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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

NATALIE A. VARGAS,

Defendant and Appellant.

B271592

(Los Angeles County  
Super. Ct. No. TA135105)

APPEAL from an order of the Superior Court of Los Angeles County, Michael J. Shultz, Judge. Affirmed.

David R. Greifinger, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris and Xavier Becerra, Attorneys General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Mary Sanchez and Tannaz Kouhpainezhad, Deputy Attorneys General, for Plaintiff and Respondent.

On September 18, 2014, defendant, Natalie A. Vargas, pled no contest to receiving stolen property, a California driver's license. (Pen. Code, § 496, subd. (a).)<sup>1</sup> She was placed on three years' formal probation. Defendant appeals from an April 8, 2016 order denying, without prejudice, her oral section 1170.18 resentencing petition. Defendant argued the driver's license was worth less than \$950. (§ 496, subd. (a) as amended by Prop. 47, Gen. Elec. Nov. 4, 2014, § 9.) Defense counsel represented the cost to replace a California driver's license is \$33, but she did not present any evidence to that effect. Nor was any other evidence of value presented. It was defendant's burden to present evidence the "reasonable and fair market value" (§ 496, subd. (a)) of the stolen property did not exceed \$950. (*People v. Romanowski* (March 27, 2017, S231405) \_\_ Cal.5th \_\_, \_\_; *People v. Johnson* (2016) 1 Cal.App.5th 953, 962; *People v. Hall* (2016) 247 Cal.App.4th 1255, 1263.) Because defendant did not meet that burden, the trial court did not err in denying the petition without prejudice.

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

The order denying defendant's resentencing petition without prejudice is affirmed.

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TURNER, P.J.

We concur:

BAKER, J.

KIN, J.\*

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