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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

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In re CHRISTINA CAMERON on Habeas Corpus.

C065911

(Super. Ct. No. 10HB5321)

OPINION AFTER  
TRANSFER FROM  
SUPREME COURT

On May 27, 2009, petitioner Christina Cameron was sentenced to state prison for 13 years based upon her guilty pleas to one count of identity theft and 12 counts of second degree burglary, and admission of the service of two prior prison terms. Petitioner was awarded presentence conduct credits pursuant to the formula provided at that time by Penal Code section 4019 (section 4019), to wit, two days of conduct credits for every four days actually served. Defendant received total presentence credits of 608 days, consisting of 406 days actually served plus 202 days for conduct.

Effective January 25, 2010, the Legislature amended section 4019 to provide two days of conduct credit for every two days actually served to a class of prisoners deemed

safe for early release from prison.<sup>1</sup> But for the effective date of January 25, petitioner would be eligible to receive the increased rate for awarding conduct credits.

On July 23, 2010, petitioner filed an in propria persona habeas corpus petition in the superior court seeking the additional conduct credits. The petition was summarily denied. On August 27, 2010, petitioner, now represented by appointed counsel, filed a petition for writ of habeas corpus in this court, claiming she was entitled under principles of equal protection to receive the increased rate provided by the new amendment. We agreed and on January 24, 2012, remanded the matter for the trial court to award defendant the additional credits.

On April 18, 2012, the California Supreme Court granted review. On May 15, 2013, the California Supreme Court transferred the matter to this court with directions to vacate our prior decision and to reconsider the cause in light of *People v. Brown* (2012) 54 Cal.4th 314 (*Brown*), which rejected our equal protection analysis and concluded the new amendment was not retroactive prior to its effective date of January 25, 2010. (*Id.* at pp. 328-330.)

On May 20, 2013, we vacated our prior decision. Upon reconsideration of the cause, and in accordance with the holding of the California Supreme Court in *Brown*, we hereby deny the petition.

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RAYE, P. J.

We concur:

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BLEASE, J.

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MURRAY, J.

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<sup>1</sup> Senate Bill No. 3X 18, enacted during the 2009-2010 Third Extraordinary Session. (See Stats. 2009, ch. 28, § 50.)