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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.

STEPHEN ROY WILLIAMSON,

Defendant and Appellant.

B256661

(Los Angeles County
Super. Ct. No. NA049667)

THE COURT:*

Defendant Stephen Roy Williamson appeals from the order denying with prejudice his petition for recall of sentence pursuant to Penal Code section 1170.126.¹ Defendant is currently serving a sentence of 25 years to life, imposed in 2001.

We appointed counsel to represent defendant on this appeal. After examination of the record, counsel filed an “Opening Brief” containing an acknowledgment he had been unable to find any arguable issues. On August 12, 2014, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. On August 19, 2014, defendant filed a supplemental brief. He contends that

* BOREN, P.J., ASHMANN-GERST, J., CHAVEZ, J.

¹ All further references to statutes are to the Penal Code unless stated otherwise.

the arson of property of which he was convicted cannot rationally be listed as a serious felony. Defendant argues that his crime should not be included with all of the much more violent crimes.

Defendant includes the sentencing memorandum and *Romero* motion² from the sentencing hearing in 2001 as Exhibit B to his petition. The memorandum indicates that defendant set fire to a washing machine. The record contains no information on the trial court's ruling denying the *Romero* motion.

Section 1170.126 provides that defendants may file a petition for recall of sentence only when the felony that triggered their three strikes sentence (the current felony) was not defined as a violent or serious felony in section 667.5, subdivision (c) or section 1192.7, subdivision (c), respectively. (§ 1170.126, subd. (b).) Defendant committed and was convicted of arson of property in violation of section 451, subdivision (d) in 2001. This crime is included in the list of serious felonies contained in section 1192.7, subdivision (c) (§ 1192.7, subd. (c)(14)) and was included on the date defendant committed the offense. (Prop. 21, § 17, eff. Mar. 8, 2000.) Therefore, the trial court correctly ruled that defendant was not eligible under section 1170.126, subdivision (e) for recall of sentence because the offense that triggered his three strikes sentence was a serious felony.

We have examined the entire record, and we are satisfied that defendant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order appealed from is affirmed.

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² *People v. Superior Court (Romero)* (1996) 13 Ca.4th 497 (*Romero*).