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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JAY OVERHOLT, JR.,

Defendant and Appellant.

A146463

(Mendocino County Super. Ct.
No. SCUK CRCR 11-18646)

“On November 4, 2014, the voters enacted Proposition 47, the Safe Neighborhoods and Schools Act (hereafter Proposition 47), which went into effect the next day. (Cal. Const., art. II, § 10, subd. (a).)” (*People v. Rivera* (2015) 233 Cal.App.4th 1085, 1089 (*Rivera*)). Proposition 47 created a resentencing provision, codified at Penal Code section 1170.18, which provides that a person currently serving a sentence for certain designated felonies may petition for recall of the sentence to reduce the felonies to misdemeanors. Defendant Michael Jay Overholt, Jr. appeals from an order denying his petition to reduce from a felony to a misdemeanor his conviction for being an accessory after the fact (Pen. Code § 32) to second degree robbery. Appellant’s petition was denied upon a determination that he is not eligible for relief because Penal Code section 32 is not a qualifying offense under Proposition 47.

Appellant’s counsel has raised no issue on appeal and asks this court for an independent review of the record to determine whether there are any arguable issues.

(*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.)¹
Counsel advised appellant of his right to file a supplemental brief (see *People v. Kelly* (2006) 40 Cal.4th 106), but appellant has not done so.

We have reviewed the entire record and have found no arguable appellate issues. The trial court properly determined that appellant is not eligible for relief under Proposition 47 as to his conviction for being an accessory after the fact to second degree robbery. There are no legal issues that require further briefing.

DISPOSITION

The judgment is affirmed.

¹ We assume for purposes of the present opinion that the protections afforded by the *Anders* and *Wende* decisions apply to an appeal from an order denying a petition brought pursuant to Proposition 47.

SIMONS, J.

We concur.

JONES, P.J.

BRUINIERS, J.