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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROOSEVELT WALLACE,

Defendant and Appellant.

B267068

(Los Angeles County
Super. Ct. No. YA028113)

APPEAL from an order of the Superior Court of the County of Los Angeles,
Steven R. Van Sicklen, Judge. Affirmed.

Law Offices of Ann-Marissa Cook, Ann-Marissa Cook, under appointment by the
Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Roosevelt Wallace appeals from the trial court's order denying his petition for resentencing filed pursuant to Penal Code¹ section 1170.18. His appointed appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) requesting that we independently review the entire record to determine if there are any arguable issues on appeal. We conclude that there are no arguable issues and that defendant's appointed counsel has satisfied her responsibilities under *Wende, supra*, 25 Cal.3d 436.

BACKGROUND

In 1996, defendant was convicted of first-degree residential burglary in violation of section 459. In June 2015, he filed a petition for resentencing pursuant to section 1170.18 in which he asserted that he was convicted of receiving or concealing stolen property in violation of section 496. The trial court read and considered defendant's petition and issued an order denying it on the ground that defendant "was convicted of first degree residential burglary [in violation of section 459] which is not an eligible offense under Prop[osition] 47 [section 1170.18]."

DISCUSSION

Pursuant to *Wende, supra*, 25 Cal.3d 436, we examined the record concerning defendant's petition to determine if there are any arguable issues on appeal. Based on that independent review, we have determined there are no arguable issues on appeal because the trial court correctly concluded that defendant's conviction on the first-degree residential burglary charge did not qualify him for the relief he sought under section 1170.18. Accordingly, we conclude that defendant's appointed counsel has fully satisfied her responsibilities under *Wende, supra*, 25 Cal.3d 436.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

DISPOSITION

The order denying defendant's petition for resentencing is affirmed.

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KUMAR, J.*

We concur:

TURNER, P. J.

BAKER, J.

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