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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

LENO BUSTILLOS,

Defendant and Appellant.

B295968

(Los Angeles County  
Super. Ct. No. KA092764)

THE COURT:

On May 19, 2011, Leno Bustillos (appellant) was convicted of first degree robbery (Pen. Code, § 211)<sup>1</sup> and criminal threats (§ 422). The jury found true the allegation that he used a knife during the commission of the crimes. (§ 12022, subd. (b)(1).) In addition, the trial court found true the allegations that appellant suffered two or more convictions for serious or violent felonies.

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise noted.

(§§ 667, subds. (a)(1) & (b)-(i), 1170.12, subds. (a)-(d).) In August 2011 the trial court sentenced appellant to 50 years to life on the charges and an additional determinate term of 31 years based on the knife allegation and the priors. About eight years later, on December 28, 2018, appellant filed an application pursuant to Proposition 47 to reduce his charges to misdemeanors. (§ 1170.18.) The application was denied, and this appeal followed.

Appellant's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) raising no issues. On July 5, 2019, we notified appellant of his counsel's brief and gave him leave to file his own brief or letter stating grounds for appellate relief.

Appellant did not file a brief or letter.

We note that section 1170.18 was enacted pursuant to Proposition 47 and provides that a "person . . . serving a sentence for a conviction . . . of a felony or felonies who would have been guilty of a misdemeanor under the act that added this section . . . had this act been in effect at the time of the offense may petition for a recall of sentence . . . to request resentencing in accordance with Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended[.]"

Because appellant was convicted under sections 211 and 422, Proposition 47 does not apply.

Upon due consideration, we are satisfied that appellant's counsel complied with his responsibilities. We conclude appellant has received adequate and effective appellate review of the judgment entered against him by virtue of counsel's compliance with the *Wende* procedure as well as our review of the record. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The judgment is affirmed.

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LUI, P. J.

ASHMANN-GERST, J.

CHAVEZ, J.