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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRIAN KEITH BRIM,

Defendant and Appellant.

B261995

(Los Angeles County
Super. Ct. No. A954619)

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

California Appellate Project, Jonathan B. Steiner, Executive Director, Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant and appellant Brian Keith Brim filed a petition for resentencing that sought to reduce a felony conviction to a misdemeanor under Proposition 47. (Pen. Code, § 1170.18 (section 1170.18).) In his petition, defendant contended that he was convicted on June 30, 1988, of unlawful drug possession under Health and Safety Code section 11350, an offense eligible for resentencing under Proposition 47. (§ 1170.18, subd. (b).) The trial court denied the petition, finding that defendant instead had been convicted of possession for sale of a controlled substance under Health and Safety Code section 11351, an offense not eligible for resentencing under Proposition 47. (§ 1170.18, subd. (b).)

On appeal, defendant's appointed counsel filed an opening brief in accordance with *People v. Wende* (1979) 25 Cal.3d 436 requesting that this court conduct an independent review of the record to determine if there are any arguable issues. On July 16, 2015, we gave notice to defendant that counsel had failed to find any arguable issues and that defendant had 30 days within which to submit by brief or letter any grounds of appeal, contentions, or arguments he wished this court to consider. Defendant filed a responsive brief in which he contends the trial court improperly took his plea to the drug offense. We affirm.

DISCUSSION¹

The trial court properly denied defendant's petition for resentencing under Proposition 47. Defendant pleaded guilty to violating Health and Safety Code section 11351, an offense not eligible for Proposition 47 resentencing. (§ 1170.18, subd. (b).) Defendant was not convicted of violating Health and Safety Code section 11350, as he contended in his petition for resentencing.

¹ We omit a recitation of the facts concerning defendant's underlying offense as defendant's appeal is from an order denying a post-judgment petition for resentencing concerning a conviction that was based on a guilty plea.

We have reviewed the record and are satisfied the defendant's counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.) Accordingly, we affirm the order.

DISPOSITION

The order is affirmed.

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MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.