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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

UHILA WALTER AVATONGO,

Defendant and Appellant.

E063300

(Super.Ct.Nos. RIF1203955 &
RIF1300367)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Uhila Avatongo is serving a sentence of eight years and eight months for acting as a contractor without a license and accepting thousands of dollars from multiple victims before abandoning their unfinished home improvement projects.

Defendant appeals from the denial of his petitions for recall of sentence under Proposition 47 (Pen. Code, § 1170.18).¹

FACTS AND PROCEDURE

RIF1300367 – On July 28, 2011, in Los Angeles County, in case number MA049500, defendant pled no contest to two felony counts of grand theft in excess of \$950 (§ 487, subd. (a)) and two misdemeanor counts of contracting without a license (Bus. & Prof. Code, § 7028, subd. (c)). Defendant agreed to pay victim restitution to the two victims in an amount totaling \$6550. On December 2, 2011, the trial court imposed and then suspended a prison sentence of three years and eight months and a consecutive jail sentence of 360 days. The court placed defendant on probation for five years. In December 20102, the case was transferred to Riverside County and renumbered RIF1300367.

On September 18, 2013, the court revoked defendant's probation because defendant was charged in a subsequent case, RIF1203955. On June 30, 2014, the court found defendant in violation of his probation, terminated probation and sentenced defendant to a total of three years in state prison, to be served concurrently with the sentence for case RIF1203955.

RIF1203955 – On May 15, 2014, a jury convicted defendant of three counts of grand theft in excess of \$950 (§ 487, subd. (a)), three felony counts of using an invalid contractor's license with intent to defraud (Bus. & Prof. Code, § 7027.3) three counts of

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

burglary (§ 459), and three misdemeanor counts of contracting without a license (Bus & Prof. Code, § 7028, subd. (c)). On June 30, 2014, the trial court sentenced defendant to eight years and eight months in prison.

On December 12, 2014, defendant filed petitions for recall of sentence under Proposition 47 (§ 1170.18) regarding the above cases. Defendant sought to be resentenced on the felony charges. On March 9, 2015, the trial court denied the petitions because the grand theft convictions were for losses exceeding \$950 and the remaining felony convictions were not qualifying offenses under Proposition 47.

This appeal followed.

DISCUSSION

After defendant appealed, upon his request, this court appointed counsel to represent him on appeal. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The trial court's orders denying defendant's petitions under Proposition 47 are affirmed.

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RAMIREZ
P. J.

We concur:

MILLER
J.

CODRINGTON
J.