

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

RAMIRO BASQUEZ,

Defendant and Appellant.

2d Crim. No. B239909
(Super. Ct. No. 2011011186)
(Ventura County)

Ramiro Basquez appeals the judgment entered after he pled guilty to forgery (Pen. Code, § 470, subd. (d)).¹ The trial court suspended imposition of sentence and granted appellant three years of formal probation with terms and conditions that included 180 days of confinement in county jail. Appellant contends that the court erred by failing to award him conduct credits pursuant to the amended version of section 4019 that went into effect on October 1, 2011. We affirm.

On March 8, 2012, upon ordering appellant to serve 180 days in custody, the court awarded him two conduct credits for each four days of custody. The court's award was based on the calculation formula of the former version of section 4019 that was in effect on February 5, 2011, the date appellant committed forgery.

Appellant contends, as he did below, that the trial court erred by failing to award him conduct credits under the current version of section 4019, which provides two

¹ All statutory references are to the Penal Code.

days of conduct credit for each two days of custody. As appellant concedes, the current version of section 4019 expressly states that it only applies to defendants confined for crimes committed on or after the statute's effective date, October 1, 2011. He nonetheless seeks enhanced credits under the current statute. Our Supreme Court has rejected comparable claims. (*People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9; see also *People v. Brown* (2012) 54 Cal.4th 314, 329 [prospective application of the January 25, 2010, amendment to section 4019 does not violate equal protection]; *People v. Ellis* (2012) 207 Cal.App.4th 1546, 1553 [defendants who commit crimes prior to the October 1, 2011, amendment to section 4019 are not entitled to enhanced credits for time served after that date].) We are bound to follow our Supreme Court. (*Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.) We reject appellant's claim.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P.J.

YEGAN, J.

Nancy Ayers, Judge
Superior Court County of Ventura

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

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Lance E. Winters, Senior Assistant Attorney General, Victoria B.
Wilson, Supervising Attorney General, and Seth P. McCutcheon, Deputy Attorney
General, for Plaintiff and Respondent.