

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

WESLEY WASHINGTON,

Defendant and Appellant.

C074733

(Super. Ct. No. 95F06373)

Defendant Wesley Washington appeals from an order denying a petition to recall his so-called “three strikes” sentence of 25 years to life, brought pursuant to the provisions of the Three Strikes Reform Act of 2012 (the Act), codified at Penal Code section 1170.126.¹ (See *Teal v. Superior Court* (2014) 60 Cal.4th 595.)

Defendant’s petition to recall his sentence and for resentencing was denied upon determination that he was not eligible for relief under the Act because he had been

¹ Undesignated statutory references are to the Penal Code.

previously convicted of kidnapping with force and intent to commit sex offenses as listed in Welfare and Institutions Code section 6600, subdivision (b) (see §§ 667, subd. (e)(2)(C)(iv)(I), 1170.12, subd. (c)(2)(C)(iv)(I), 1170.126, subd. (e)(3)) and because he was armed with a deadly weapon at the time of the commitment offense (see §§ 667, subd. (e)(2)(C)(iii), 1170.12, subd. (c)(2)(C)(iii), 1170.126, subd. (e)(2)).

Counsel was appointed to represent defendant on appeal. Counsel filed an opening brief setting forth the facts of the case and requesting this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Counsel advised defendant of his right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.²

DISPOSITION

The judgment (order) is affirmed.

RAYE, P. J.

We concur:

BLEASE, J.

NICHOLSON, J.

² A record including the appellate record of *People v. Washington* (Jan. 26, 2000, C029961) [nonpub. opn.], which we have incorporated by reference.