

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

----

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD WAYNE RUBY,

Defendant and Appellant.

C068861

(Super. Ct. Nos.  
CM031517 & CM033051)

On August 12, 2010, defendant Richard Wayne Ruby pled no contest to charges of theft from a dependent adult (Pen. Code, § 368, subd. (e)) and criminal threats (Pen. Code, § 422).

On July 19, 2011, the trial court sentenced defendant to three years in state prison. The court awarded defendant 333 days of presentence custody credit (223 actual days and 110 conduct days).

On appeal, defendant contends his right to equal protection under the law was violated because he was "denied the benefit of

the ameliorative provisions of the revised sentencing scheme" under Penal Code section 4019.

The California Supreme Court has rejected this contention. (*People v. Brown* (2012) 54 Cal.4th 314, 330; see also *People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9.) We are bound to reject it as well. (See also *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.)

**DISPOSITION**

The judgment is affirmed.

\_\_\_\_\_  
DUARTE, J.

We concur:

\_\_\_\_\_  
HULL, Acting P. J.

\_\_\_\_\_  
ROBIE, J.