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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

CLIFFORD JOHNSON,

Defendant and Appellant.

B284773

(Los Angeles County
Super. Ct. No. A643787)

APPEAL from order of the Superior Court of Los Angeles County, Laura Walton, Judge. Reversed and remanded.

Melissa L. Camacho-Cheung, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Paul M. Roadarmel, Jr.,

Supervising Deputy Attorney General, David A. Wildman,
Deputy Attorney General, for Plaintiff and Respondent.

Defendant Clifford Johnson appeals an order denying his petition to reduce his 1988 felony conviction for receiving stolen property (Pen. Code, § 496, subd. (a))¹ to a misdemeanor pursuant to Proposition 47 (§ 1170.18, subd. (f)). Attached to his petition to recall, defendant included a copy of a hearing in his 2001 Colorado case where the 1988 California case for receiving stolen property (Los Angeles County Superior Court Case No. A643787) was at issue as a prior offense.² The trial court denied defendant's petition on the basis that: "The attached sentencing transcript is from a Colorado case. This court has no jurisdiction in Colorado." We agree with the parties that although defendant's supporting documentation may have been confusing, his intent was to challenge his 1988 California conviction under section 496, subdivision (a), as he indicated on the recall petition itself. The trial court has jurisdiction to determine

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

² Defendant asserts that he included a 1988 minute order in support of the petition. The document is included at page one of the Clerk's Transcript, but the People concede that it was likely originally included as an exhibit to the petition for recall.

the merits of defendant's petition. We remand to allow it to do so.

DISPOSITION

The order denying the section 1170.18 petition is reversed. The cause is remanded to the trial court for further proceedings consistent with this opinion.

KRIEGLER, Acting P.J.

We concur:

BAKER, J.

KIM, J.*

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