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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

BENITO SUVIA BENAVIDES  
III,

Defendant and Appellant.

2d Crim. No. B298226  
(Super. Ct. No. 2018018979)  
(Ventura County)

Benito Suvia Benavides III appeals from an order revoking mandatory supervision. (Pen. Code, § 1170, subd. (h)(5).)

Benavides pled guilty to burglary (Pen. Code, § 459) and admitted that he served a prior prison term (Pen. Code, § 667.5, subd. (b)). The court imposed a split sentence of three years to be served as 18 months in county jail followed by 18 months of mandatory supervision. (Pen. Code, § 1170, subd. (h)(5).) He was credited with time served and conduct credits totaling 513 days.

Benavides admitted violating the terms of mandatory supervision by using narcotics. Mandatory supervision was terminated and he was returned to custody to serve the remainder of his sentence.

We appointed counsel to represent Benavides in the appeal. After counsel examined the record, he filed an opening brief that raises no arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

On September 9, 2019, we mailed a notice to Benavides at the Ventura County Jail to advise him that he had 30 days within which to submit any contentions or issues he wished us to consider. The notice was returned undelivered as he was no longer in custody.

Counsel for Benavides filed a supplement to appellant's opening brief advising us that the release of Benavides from custody moots the appeal. We agree the appeal is moot because a reviewing court can offer no relief regarding the jail term that has been completed. (*People v. DeLeon* (2017) 3 Cal.5th 640, 645.)

The appeal is dismissed.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Nancy L. Ayers, Judge

Superior Court County of Ventura

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Richard B. Lennon, under appointment by the Court  
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.