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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTIN ISTIDJAB CHEN,

Defendant and Appellant.

B262342

(Los Angeles County  
Super. Ct. No. GA089832)

APPEAL from an order of the Superior Court of Los Angeles County, Jared D. Moses, Judge. Affirmed.

Anthony W. Tahan, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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After waiving his rights to a jury trial, Martin Istidjab Chen pleaded no contest on April 4, 2014 to counterfeiting a seal (Pen. Code, § 472), a felony, and admitted having served three separate prison terms for felonies (*id.*, § 667.5, subd. (b)) as charged in an information. Pursuant to a negotiated agreement, Chen was sentenced to an aggregate term of three years and four months in county jail, consisting of the lower term of 16 months for counterfeiting a seal, plus two years for two of the prior prison term enhancements.<sup>1</sup> The remaining one-year prior prison term enhancement was dismissed as part of the negotiated plea.

On December 3, 2014, Chen filed a petition seeking to reduce his felony conviction for counterfeiting a seal to a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (Pen. Code, § 1170.18). The trial court denied the petition, finding Chen was not eligible for resentencing under Proposition 47. Chen filed a timely notice of appeal.

We appointed counsel to represent Chen on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On July 14, 2015, we advised Chen he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

“Proposition 47 makes certain drug- and theft-related offenses misdemeanors, unless the offenses were committed by certain ineligible defendants. These offenses had previously been designated as either felonies or wobblers (crimes that can be punished as either felonies or misdemeanors).” (*People v. Rivera* (2015) 233 Cal.App.4th 1085, 1091.) To this end, “Proposition 47 (1) added chapter 33 to the Government Code (§ 7599 et seq.), (2) added sections 459.5, 490.2, and 1170.18 to the Penal Code, and (3) amended Penal Code sections 473, 476a, 496, and 666 and Health and Safety Code sections 11350, 11357, and 11377. (Voter Information Guide, Gen. Elec. (Nov. 4, 2014)

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<sup>1</sup> Chen was to serve his sentence concurrently with the sentence imposed in Los Angeles Superior Court case No. GA092434 for forgery (Pen. Code, § 475, subd. (c)).

text of Prop. 47, §§ 4-14, pp. 70-74.)” (*Ibid.*) Chen’s conviction for counterfeiting a seal (Pen. Code, § 472) is not within the scope of Proposition 47.

We have examined the entire record and are satisfied Chen’s appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*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.)

### **DISPOSITION**

The order is affirmed.

BECKLOFF, J.\*

We concur:

PERLUSS, P. J.

ZELON, 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.