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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.

GERALD W. WOODS,

Defendant and Appellant.

B284970

(Los Angeles County  
Super. Ct. No. MA052795)

APPEAL from an order of the Superior Court of Los Angeles County, Christopher G. Estes, Judge. Affirmed.

Stephen Borgo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant and appellant Gerald W. Woods appeals from an order denying his petition for resentencing under Proposition 47. In 2012, appellant pleaded no contest and was convicted of grand theft of an electric wheelchair under Penal Code section 487, subdivision (a), which, at that time, required that the value of the stolen property exceed \$950. Although the information alleged that the property had a value exceeding \$950, appellant indicated in his petition that the amount in question is “not more than \$950.” Thus, appellant requested that the felony sentence be recalled and that he be resentenced to a misdemeanor pursuant to Penal Code section 1170.18. Respondent opposed the petition, indicating that appellant “is ineligible for the relief requested” in that the value is “\$1,100 +/-.”

Appellant’s presence at the hearing on August 15, 2017, was waived. The prosecutor informed the court that the probation report put the value of the loss at \$1,100, and appellant’s counsel said he had “no information that would say that’s not accurate.” Based on the information before it, the court denied the petition, finding that appellant “has failed to meet the prima faci[e] burden of proof on the issue of value, that the value falls within the scope of Proposition 47.”

Appellant filed a timely notice of appeal and we appointed counsel to represent him. After examining the record, counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, raising no issues on appeal and requesting that we independently review the record. On January 29, 2018, we directed appointed counsel to immediately send to appellant the record on appeal and a copy of the opening brief. We notified appellant that within 30 days from the date of this court’s notice he could submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We received no response.

Misdemeanor resentencing under Proposition 47 is available to “[a] person [currently] serving a sentence for a conviction” under “[s]ections 11350, 11357, or 11377 of the Health and Safety Code, or [s]ection 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code.” (Pen. Code, § 1170.18, subd. (a).) Thus, Proposition 47 added Penal Code section 490.2, which provides as follows: “Notwithstanding [Penal Code] [s]ection 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor.” (Pen. Code, § 490.2, subd. (a).) Appellant was convicted of violating Penal Code section 487, subdivision (a), for stealing property exceeding the value of \$950. It follows that because Proposition 47 reduced theft crimes to misdemeanors when, among other criteria, the value of the property stolen was \$950 or less (Pen. Code, § 490.2, subd. (a); *People v. Romanowski* (2017) 2 Cal.5th 903, 907), appellant is not eligible for resentencing.

We have independently examined the entire record and are satisfied that appellant’s attorney has fully complied with his responsibilities. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.) No plausible basis for appeal appears in the record, and accordingly, we affirm the trial court’s order.

**DISPOSITION**

The order denying appellant's petition is affirmed.

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ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

BENDIX, J.