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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JACK GEORGE DADANIAN,

Defendant and Appellant.

B283830

(Los Angeles County
Super. Ct. No. MA063480)

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

Mary Jo Strnad, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Jack George Dadanian pleaded no contest on February 23, 2015 to three counts of grand theft of personal property (Pen. Code, § 487, subd. (a)),¹ two counts of identity theft (§ 530.5) and one count of false impersonation (§ 529, subd. (a)(3)) and admitted he had suffered a prior serious and/or violent felony conviction for sexual penetration by force (§ 289, subd. (a)(1)). Dadanian was sentenced to an aggregate state prison term of eight years four months and ordered to pay \$9,189 in victim restitution (§ 1202.4, subd. (f)).

Representing himself, on May 4, 2017 Dadanian petitioned to recall his sentence and for resentencing of his three felony grand theft convictions as misdemeanors under Proposition 47, the Safe Neighborhoods and Schools Act (§ 1170.18).

At a hearing on June 7, 2017 the trial court appointed the public defender's office to represent Dadanian. The People opposed the petition, and the court denied it, finding that Dadanian had suffered a prior disqualifying conviction and the amount of the loss exceeded \$950, making him ineligible for resentencing under Proposition 47. Dadanian filed a timely notice of appeal.

We appointed counsel to represent Dadanian on appeal. After examination of the record counsel filed an opening brief in which no issues were raised. On February 20, 2018 we advised Dadanian he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

¹ Statutory references are to this code.

DISCUSSION

Proposition 47 reduced certain drug- and theft-related offenses from felonies to misdemeanors for offenders who do not have prior convictions for specified violent or serious offenses. Proposition 47, codified in new section 1170.18, also permits eligible inmates serving sentences for a reclassified crime to petition the court for resentencing. (See *People v. DeHoyos* (2018) 4 Cal.5th 594, 597.) A court must grant a qualifying resentencing petition unless the court determines that resentencing the defendant “would pose an unreasonable risk of danger to public safety.” (§ 1170.18, subd. (b).)

Section 1170.18, subdivision (i), provides, “this section does not apply to a person who has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.” Section 290, subdivision (c), provides for mandatory registration as a sex offender for a number of offenses including a violation of section 289, the crime for which Dadanian was convicted in 2001 and that he admitted as part of his plea agreement in 2015.

We have examined the entire record and are satisfied appellate counsel for Dadanian has fully complied with her responsibilities and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The trial court correctly ruled that Dadanian is not entitled to resentencing under section 1170.18.

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

SEGAL, J.

FEUER, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.