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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.

TROY REGGIE HAYNES,

Defendant and Appellant.

B263133

(Los Angeles County  
Super. Ct. No. YA074092)

THE COURT:\*

In 2010, appellant Troy Reggie Haynes was convicted of four counts of robbery (Pen. Code, § 211).<sup>1</sup> He admitted three prior “strike” convictions (§§ 667, 1170.12), and was sentenced under the “Three Strikes” law to 115 years to life in state prison. We affirmed this judgment in an unpublished opinion (*People v. Haynes* (Dec. 28, 2011, B228833) [nonpub. opn.]).

Following the passage of Proposition 36 in November 2012, appellant filed in pro. per. a petition for recall and resentencing, pursuant to section 1170.126. The trial

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\* ASHMANN-GERST, Acting P. J., CHAVEZ, J., HOFFSTADT, J.

<sup>1</sup> All statutory references are to the Penal Code unless otherwise indicated.

court denied his petition with prejudice on the ground that his current convictions for robbery disqualified him from eligibility for recall and resentencing.

Appellant appealed the trial court's ruling. We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an "Opening Brief" in which no arguable issues were raised. On August 6, 2015, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

The trial court's ruling is correct. A defendant is not eligible for resentencing if convicted of "serious and/or violent felonies." (§ 1170.126, subd. (e)(1).) Robbery is a "violent felony" under section 667.5, subdivision (c)(9) and a "serious felony" under section 1192.7, subdivision (c)(19).

We are satisfied that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order denying the petition for recall and resentencing is affirmed.

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