencing, James filed a notice of appeal and his court-appointed counsel filed an opening brief pursuant to *Wende, supra*, 25 Cal.3d. 436, requesting that this court independently review the record to determine whether there were any arguable issues on appeal. On March 13, 2012, we affirmed the judgment. (*People v. James, supra*, B234393.)

On July 17, 2015, James filed a petition for recall of sentence and request for

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

resentencing pursuant to Proposition 47. Proposition 47, enacted by voters on November 4, 2014 and effective the following day, reduced certain drug and theft offenses from felonies to misdemeanors unless committed by ineligible defendants. (*People v. Lynall* (2015) 233 Cal.App.4th 1102, 1108.) Proposition 47 provided, “A person currently serving a sentence for a conviction . . . of a felony or felonies who would have been guilty of a misdemeanor under the act . . . had this act been in effect at the time of the offense may petition for a recall of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing” (§ 1170.18, subd. (a).)

After conducting a hearing, the trial court granted the request as to the second degree burglary offense and reclassified the conviction as a misdemeanor: shoplifting in violation of section 459.5. However, the trial court denied the petition for the forgery offense because section 484f subdivision (a) is not one of the statutory offenses eligible for a Proposition 47 sentence reduction. The trial court resentenced James to a seven year prison term: the high term of three years for the forgery conviction, doubled to six years on the basis of the prior strike pursuant to the Three Strikes law, plus a one-year prior prison term pursuant to section 667.5. Pursuant to section 654, the trial court stayed the sentence of 180 days in county jail for the shoplifting conviction. James filed a notice of appeal.

After review of the record, James’s court-appointed counsel filed an opening brief requesting that this court independently review the record to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d at pp. 441–442.) On March 18, 2016, we directed appointed counsel to send the record on appeal and a copy of the opening brief to James and notified James that he had 30 days within which to submit by brief or letter any ground of appeal, contention or argument he wished us to consider. To date, we have received no response from James. We have examined the record in accordance with our obligations under *Wende, supra*, 25 Cal.3d at page 441.

We are satisfied that James received adequate and effective appellate review of the judgment in this action, that his counsel fully complied with his responsibilities, and that

no arguable issues exist. (*Kelly, supra*, 40 Cal.4th at pp. 109–110; *Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

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JOHNSON, J.

We concur:

CHANEY, Acting P. J.

LUI, J.