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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.

RODERICK NATHANIEL  
WASHINGTON,

Defendant and Appellant.

B287754

Los Angeles County  
Super. Ct. No. YA007994

APPEAL from an order of the Superior Court of Los Angeles County, Alan B. Honeycutt, Judge. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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In 1991, Roderick Nathaniel Washington pleaded guilty to committing perjury. (Pen. Code, § 118, subd. (a).) He was sentenced to the low term of two years in prison. (Pen. Code, § 126.) Washington has completed his sentence.

On October 30, 2017, Washington applied to have his felony conviction redesignated as a misdemeanor conviction under Proposition 47, the Safe Neighborhoods and Schools Act, which reclassified as misdemeanors certain low-level drug and theft offenses that previously had been felonies or “wobblers,” and allowed defendants who had been convicted of those offenses and had served out their sentences to petition for redesignation of their convictions as misdemeanors. (Pen. Code, § 1170.18, subd. (f).) The trial court denied Washington’s application because Proposition 47 did not reclassify perjury as a misdemeanor. Washington appealed from the denial of his application.

We appointed counsel to represent Washington, and after examining the record counsel filed a brief raising no issues and asking this court to independently review the record. We sent letters to Washington and to appointed counsel, directing counsel to immediately forward the appellate record and brief to Washington and advise him that he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response from Washington.

Redesignation under Proposition 47 is available only for those felony or wobbler offenses that were reclassified by Proposition 47 as misdemeanors. Perjury was not reclassified as a misdemeanor. Therefore, Washington is ineligible to have his felony conviction redesignated as a misdemeanor. (Pen. Code, § 1170.18.)

We have otherwise examined the entire record and conclude that Washington's counsel complied with the responsibilities set forth in *People v. Kelly* (2006) 40 Cal.4th 106 and *People v. Wende* (1979) 25 Cal.3d 436, 441. No arguable issues exist.

### **DISPOSITION**

The order denying Washington's Proposition 47 petition for redesignation of his offense is affirmed.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.