Filed 3/17/17 P. v. Renteria CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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| THE PEOPLE,<br><br>Plaintiff and Respondent,<br><br>v.<br><br>RONALD DAVE RENTERIA,<br><br>Defendant and Appellant. | B275606<br><br>(Los Angeles County Super. Ct. No. KA038347) |

APPEAL from an order of the Superior Court of Los Angeles County, William C. Ryan, Judge. Affirmed.

Law Offices of David R. Greifinger and David R. Greifinger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

On October 29, 1998, a jury convicted appellant Ronald Dave Renteria of carjacking (Pen. Code, § 215, subd. (a))[1] and escaping from custody (§ 4532, subd. (b)(1)). As to the carjacking, the jury found true the allegation that appellant personally used a firearm (a handgun) to commit the offense (§ 12022.5). In a bifurcated proceeding, the trial court found true prior strike and prison term allegations. The court sentenced appellant to a total state prison term of 69 years to life: 27 years on the carjacking count under the Three Strikes law, plus 10 years for the firearm enhancement; and 25 years to life on the escaping from custody count under the Three Strikes law as a third strike, plus five years for a prior serious felony conviction and two years for two prior felony drug convictions.

On November 13, 2015, appellant filed a petition for a writ of habeas corpus, seeking resentencing of his Three Strikes sentence under Proposition 36. He argued that his third strike conviction for escaping from custody was not serious or violent and thus, he was entitled to two-strike resentencing under section 1170.126. On February 26, 2016, the trial court treated the petition as one seeking relief under Proposition 47 and resentencing pursuant to section 1170.18. It summarily denied the petition, determining that escaping from custody is not a crime eligible for resentencing under Proposition 47. Appellant timely appealed.

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[1] All further statutory citation is to the Penal Code, unless otherwise stated.

After examining the record, appointed appellate counsel filed a brief raising no issues, but asking this court to independently review the record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441-442. (See *Smith v. Robbins* (2000) 528 U.S. 259, 264.) Appellant filed a supplemental letter brief, arguing he was entitled to have the two one-year sentencing enhancements under 667.5, subdivision (b) stricken on the basis that the underlying 1986 and 1988 felony drug convictions have been reclassified to misdemeanors pursuant to Proposition 47.

Appellant has not demonstrated his entitlement to resentencing. As this court previously held in *People v. Hoang*, review granted October 12, 2016, S236454, a prior felony conviction reclassified to a misdemeanor pursuant to Proposition 47 can support the sentence enhancement under section 667.5. As the Supreme Court has not yet decided the issue and appellant's arguments do not persuade us otherwise, we affirm our prior ruling and apply it to this case. Accordingly, we conclude the trial court did not err in denying appellant's petition seeking resentencing pursuant to Proposition 47.

This court has examined the entire record in accordance with *People v. Wende*, *supra*, 25 Cal.3d at pages 441-442, and is satisfied appellant's attorney has fully complied with the responsibilities of counsel, and no arguable issues exist. Accordingly, we affirm.

## DISPOSITION

The order is affirmed.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

COLLINS, J.