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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

RUSSELL CULL,

Defendant and Appellant.

G048119

(Super. Ct. No. R-00137)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Gregg L. Prickett, Judge. Affirmed.

John Alan Cohan, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Russell Cull was convicted of a violation of Health and Safety Code section 11352, subdivision (a) (sale or transportation of a controlled substance) in May 2010, and sentenced to three years in state prison. He was released on community supervision (parole) on October 22, 2011.

He did not do well. He repeatedly failed to report and was incarcerated in the county jail for 75 days for his first violation and 90 days for his second. When he violated a third time, again by simply failing to report to the probation officer, the court ordered him jailed for 180 days.

He appealed and we appointed counsel to represent him. Counsel did not argue against his client, but filed a *Wende* brief (*People v. Wende* (1979) 25 Cal.3d 436), informing us he could not find an issue to argue for his client that had a reasonable chance of success.

Nor can we. This was a decision wholly within the sound discretion of the trial court, and we cannot say giving someone 180 days for his *third* parole violation is an abuse of discretion.

Appellate counsel has directed us to the Postrelease Community Supervision Act of 2011 (Pen. Code, § 3450 et seq.) and its adjuration to courts to remember that reincarceration of parolees for technical violations can be counter-productive and should be carefully considered, but this is a third violation. And it is not a “technical” violation in any real sense. The whole idea of parole is that the inmate will have someone supervising him, someone helping him get through the difficult readjustment to noncustodial life. The inmate who refuses to report essentially negates the parole system and turns his conditional release into an unconditional one. The trial judge would have been within his power in returning appellant to state prison. His decision instead to impose 180 days cannot be gainsaid by us.

Appellant was notified of his right to file a supplemental brief within 30 days if there was anything he wished to add to the case. That time has passed, and he did not do so. We are in agreement with appellate counsel that there is no issue here.

The judgment is affirmed.

BEDSWORTH, ACTING P. J.

WE CONCUR:

FYBEL, J.

IKOLA, J.