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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LEWELLYN CHARLES COX,

Defendant and Appellant.

2d Crim. No. B269462
(Super. Ct. No. KA074017)
(Los Angeles County)

Lewellyn Charles Cox appeals a December 24, 2015 order denying his petition to reclassify his 2006 conviction for second degree burglary (Pen. Code, § 459)¹ to a misdemeanor pursuant to Proposition 47, the Safe Neighborhoods and Schools Act (§ 1170.18. subd. (f)).

We appointed counsel to represent appellant in this appeal. After examination of the record, counsel filed an opening brief requesting the court to make an independent review under *People v. Wende* (1979) 25 Cal.3d 436.

¹ All statutory references are to the Penal Code.

On August 30, 2016, 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 was received from appellant.

The record indicates that appellant pled no contest to second degree burglary after he entered a Department of Motor Vehicles office and fraudulently applied for a driver's license under a false name. Appellant was sentenced to sixteen months state prison to run concurrent to a three year term in an unrelated case. In 2015 appellant filed a petition to have the second degree burglary conviction reclassified as a misdemeanor. The trial court denied the petition on the ground that the burglary conviction did not qualify for Proposition 47 relief because the burglary was committed with the intent to commit perjury and there was no intent to steal anything within the meaning of section 1170.18, subdivision (a). (See *People v. Chen* (2016) 245 Cal.App.4th 322, 326–327.)

We have reviewed the entire record and are satisfied that appellant's counsel has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment (order denying petition to reclassify second degree burglary conviction as a misdemeanor conviction) is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Wade Olson, Judge
Superior Court County of Los Angeles

Edward Mahler, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance by Respondent.