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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

UDON LERTJANTHUK,

Defendant and Appellant.

B266515

(Los Angeles County  
Super. Ct. No. GA053703)

APPEAL from an order of the Superior Court of Los Angeles County,

Jared D. Moses, Judge. Affirmed.

Leonard J. Klaif, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for respondent.

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## INTRODUCTION

Defendant Udon Lertjanthuk appeals from the denial of his petition for recall and resentencing under Proposition 47, the Safe Neighborhoods and Schools Act. We affirm.

## PROCEDURAL BACKGROUND

By amended information filed on November 18, 2003, defendant was charged with two counts of sale of a controlled substance (Health & Safety Code, § 11379, subd. (a); counts 1 and 2)<sup>1</sup>, one count of sale, transportation or offer to sell a controlled substance (§ 11352, subd. (a); count 3), and one count of possession of a controlled substance (§ 11377, subd. (a); count 4). Pursuant to a negotiated disposition, defendant pled no contest to counts 2 and 3. The court suspended imposition of sentences on both counts and placed defendant on formal probation for three years. The court required defendant to serve 60 days in county jail. The court dismissed the remaining counts.

On July 10, 2015, defendant *in propria persona* filed a petition to recall his felony sentence on count 2 and resentence him as a misdemeanor under Proposition 47. The court held a hearing on August 11, 2015, and found as a matter of law that neither of defendant's convictions is eligible for resentencing under Proposition 47. Defendant timely appeals.

## DISCUSSION

On December 24, 2015, defendant's appellate counsel filed a brief in which he raised no issues and asked us to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) On the court's next business day, we notified defendant that his counsel had failed to find any arguable issues and that he had 30 days to submit by brief or letter any arguments he wished this court to consider. We have not received a response.

We have examined the entire record and are satisfied appellate counsel has fully complied with his responsibilities and no arguable issues exist in the appeal before us.

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<sup>1</sup> All further undesignated code section are to the Health & Safety Code.

(*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *People v. Wende, supra*, 25 Cal.3d at p. 443.)

**DISPOSITION**

The order denying the request for resentencing is affirmed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

HOGUE, J.<sup>\*</sup>

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