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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

RODERICK NATHANIEL
WASHINGTON,

Defendant and Appellant.

B285292

Los Angeles County
Super. Ct. No. GA086242

APPEAL from an order of the Superior Court of Los Angeles County, Teri Schwartz, Judge. Affirmed.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2013, a jury found Roderick Nathaniel Washington guilty of forgery, identity theft, and second degree commercial burglary. (Pen. Code, §§ 470, subd. (b), 530.5, subd. (a), 459.) He was sentenced to the upper term of three years in prison for the identity theft, and has completed the sentence.

On October 30, 2017, Washington, who must register pursuant to the Sex Offender Registration Act, Penal Code section 290, et seq., as a result of a conviction for indecent exposure (Pen. Code, § 314(1), applied to have his identity theft and burglary convictions redesignated as misdemeanors under Proposition 47, the Safe Neighborhoods and Schools Act, which reclassified as misdemeanors certain low-level theft offenses that previously had been felonies or “wobblers,” and allowed defendants who had been convicted of those offenses and had served out their sentences to petition for redesignation of their convictions as misdemeanors. (Pen. Code, § 1170.18, subd. (f).) The trial court denied Washington’s application because the convictions were ineligible for redesignation under Proposition 47 and because redesignation is unavailable to anyone who must register as a sex offender. Washington appealed from the denial of his application.

We appointed counsel to represent Washington, and after examining the record counsel filed a brief raising no issues and asking this court to independently review the record. We sent letters to Washington and to appointed counsel, directing counsel to immediately forward the appellate record and brief to Washington and advise him that he had 30 days to personally submit any contentions or issues he wished us to consider. We received no response.

Redesignation under Proposition 47 is available only for those felony offenses that were reclassified under Proposition 47 as misdemeanors. Identity theft was not reclassified as a misdemeanor. Although commercial larceny of property worth no more than \$950, i.e., shoplifting, was reclassified as a misdemeanor, nothing in the record suggests Washington's second degree burglary offense was for shoplifting.

Furthermore, court records indicate Washington has suffered a conviction for indecent exposure and must register as a sex offender.

For these reasons, Washington is ineligible to have his felony conviction redesignated as a misdemeanor.

We have otherwise examined the entire record and conclude that Washington's counsel complied with the responsibilities set forth in *People v. Kelly* (2006) 40 Cal.4th 106 and *People v. Wende* (1979) 25 Cal.3d 436, 441. No arguable issues exist.

DISPOSITION

The order denying Washington's Proposition 47 petition for redesignation of his offenses is affirmed.

NOT TO BE PUBLISHED.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

CURREY, J.^{*}

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