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REPORTS**

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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.

OSCAR GERALD MACHADO,

Defendant and Appellant.

B281264

(Los Angeles County
Super. Ct. No. YA036692)

APPEAL from an order of the Superior Court of Los Angeles County, William C. Ryan, Judge. Affirmed.

Stephen Borgo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Oscar G. Machado (Machado) appeals from an order denying his petition for recall of sentence pursuant to Penal Code section 1170.18.¹

On October 26, 1998, in an amended information, the People charged Machado with second degree burglary of a vehicle (§ 459; count 1) and first degree burglary of a residence (§ 459; count 2). In addition, the People alleged that, in 1991, Machado had suffered two convictions of a serious or violent felony—robbery (§ 211).

On October 28, 1998, a jury found Machado guilty of both burglary counts. On December 18, 1998, the trial court sentenced Machado to life imprisonment plus 30 years.

On January 3, 2017, Machado, proceeding in propria persona, filed a petition by which he sought to have his vehicular burglary conviction “redesignated” as a misdemeanor.

On February 1, 2017, in a written memorandum of decision, the trial court denied the petition with prejudice, because Machado’s “current convictions for burglary are not qualifying felonies eligible for resentencing under Proposition 47.” “The offense of burglary as defined in section 459 is *not* one of the reduced offenses included in the text of Proposition 47.” (*People v. Chen* (2016) 245 Cal.App.4th 322, 326, italics added.)

¹ All further statutory references are to the Penal Code unless otherwise indicated.

On February 28, 2017, Machado filed a timely notice of appeal. On May 26, 2017, we appointed counsel to represent him. On June 16, 2017, after examining the record, Machado's counsel filed an opening brief raising no issues and asking this court to independently review the record. On that same day, we advised Machado he had 30 days in which to submit any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record and are satisfied that Machado's counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The order is affirmed.

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JOHNSON, J.

We concur:

ROTHSCHILD, P. J.

LUI, J.