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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.

MARK WILLIAMS,

Defendant and Appellant.

B277471

(Los Angeles County
Super. Ct. No. NA02681)

APPEAL from an order of the Superior Court of Los Angeles County, Tomson T. Ong, Judge. Affirmed.

Adrian K. Panton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1996, a jury convicted Mark Williams of receiving stolen property. (Pen. Code, § 496, subd. (a).) He was sentenced to a prison term of 25 years to life under the former “Three Strikes” law. (Pen. Code, §§ 667, 1170.12.) The conviction was upheld on appeal, but his sentence was later reduced to six years under Proposition 36, the Three Strikes Reform Act of 2012. (Pen. Code, § 1170.126.) Williams has completed his sentence.

On February 10, 2016, Williams filed a petition for recall and redesignation of his sentence pursuant to Proposition 47, the Safe Neighborhoods and Schools Act, which reduces certain nonserious and nonviolent crimes, such as low-level drug- and theft-related offenses, from felonies to misdemeanors. (*People v. Contreras* (2015) 237 Cal.App.4th 868, 889-890.) Williams appeals from an order denying his petition.

We appointed counsel to represent Williams. After examining the record, counsel filed a brief raising no issues and asking this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) On February 27, 2017, we sent letters to Williams and appointed counsel, directing counsel to immediately forward the appellate record and a copy of the *Wende* brief to Williams and advising him that he had 30 days within which to personally submit any contentions or issues he wished us to consider. Williams did not respond.

Resentencing under Proposition 47 is unavailable “to persons who have one or more prior convictions . . . for an offense requiring [sex offender] registration pursuant to subdivision (c) of [Penal Code] Section 290.” (Pen. Code, § 1170.18, subd. (i).) Penal Code section 290 provides that any person who is convicted of lewd or obscene conduct, indecent exposure, or obscene exhibitions under Penal Code section 314 is required to register

as a sex offender. (Pen. Code, § 290, subd. (c).) To make a petitioner ineligible under Proposition 47, a sex offense conviction need only have occurred at some time prior to the filing of a petition for redesignation, not necessarily before the felony conviction for which redesignation is sought. (*People v. Montgomery* (2016) 247 Cal.App.4th 1385, 1391.)

On May 29, 2015, Williams was convicted of indecent exposure under Penal Code section 314, which requires sex offender registration pursuant to Penal Code section 290. Williams filed his Proposition 47 petition on February 10, 2016, eight months later. Because Williams's Penal Code section 290 registration requirement existed prior to the time of the filing of his petition, he is ineligible for redesignation of his sentence.

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

DISPOSITION

The order denying Williams's Proposition 47 petition for recall and redesignation is affirmed.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.