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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sutter)

THE PEOPLE,

Plaintiff and Respondent,

v.

MANUEL CHAVEZ, JR.,

Defendant and Appellant.

C068666

(Super. Ct. Nos. CRF102980,
CRM110632)

A jury convicted defendant Manuel Chavez, Jr., of two counts of second degree burglary and one count of vandalism and found true an allegation that he had served a prior prison term. On July 1, 2011, defendant was sentenced to state prison for four years.

On appeal, relying on *In re Kapperman* (1974) 11 Cal.3d 542, defendant contends that limiting the application of the “2011 Realignment Legislation” addressing public safety (Stats. 2011, ch. 15, § 1), which requires sentencing to local county jails for a class of lower-level felons, such as defendant herein, to defendants sentenced on or after

October 1, 2011, violated principles of equal protection. Therefore, defendant concludes, he is entitled to be resentenced under the Realignment Act. We disagree.

Following the filing of the briefs in this case, we filed our opinion in *People v. Lynch* (2012) 209 Cal.App.4th 353, expressly rejecting defendant's argument. (*Id.* at pp. 356, 360-361.) For the reasons stated therein, we reject defendant's contention.

DISPOSITION

The judgment is affirmed.

_____ MURRAY _____, J.

We concur:

_____ NICHOLSON _____, Acting P. J.

_____ HULL _____, J.