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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

CLEMENT ERIC BROWN,

Defendant and Appellant.

B296499

(Los Angeles County  
Super. Ct. No. 9PH00431)

APPEAL from an order of the Superior Court of Los Angeles County, Robert M. Kawahara, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Robert Booher, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Defendant Clement Eric Brown appeals from an order revoking his parole and returning him to custody. We affirm.

### **BACKGROUND**

Brown was convicted of first degree murder on November 22, 1985 and sentenced to 26 years in state prison. He was released on parole on May 30, 2013.

On January 17, 2019, the Department of Corrections and Rehabilitation (CDCR) filed a petition for revocation of parole. The grounds for the petition were that Brown violated the terms of his parole by: (1) engaging in criminal conduct, namely, incest; (2) having contact with his codefendant, Tutuila Tuvalu; (3) traveling more than 50 miles from his county of residence, and traveling out of California, without the prior approval of his parole officer; and (4) consuming or possessing alcoholic beverages.

At the parole revocation hearing on February 27, 2019, 20-year-old Jessica D. testified that Brown is her maternal uncle. The two had been involved in a sexual relationship since 2016.

According to Brown's parole agent, Don Gonzales, Brown admitted that he had contact with Tuvalu at family gatherings. Brown also admitted that he had traveled outside the 50-mile radius. A photograph showed Brown in Las Vegas with a beer in his hand, although Brown denied consuming alcohol while on parole.

Other photographs showed Brown holding a beer. Jessica D.'s sister testified that she had observed Brown drink alcoholic beverages. She also observed Brown and Tuvalu together at family gatherings.

Brown's counsel requested that the court dismiss the petition and allow Brown to continue on parole with a remedial

sanction. Counsel noted that Brown had housing and a job, which were “stabilizing factors.”

The court found that Brown violated the conditions of his parole by being together with Tuvalu at family gatherings, traveling more than 50 miles from his county of residence without prior approval, and possessing and consuming alcoholic beverages. The court further found that Brown committed incest by having a sexual relationship with his niece.

The court found continuation of parole with remedial sanctions was inappropriate, based on the fact there was not just one parole violation but “a cumulation of a number of things.” It ordered Brown returned to custody. Brown timely appealed.

### **DISCUSSION**

We appointed counsel to represent Brown on this appeal. After review of the record, Brown’s counsel filed an opening brief requesting this court to independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. On October 18, 2019, we sent a letter to Brown, advising him that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. We received no response.

We have examined the entire record. We are satisfied that no arguable legal issues exist and that Brown’s counsel has fully complied with her responsibilities. By virtue of counsel’s compliance with the *Wende* procedure and our review of the record, we are satisfied that Brown received adequate and effective appellate review of the order entered against him in this case. (*People v. Wende, supra*, 25 Cal.3d at p. 441; accord, *People v. Kelly* (2006) 40 Cal.4th 106, 109-110.)

**DISPOSITION**

The order is affirmed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

WEINGART, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.