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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.

TERRY EVANS,

Defendant and Appellant.

B265881

(Los Angeles County
Super. Ct. No. PA017627)

APPEAL from an order of the Superior Court of Los Angeles County,
Monica Bachner, Judge. Affirmed.

Gail Ganaja, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Representing himself, Terry Evans petitioned on June 3, 2015 to recall his current felony sentence for robbery and for resentencing as a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (Pen. Code, § 1170.18). The trial court denied the petition the same day, finding Evans's conviction was for an offense that does not qualify for resentencing to a misdemeanor under Proposition 47. Evans filed a timely notice of appeal.

We appointed counsel to represent Evans on appeal. After an examination of the record, counsel filed an opening brief in which no issues were raised. On January 29, 2016 we advised Evans he had 30 days in which to personally submit any contentions or issues he wished us to consider. We have received no response.

We have examined the record and are satisfied Evans'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, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.) The trial court correctly ruled that robbery is not one of the theft offenses for which a defendant may seek reclassification or resentencing pursuant to Penal Code section 1170.18, subdivision (a).

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

BLUMENFELD, J.*

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