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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVE BOZEMAN,

Defendant and Appellant.

D065353

(Super. Ct. No. SCD132807)

APPEAL from an order of the Superior Court of San Diego County, David J.

Danielsen, Judge. Affirmed.

Leslie A. Rose, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala Harris, Attorney General, for Plaintiff and Respondent.

In 1998, a jury convicted Steve Bozeman of possession of a controlled substance (Health & Saf. Code, § 11350 subd. (a)), resisting arrest (Pen. Code,¹ § 148, subd. (a)) and destruction of evidence. (§ 135.) The court found true allegations he had suffered

¹ All further statutory references are to the Penal Code.

two prison priors and five strike priors under the "Three Strikes" Law. The court sentenced him to an indeterminate term of 25 years to life.

In January 2014, the trial court denied Bozeman's petition for resentencing under section 1170.126, ruling he was ineligible for resentencing because he "has a number of sex crimes convictions, including one in the state of Ohio as an adult."

DISCUSSION

There are no relevant facts to discuss in this appeal. Appellate counsel presents no argument for reversal of the trial court's order, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*), raising the possible but not arguable appellate issue of whether the court erred in determining that Bozeman did not qualify for recall of his sentence under section 1170.126. Counsel concedes Bozeman "does have prior convictions for offenses listed in the exclusionary clause of section 1170.126, subdivision (e)(3)." We offered Bozeman the opportunity to file his own brief on appeal and he has done so.

We have reviewed the entire record in accordance with *Wende, supra*, 25 Cal.3d 436 and *Anders, supra*, 386 U.S. 738, and have not found any arguable appellate issue. Competent counsel has represented Bozeman on this appeal.

DISPOSITION

The order denying Bozeman's petition to recall his sentence is affirmed.

O'ROURKE, J.

WE CONCUR:

HALLER, Acting P. J.

McINTYRE, J.