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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.

B286136

Los Angeles County  
Super. Ct. No. YA006373

APPEAL from an order of the Superior Court of Los Angeles County, James R. Brandlin, Judge. Affirmed.

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

No appearance for Plaintiff and Respondent.

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In 1991, Roderick Nathaniel Washington, who has a long record of arrests and convictions, pleaded guilty to grand theft auto. (Pen. Code, § 487h.) He was sentenced to two years in prison (Pen. Code, § 126), and has completed his sentence.

On August 24, 2017, Washington applied to have his felony conviction redesignated as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act, which reclassified as misdemeanors certain low-level drug and 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. (Pen. Code, § 1170.18, subd. (f).) The trial court denied Washington’s application because he had suffered a conviction for an offense that required him to register pursuant to the provisions of Penal Code section 290, subdivision (c), the Sex Offender Registration Act, which disqualified him from redesignation. He appealed.

We appointed counsel to represent Washington on appeal, 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 unavailable to those who must register under the Sex Offender Registration Act. (Pen. Code, § 1170.18, subd. (i).) Washington must register under the act, and is thus ineligible to have his felony conviction redesignated as a misdemeanor. (Pen. Code, § 1170.18.)

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 offense is affirmed.

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

CURREY, 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.