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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.

KEVIN NIGEL FURR,

Defendant and Appellant.

B284202

(Los Angeles County
Super. Ct. No. KA022152)

APPEAL from an order of the Superior Court of
Los Angeles County, Wade D. Olson, Commissioner. Affirmed.

Stephen Borgo, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In April 1994 Kevin Nigel Furr was convicted on one count of first degree burglary. Imposition of sentence was suspended, and Furr was placed on three years of probation on condition he serve nine months in county jail.

On April 20, 2017 Furr filed an application to have the felony conviction designated a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (Pen. Code, § 1170.18). The trial court denied the application, finding the offense did not qualify as a misdemeanor under Proposition 47. Furr filed a timely notice of appeal, challenging the denial of his application.

We appointed counsel to represent Furr on appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On December 20, 2017 we advised Furr he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response.

We have examined the entire record and are satisfied Furr'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, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The trial court correctly ruled that first degree burglary is not one of the theft offenses for which a defendant may seek reclassification pursuant to Penal Code section 1170.18, subdivision (a).

DISPOSITION

The order is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

BENSINGER, J.*

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