

Filed 3/26/18 P. v. Saldana CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

PACO G. SALDANA,

Defendant and Appellant.

B283996

(Los Angeles County
Super. Ct. No.7PH02120)

APPEAL from an order of the Superior Court of Los Angeles County, Jacqueline H. Lewis, Judge. Affirmed.

Heather E. Shallenberger, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Paco Saldana appeals from the court's order revoking his parole following a contested parole revocation hearing. Appellant's counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Appellant did not respond to our letter advising him of his right to file supplemental briefing. We review the record to determine whether there are arguable issues on appeal.

Appellant was convicted of second-degree murder in 1992. He was paroled in 2015. One of the parole conditions prohibited the consumption of alcohol; another prohibited engaging in criminal conduct. In the early morning of May 30, 2017, officers observed appellant's car swerve and almost collide with a car in the next lane on the highway. Appellant exhibited signs of intoxication during the ensuing traffic stop: he smelled of alcohol, his speech was slurred, and his eyes were red and watery. Appellant admitted having drunk a 12-pack of beer in 12 hours. His blood alcohol content was .16 to .17.

A parole revocation petition was filed alleging appellant had violated the conditions of his parole by consuming alcohol and driving under the influence. A trial court may revoke parole when it has reason to believe the person under supervision has "committed another offense or otherwise has violated the terms of supervision. [Citation.]" (*People v. Buell* (2017) 16 Cal.App.5th 682, 687.) The prosecution must prove the grounds for revocation by a preponderance of the evidence. (*Ibid.*) After a contested parole revocation hearing, the court found the allegations

true by preponderance of the evidence, revoked appellant's parole, and remanded him to the custody of the Department of Correction and Rehabilitation and the jurisdiction of the Parole Board for further parole consideration.

There were no arguable issues on appeal.

DISPOSITION

The order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

COLLINS, J.