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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.

QUINN DESHAWN STERLING,

Defendant and Appellant.

B277239

(Los Angeles County
Super. Ct. No. YA085335)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Scott T. Millington, Judge. Affirmed.

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

No appearance by Plaintiff and Respondent.

On March 4, 2013, a jury found appellant Quinn Deshawn Sterling guilty of “Arson of Property of Another” in violation of Penal Code¹ section 451, subdivision (d). At sentencing, appellant admitted a prior strike allegation pursuant to section 1170.12(a)-(d) and 667(b)-(1), a five-year serious prior allegation pursuant to section 667(a) and a five-prior state prison allegation pursuant to section 667.5, subdivision (b). The court sentenced appellant to an aggregate term of 7 years 8 months in state prison.

On July 16, 2016, appellant filed a petition under Proposition 47 to have his arson conviction redesignated as a misdemeanor under section 1170.18, subdivision (f) because he claimed that the value of the item burned was less than \$300. The trial court denied the petition on the ground section 1170.18 is not applicable to a conviction for arson. Appellant filed a notice of appeal.

We appointed counsel to represent appellant in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On December 1, 2016, we directed appointed counsel to immediately send the record on appeal and a copy of the opening brief to appellant. We notified appellant that within 30 days from the date of the notice he could submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We received no response.

We have independently examined the entire record and are satisfied that appellant’s attorney has fully complied with his

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

responsibilities and, as we discuss below, that no arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

Misdemeanor resentencing under Proposition 47 is available to “[a] person currently serving a sentence for a conviction” under “[s]ections 11350, 11357, or 11377 of the Health and Safety Code, or [s]ection 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code.” (§ 1170.18, subd. (a).) Appellant is not eligible for resentencing under Proposition 47 sentencing statute because section 451, subdivision (d) is not among the offenses specified in section 1170.18. Consequently, the trial court properly denied the petition. No other plausible basis for appeal appears in the record, and accordingly, we affirm the judgment.

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

LUI, J.