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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

DARRYL DEMETRIUS WEST,

Defendant and Appellant.

B265989

(Los Angeles County
Super. Ct. No. KA004517)

APPEAL from an order of the Superior Court of Los Angeles County,
Salvatore Sirna, Judge. Affirmed.

Darryl Demetrius West, in pro. per.; and Ken K. Behzadi, under
appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On September 10, 1990, defendant Darryl Demetrius West pled guilty to one count of second degree robbery (Pen. Code, § 211)¹ and admitted a prior serious felony conviction under section 667, subdivision (a). He was sentenced to state prison for a term of seven years.

On June 11, 2015, defendant filed a petition under section 1170.18, a provision of Proposition 47 enacted in November 2014, seeking to reduce his robbery conviction to a misdemeanor. Under section 1170.18, subdivision (f), “A person who has completed his or her sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this act had this act been in effect at the time of the offense, may file an application before the trial court that entered the judgment of conviction in his or her case to have the felony conviction or convictions designated as misdemeanors.” However, Proposition 47 does not reduce robbery to a misdemeanor. Therefore, the trial court denied the petition because defendant was not eligible for relief.

Defendant filed a notice of appeal from the ruling. His appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 asking that we independently review the record to determine whether any arguable issues exist. Defendant filed a supplemental brief arguing that he is entitled to have his robbery conviction designated as a misdemeanor. However, as we have explained, he is not eligible for such relief. We have independently reviewed the record and have determined that no arguable issue exists.

¹ Undesignated section references are to the Penal Code.

DISPOSITION

The order is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.