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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

BERNARD EVERETT

Defendant and Appellant.

2d Crim. No. B262347
(Super. Ct. No. MA054008-01)
(Los Angeles County)

Bernard Everett appeals an order denying his petition to recall his sentence for the offense of felony possession of marijuana in a prison or jail (Pen. Code, § 4573.6)¹ pursuant to Proposition 47, the Safe Neighborhoods and Schools Act (the Act) (§ 1170.18). The date of his conviction was December 6, 2011.

We appointed counsel to represent him on this appeal. After examination of the record, his counsel filed an opening brief requesting the court to make an independent review under *People v. Wende* (1979) 25 Cal.3d 436. We have independently reviewed the record.

We advised Everett that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. After examination of the record, we are satisfied that Everett's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at pp. 441, 443.) The

¹ All statutory references are to the Penal Code.

trial court denied Everett's petition to recall his sentence, finding it did not meet the criteria of section 1170.18, subdivision (a). The trial court was correct. Everett would not have been guilty of a misdemeanor if Proposition 47 had been in effect at the time of his conviction. Unlike ordinary possession of marijuana, possession of marijuana in a jail or prison (§ 4573.6) was not one of the offenses reduced to a misdemeanor by Proposition 47.

The judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Christopher G. Estes, Judge
Superior Court County of Los Angeles

Lisa M. Sciandra, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.