

NOT TO BE PUBLISHED

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

THE PEOPLE,	C070470
Plaintiff and Respondent,	(Super. Ct. No. 09F01228)
v.	
ERIC ANGELO TRUJILLO,	
Defendant and Appellant.	

Defendant Eric Angelo Trujillo pled no contest on February 10, 2012, to driving with a blood-alcohol level of .08 percent or more and causing injury and to leaving the scene of an injury accident -- crimes which occurred on November 3, 2008. He also admitted he had a prior "strike" conviction. Following entry of his pleas, the trial court sentenced him to an aggregate term of five years four months in state prison.

Applying Penal Code section 4019, as amended effective January 25, 2010, the trial court awarded defendant 612 actual custody days and 306 conduct days, for a total of 918 days of custody credit. (Stats. 2009, 3d Ex. Sess. 2009-2010, ch. 28,

§ 50.) Defendant would be entitled to additional credits under the Criminal Justice Realignment Act of 2011, but those new provisions apply only to defendants whose crimes were committed on or after October 1, 2011. (Pen. Code, § 4019, subd. (h).)

Defendant argues that the prospective application of the conduct provisions of the Criminal Justice Realignment Act violates his right to equal protection under the law. This claim was rejected by the California Supreme Court in a case after the conclusion of briefing. (*People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9.) Applying *Lara*, we reject defendant's claim.

DISPOSITION

The judgment is affirmed.

ROBIE, Acting P. J.

We concur:

BUTZ, J.

DUARTE, J.