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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

KEON DEMONE HUNT,

Defendant and Appellant.

B281665

(Los Angeles County
Super. Ct. No. LA071667)

APPEAL from an order of the Superior Court of Los Angeles County, Joseph A. Brandolino, Judge. Affirmed.

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

No appearance by Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

On September 6, 2013, Keon Demone Hunt entered a plea of no contest to assault by means of force likely to produce great bodily injury (Pen. Code,¹ § 245, subd. (a)(4)) and admitted a great bodily injury enhancement allegation (§ 12022.7, subd. (a)). Hunt was sentenced to an aggregate state prison term of five years consisting of the lower two-year term for aggravated assault plus three years for the great bodily injury enhancement.

The information alleged a Texas robbery conviction as a prior strike conviction under the three strikes law (§§ 667, subds. (b)-(i), 1170.12), and as a prior serious felony conviction under section 667, subdivision (a)(1). The court did not enhance Hunt's sentence on the basis of that conviction.

While still incarcerated in state prison on February 27, 2017, Hunt petitioned in pro. per. for resentencing under Proposition 47 (the Safe Neighborhoods and Schools Act, § 1170.18). Hunt argued the Texas robbery conviction for which he was convicted in 1997 was the statutory equivalent of misdemeanor shoplifting under section 459.5 based upon the value of the property taken at the time.

According to Hunt, because the 1997 felony conviction qualifies as a misdemeanor, it cannot be used to enhance his sentence under the three strikes law, and he should therefore receive a reduced sentence. The trial court denied the petition. Hunt filed a timely notice of appeal.

¹ Statutory references are to the Penal Code.

DISCUSSION

We appointed counsel to represent Hunt on this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On June 14, 2017, we advised Hunt he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

Proposition 47, enacted in November 2014, was intended to reduce penalties for certain drug and property crimes by reclassifying those crimes from felonies to misdemeanors and providing a procedure for recalling the sentences of those currently serving a sentence for those offenses. (*People v. Rivera* (2015) 233 Cal.App.4th 1085, 1092.) Whether or not his Texas robbery conviction qualifies as a misdemeanor under Proposition 47, Hunt is not eligible for the claimed relief because his sentence was not enhanced under the three strikes law or section 667, subdivision (a)(1). Hunt is therefore not currently serving a sentence for his Texas robbery conviction in this case.

We have examined the entire record and are satisfied Hunt's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

DISPOSITION

The order is affirmed.

MENETREZ, J.*

We concur:

ZELON, Acting P. J.

SEGAL, J.

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