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

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD MAQUINALES,

Defendant and Appellant.

F071591

(Super. Ct. No. 08CM7091)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kings County. Thomas DeSantos, 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 Kane, Acting P.J., Smith, J., and McCabe, J.†

† Judge of the Merced Superior Court assigned by the Chief Justice pursuant to article IV, section 6 of the California Constitution.

Richard Maquinales appeals from the order denying his petition for resentencing pursuant to Proposition 47, the Safe Neighborhoods and Schools Act. The petition alleges that Maquinales was convicted of violating Penal Code section 4502, subdivision (a), possession of a weapon while in prison. His petition requested this conviction be reduced to a misdemeanor.

The relevant provision of Proposition 47 is codified in Penal Code section 1170.18. Proposition 47 reduced certain felony drug and theft offenses to misdemeanors. In addition, it permitted defendants already convicted of felony violations of those offenses to petition the trial court to have their felony convictions reduced to misdemeanors. Penal Code section 1170.18 reflects the latter provision, and subdivision (a) provides that a defendant is eligible for resentencing if he or she was convicted of violating Health and Safety Code sections 11350, 11357, or 11377, or was convicted of violating Penal Code sections 459.5, 473, 476a, 490.2, 496, or 666. Since Maquinales was not convicted of violating any of the code sections enumerated in Penal Code section 1170.18, subdivision (a), he is not eligible for resentencing.

Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 asserting that after a thorough review of the record, she could not identify any arguable issues. By letter dated September 17, 2015, we invited Maquinales to inform this court of any issue he wished addressed. Maquinales did not respond to our letter.

As stated above, Maquinales was statutorily ineligible for resentencing pursuant to the provisions of Proposition 47. Accordingly, the order denying Maquinales's petition is affirmed.