

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RICKY ANDERSON,

Defendant and Appellant.

B262508

(Los Angeles County Super. Ct.
No. MA030288)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Christopher Estes, Judge. Affirmed.

Emily Lowther, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Ricky Anderson suffered a conviction of robbery (Pen. Code, § 211)¹ in 2007. Defendant is currently serving a term in state prison in another case. The 2007 robbery conviction was deemed a prior conviction under the three strikes law (§§ 667, subds. (a)-(d) & 1170.12, subds. (b)-(i)) and used to double defendant's current sentence.

Defendant filed applications for resentencing on the 2007 robbery as a misdemeanor under the provisions of Proposition 47 codified in section 1170.18, subdivisions (a) and (f). Defendant's goal was to eliminate the enhancement to his current sentence. The trial court denied relief. Defendant filed a timely notice of appeal.

This court appointed counsel for defendant on appeal. Appointed counsel filed a brief raising no issues, but requesting this court to independently review the record for arguable contentions pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Defendant was advised by letter from this court of his right to file a supplemental brief within 30 days. No letter brief has been received from defendant.

We have completed our review of the record and conclude appointed counsel has fulfilled his constitutional obligations. Misdemeanor resentencing under Proposition 47 is available to "[a] person currently serving a sentence for a conviction" under "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." (§ 1170.18, subd. (a).) Defendant is not eligible for resentencing under Proposition 47 because section 211 is not among the offenses specified in section 1170.18, subdivision (a). The trial court properly denied the petition for resentencing.

¹ All statutory references are to the Penal Code, unless otherwise stated.

The judgment is affirmed. (*Smith v. Robbins* (2000) 528 U.S. 259.)

KRIEGLER, J.

We concur:

MOSK, Acting P. J.

BAKER, J.