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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIE NORTON,

Defendant and Appellant.

B276321

(Los Angeles County
Super. Ct. No. BA197473)

THE COURT:*

Willie Norton appeals from the denial of his request for resentencing pursuant to Proposition 47 (Pen. Code, § 1170.18).¹ We appointed counsel to represent him on this appeal.

Counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), and requested this court to independently review the record on appeal to determine whether any arguable issues exist. On November 21, 2016, we sent a notice to defendant, advising him he had 30 days in which to personally submit any contentions or issues which he wished us to consider. He has not done so.

* BOREN, P.J. ASHMANN-GERST, J. CHAVEZ, J.

¹ All further statutory references are to the Penal Code.

In July 2011, a jury convicted defendant of one count of assault with a deadly weapon, a knife, in violation of section 245, subdivision (a)(1), and found true the allegation that defendant personally used a deadly or dangerous weapon, a knife, within the meaning of section 12022, subdivision (b)(1).² The trial court found true the allegations that defendant had suffered two prior felony convictions within the meaning of the Three Strikes law (§§ 667, subds. (b)-(i) & 1170.12, subds. (a)-(d)).

In May 2016, defendant filed an application to have his 2011 conviction for violating section 245 designated as a misdemeanor pursuant to Proposition 47.³ On June 23, 2016, the trial court denied defendant's Proposition 47 petition on the ground that section 245 is not an offense covered by Proposition 47. This appeal followed.

We have examined the record and are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*Wende, supra*, 25 Cal.3d at p. 441; see also *Smith v. Robbins* (2000) 528 U.S. 259, 278-282; *People v. Kelly* (2006) 40 Cal.4th 106, 122-124.)

The judgment is affirmed.

² We later ordered this allegation stricken because personal use of a weapon is an element of the crime of assault with a deadly weapon.

³ Defendant attached to this application a document entitled Notice of Amend Judgment [and] Petition for Writ [of] Error Coram Nobis. In this document, defendant asserted that he was eligible for resentencing pursuant to Proposition 36 (§ 1170.126) because one of his prior convictions was not a strike conviction within the meaning of the Three Strikes law. Defendant had previously denied defendant's Proposition 36 application and his writ petition. That order is the subject of defendant's appeal in case No. B272191. We do not consider it here.