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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

TRAVIS BERNARD POWELL,

Defendant and Appellant.

F070912

(Super. Ct. No. CRL009231)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Merced County. Mark Bacciarini, Judge.

Carol Foster, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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*Before Gomes, Acting P.J., Detjen, J., and Smith, J.

INTRODUCTION

On or about November 12, 2014, appellant Travis Bernard Powell filed a petition for habeas corpus, seeking to be resentenced pursuant to Penal Code¹ section 1170.18, known as Proposition 47. On December 11, 2014, the trial court denied the request on the basis Powell was ineligible for resentencing. Powell appealed. Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We affirm.

FACTS AND PROCEDURAL HISTORY

On January 7, 2014, Powell pled no contest to a felony violation of section 273.5, subdivision (a), corporal injury to a spouse, and to a felony violation of section 245, subdivision (a)(4), assault with force likely to produce great bodily injury. He also admitted a section 273.5, subdivision (e) enhancement, specifically that, within seven years of the commission of the current section 273.5 offense, he previously had been convicted of a violation of section 245, subdivision (a)(1), and a section 12022.7 great bodily injury enhancement. On February 4, 2014, Powell was sentenced to a total term of nine years in prison.

On or about November 12, 2014, Powell filed a petition for writ of habeas corpus, stating that he was seeking resentencing pursuant to “Proposition 47.” The trial court denied Powell’s request on the basis he was ineligible for resentencing pursuant to section 1170.18, subdivision (a).

Powell filed a notice of appeal on December 31, 2014. Appellate counsel was appointed on March 16, 2015. Appellate counsel filed a *Wende* brief on June 15, 2015. This court issued its letter on June 16, 2015, inviting Powell to submit supplemental briefing. No supplemental brief was filed.

¹References to code sections are to the Penal Code unless otherwise specified.

DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d at page 436. Powell did not file a supplemental brief.

The passage of Proposition 47 created section 1170.18. (Voter Information Pamp., Gen. Elec. (Nov. 4, 2014) text of Prop. 47, § 14.) Section 1170.18, subdivision (a), specifies in relevant part that any defendant currently serving a sentence for a felony who would have been guilty of a misdemeanor had the offense been committed after enactment of section 1170.18 may petition for recall of the sentence and resentencing. Eligibility for resentencing is limited to those convictions specified in section 1170.18, subdivision (a). (§ 1170.18, subd. (b).)

Proposition 47 was intended to reduce penalties for certain nonviolent and nonserious property and drug-related offenses. (*T.W. v. Superior Court* (2015) 236 Cal.App.4th 646, 652.) In the voter information pamphlet, the crimes to be reduced were identified as grand theft, shoplifting, receiving stolen property, writing bad checks, check forgery, and drug possession. (Voter Information Pamp., *supra*, analysis of Prop. 47 by the Legis. Analyst, pp. 35-36.) Convictions for violating section 245, corporal injury to a spouse, and section 273.5, assault with force likely to create bodily injury, are not among the enumerated offenses that are eligible for resentencing. (§ 1170.18, subd. (a).)

After an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The order filed December 11, 2014, denying the request for resentencing pursuant to section 1170.18 is affirmed.