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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.

JOEL DOUG CLARK,

Defendant and Appellant.

2d Crim. No. B264013
(Super. Ct. No. 2010044526)
(Ventura County)

Joel Doug Clark appeals from an order revoking his postrelease community supervision (PRCS) and confining him in the county jail for 120 days. Appellant contends that he was denied his due process right to a prerevocation probable cause hearing within 15 days of his arrest for violating PRCS. We affirm.

Procedural Background

In 2011 appellant pleaded guilty to felony elder abuse. (Pen. Code, § 368, subd. (b)(1).)¹ The trial court suspended the imposition of sentence and placed appellant on formal probation for 36 months on condition that he serve 300 days in county jail. In 2012 the court revoked probation and sentenced appellant to prison for two years.

In January 2013 appellant was released on PRCS. On February 17, 2015, he was arrested for violating PRCS. At an administrative hearing conducted the following day, a probation officer found that probable cause existed to believe that appellant had violated PRCS because (1) he had failed to attend drug treatment from January 30, 2015 to February 10, 2015;

¹ All statutory references are to the Penal Code.

(2) he had admitted using methamphetamine on February 10, 2015; and (3) he had admitted selling \$20 worth of methamphetamine to another person on PRCS. The probation officer noted that appellant had "[a]ppeared to understand" the proceedings at the administrative hearing.

On February 25, 2015, appellant's supervising agency filed a petition to revoke PRCS. A court hearing on the petition was set for March 12, 2015, 23 days after appellant's arrest. On the date of the hearing, appellant filed a request to dismiss the petition. He alleged: "[T]he postrelease supervision revocation process violates his procedural [due process] rights by not providing for an arraignment date 10 days from his arrest, and a probable cause hearing 15 days from his arrest."

The trial court denied the request for a dismissal. Appellant then submitted the matter on the petition. The court found the petition true, revoked PRCS, and ordered appellant to serve 120 days in the county jail. The court further ordered that, upon appellant's release from jail, PRCS shall be reinstated on the same terms and conditions.

Discussion

The PRCS revocation procedures here utilized are consistent with constitutional, statutory, and decisional law. These procedures do not violate concepts of equal protection or due process of law. We so held in *People v. Gutierrez* (Mar. 2, 2016, B264167) __ Cal.App.4th __ [2016 Cal.App. Lexis 167]. We follow our own precedent. Appellant's contentions are without merit.

Disposition

The order revoking PRCS and confining appellant in the county jail for 120 days is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Donald D. Coleman, Judge
Superior Court County of Ventura

Linda L. Currey, under appointment by the Court of Appeal, for Defendant and Apellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Victoria B. Wilson, Supervising Deputy Attorney General, Chung L. Mar, Deputy Attorney General, for Plaintiff and Respondent.