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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN QUINN,

Defendant and Appellant.

C069356

(Super. Ct. No. 11F01000)

On appeal, defendant Steven Quinn contends the trial court's failure to award additional conduct credits pursuant to the Criminal Justice Realignment Act of 2011 (Realignment Act) (Stats. 2011, ch. 15, § 482) constitutes a violation of equal protection. Following the California Supreme Court's decision in *People v. Lara* (2012) 54 Cal.4th 896 at page 906, footnote 9 (*Lara*), we reject defendant's contention. We affirm the judgment.

BACKGROUND¹

Defendant committed his offenses on January 24, 2011. He pled no contest to first degree burglary (Pen. Code, § 459, subd. (a)).² His conviction for first degree burglary is a serious felony. (§ 1192.7, subd. (c)(18).) The trial court sentenced defendant to a stipulated term of two years in state prison and awarded 284 days of presentence credit (190 actual and 94 conduct).

The trial court sentenced defendant under the September 28, 2010, revision of the presentence credit law. Under that version, a defendant with a current or prior serious or violent felony conviction was entitled to two days of conduct credit for every four days of presentence custody. (Former §§ 2933, 4019.)

Prospective Application of Section 4019

The Realignment Act amended section 4019, entitling defendants to two days of conduct credits for every two days of presentence custody. (§ 4019, subds. (b), (c), (f).) The award of credits is not reduced by a defendant's current or prior conviction for a serious felony. This provision applies prospectively to defendants serving presentence incarceration for crimes committed on or after October 1, 2011. (§ 4019, subd. (h).)

Defendant argues that the prospective application of section 4019 violates the equal protection clauses of the state and federal constitutions. This argument was rejected by the California Supreme Court in *Lara*. (*Lara, supra*, 54 Cal.4th at p. 906, fn. 9.)

In *Lara*, the Supreme Court explained its rejection of defendant's equal protection argument as follows: "As we there [*People v. Brown* (2012) 54 Cal.4th 314, 328-330] explained, "[t]he obvious purpose" of a law increasing credits "is to affect the behavior

¹ Given the nature of the issue on appeal, only the facts and procedural history relevant to our disposition are recounted.

² Undesignated statutory references are to the Penal Code.

of inmates by providing them with incentives to engage in productive work and maintain good conduct while they are in prison.” [Citation.] “[T]his incentive purpose has no meaning if an inmate is unaware of it. The very concept demands prospective application.” (*Brown*, at p. 329, quoting *In re Strick* (1983) 148 Cal.App.3d 906, 913.) Accordingly, prisoners who serve their pretrial detention before such a law’s effective date, and those who serve their detention thereafter, are not similarly situated with respect to the law’s purpose. (*Brown*, at pp. 328-329.)” (*Lara, supra*, at p. 906, fn. 9.)

Accordingly, defendant is not entitled to the additional accrual of conduct credits under the October 1, 2011, amendment to section 4019.

DISPOSITION

The judgment is affirmed.

HOCH, J.

We concur:

RAYE, P. J.

MURRAY, J.