

**NOT TO BE PUBLISHED IN THE OFFICIAL  
REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

REYES RIOS,

Defendant and Appellant.

B278850

(Los Angeles County  
Super. Ct. No. NA041988)

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

Reyes Rios, in pro. per.; and Benjamin P. Lechman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

---

On April 6, 2000, Reyes Rios (Rios) pleaded guilty to robbery in violation of Penal Code<sup>1</sup> section 211, and admitted the truth of an allegation under section 12022.5, subdivision (a), that he used a firearm in the commission of the offense. The trial court sentenced Rios to seven years.

On July 1, 2016, the court received Rios's petition to reduce his felony conviction under section 211 to a misdemeanor under section 1170.18 (Proposition 47, a statewide initiative approved on Nov. 4, 2014 reducing certain crimes from a felony to a misdemeanor). The trial court denied the petition on September 21, 2016 because robbery is not an offense covered by Proposition 47. Rios appealed.

We appointed counsel to represent Rios on appeal. After examining the record, counsel filed an opening brief raising no issues and asking this court to review the record independently. We advised Rios that he had 30 days in which to personally submit any contentions or issues he wished us to consider.

On October 16, 2017, Rios filed a supplemental brief, in which he argues that the joinder of counts when he pleaded guilty in 2000 was fundamentally unfair. That issue is not relevant to this appeal from the order denying relief under Proposition 47.

Proposition 47 makes certain offenses misdemeanors (unless committed by certain ineligible defendants). (*People*

---

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

*v. Rivera* (2015) 233 Cal.App.4th 1085, 1091.) The crimes that Proposition 47 reduced to misdemeanors, rendering the person convicted of such crimes eligible for resentencing, include shoplifting where the value of the property does not exceed \$950 (§ 459.5, subd. (a)), petty theft where the value of the property does not exceed \$950 (§ 490.2, (subd. (a))), and receiving stolen property (§ 496, subd. (a)) when the property value does not exceed \$950. (§ 1170.18, subd. (a).) The statute does not list section 211, leaving the felony offense of robbery unaffected. Rios therefore is not statutorily eligible for relief under Proposition 47.

We have examined the entire record and are satisfied that Rios'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.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J.

LUI, J.