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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

LENNAL SHABAZZ,

Defendant and Appellant.

B272135

(Los Angeles County
Super. Ct. No. TA139348)

APPEAL from a judgment of the Superior Court of Los Angeles County, John J. Lonergan, Judge. Affirmed.

David R. Greifinger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Lennal Shabazz appeals the denial of a petition to reduce his second degree burglary conviction to a misdemeanor pursuant to Penal Code section 1170.18, enacted by Proposition 47, the Safe Neighborhoods and Schools Act (as approved by voters, Gen. Elec. (Nov. 4, 2014)). Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), appellant's counsel filed an opening brief requesting this court review the record and determine whether any arguable issues exist on appeal. Appellant did not file a supplemental brief. After reviewing the entire record, we find no arguable issue warranting reversal and affirm.

BACKGROUND

According to a presentence probation report, officers responded to a burglary call in Carson. A witness told them he saw appellant's codefendant get out of a 1999 Saturn vehicle, approach a tractor-trailer, step up on its running board, and break its passenger window. The codefendant noticed he was being watched, so he returned to the Saturn, which appellant then drove away. Officers observed the window in the tractor-trailer was shattered and the door was unlocked. They recovered a three-inch chrome socket wrench on the passenger seat. The witness obtained the license plate number for the Saturn, and officers later arrested appellant and his codefendant at a traffic stop.

On February 17, 2016, appellant pled no contest to one count of second degree burglary of a vehicle (Pen. Code, § 459) and was sentenced to the low term of 16 months in county jail. On March 21, 2016, he filed a petition for resentencing pursuant to Penal Code section 1170.18. The court denied the petition on April 7, 2016, and appellant timely appealed that denial.

DISCUSSION

We appointed counsel to represent appellant on this appeal. After review of the record, appellant's court-appointed counsel filed an opening brief asking this court to review the record independently pursuant to *Wende, supra*, 25 Cal.3d at page 441. On October 7, 2016, we advised appellant he had 30 days to submit any contentions or issues he wished us to consider. He did not do so. We have examined the entire record. We are satisfied no arguable issues exist and appellant's counsel has fully satisfied his responsibilities under *Wende*. (*Smith v. Robbins* (2000) 528 U.S. 259, 279-284; *Wende, supra*, 25 Cal.3d at p. 441; see *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.