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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.

ELLIOT DUGAN,

Defendant and Appellant.

B276558

(Los Angeles County  
Super. Ct. No. VA070104)

THE COURT:\*

The Los Angeles County District Attorney filed an information charging defendant and appellant Elliot Dugan with forgery of an access card (Pen. Code, § 484f, subd. (a)),<sup>1</sup> possession of a forged driver's license (§ 470b), forgery by falsification of an access card (§ 484f, subd. (b)), and second degree

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\* ASHMANN-GERST, Acting P. J., CHAVEZ, J., GOODMAN, J.†

† Retired judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

commercial burglary (§ 459). It was alleged as to all counts that he had a prior robbery conviction (§ 211) pursuant to sections 1170.12, subdivisions (a) through (d), and 667, subdivisions (b) through (i), as well as pursuant to section 667.5, subdivision (b). On July 25, 2002, defendant entered a guilty plea to count 2, possession of a forged driver's license.

On August 14, 2002, defendant was sentenced to eight months in prison, which was doubled to 16 months as a result of his prior strike. The remaining counts were dismissed.

On April 20, 2016, defendant filed a petition to reduce his conviction of possession of a forged driver's license to a misdemeanor pursuant to section 1170.18 (Proposition 47). The trial court denied that petition, finding defendant ineligible due to his "prior forgery convictions."

Defendant timely filed a notice of appeal.

Counsel was appointed to represent defendant in connection with this appeal. After examination of the record, counsel filed an "Opening Brief" in which no arguable issues were raised. On November 28, 2016, we advised defendant that he had 30 days within which to personally submit any contentions or issues for us to consider. No response has been received to date.

We have examined the entire record and we are satisfied that appellant's appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*).) We see no indication of any error by the trial court.

Defendant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against him in this

case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

The judgment is affirmed.

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