

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

TOMMY COLE,

Defendant and Appellant.

B279407

(Los Angeles County
Super. Ct. No. NA026359)

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

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

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL BACKGROUND

On August 5, 2016 Tommy Cole filed an application to reclassify his 1995 felony conviction for possession of a driver's license with the intent to use it to facilitate the commission of a forgery (Pen. Code, § 470b) as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (Pen. Code, § 1170.18). The trial court denied the application, ruling the offense was not eligible for reclassification as a misdemeanor under Proposition 47 and, in any event, Cole's prior murder conviction (Pen. Code, § 187, subd. (a)) made him ineligible for relief under the statute (see Pen. Code, § 1170.18, subd. (i)). Cole filed a timely notice of appeal, challenging the order denying his application.

DISCUSSION

We appointed counsel to represent Cole on appeal. After reviewing the record, counsel filed an opening brief raising no issues. On April 10, 2017 we advised Cole he had 30 days to submit a brief or letter raising any grounds of appeal, contentions, or arguments he wanted us to consider.

On April 27, 2017 we received a one-page hand-printed brief from Cole. Cole asserts the "fake" driver's license found in his possession was "made on the streets," he never had the opportunity to use it to commit forgery, and "the merchandise was under \$950.00."

We have examined the record and are satisfied appellate counsel for Cole has fully complied with his responsibilities and there are no arguable issues. (See *Smith v. Robbins* (2000) 528

U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The trial court's ruling was correct.

DISPOSITION

The order is affirmed.

SEGAL, J.

We concur:

PERLUSS, P. J.

MENETREZ, J.*

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