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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.

DEREK TYRONE BURTON,

Defendant and Appellant.

BB281547

(Los Angeles County
Super. Ct. No. BA170135)

THE COURT*:

Derek Burton (defendant) appeals from the denial of his requests for resentencing pursuant to Proposition 47 (Pen. Code, § 1170.18).¹ We appointed counsel to represent him on this appeal.

* ASHMANN-GERST, Acting P.J. CHAVEZ, J. GOODMAN, J.†

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

¹ Further undesignated statutory references are to the Penal Code.

Counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, and requested this court to independently review the record on appeal to determine whether any arguable issues exist.

We sent a notice to defendant, advising him he had 30 days in which to personally submit any contentions or issues which he wished us to consider. To date, he has not done so.

Defendant requested resentencing in two superior court cases: No. YA044286 and No. BA170135. Defendant pled guilty in both cases in August 2000.

In case No. YA044286, defendant pled guilty to two counts of robbery. The trial court denied resentencing in this case because robbery is not an offense covered by Proposition 47. (See § 1170.18, subd. (a).)

In case No. BA170135, defendant pled guilty to one count of receiving stolen property; the complaint alleged it was a motor vehicle. Although defendant submitted a declaration stating that the value of the vehicle was less than \$950, he provided no support for this claim. The trial court denied the motion on the ground that the value of the vehicle was more than \$950. (See § 1170.18, subd. (a); § 496.)

We have examined the record and are satisfied defendant's attorney on appeal has complied with the responsibilities of counsel and no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; see also *Smith v. Robbins* (2000) 528 U.S. 259, 278-282; *People v. Kelly* (2006) 40 Cal.4th 106, 122-124.)

The trial court's orders are affirmed.