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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ONTAE DUNN,

Defendant and Appellant.

B278970

(Los Angeles County  
Super. Ct. No. 6PH06915)

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.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief  
Assistant Attorney General, Lance E. Winters, Assistant  
Attorney General, Shawn McGahey Webb and David W.  
Williams, Deputy Attorneys General, for Plaintiff and  
Respondent.

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On October 3, 2016, the Los Angeles County District Attorney's Office filed a petition for revocation of defendant and appellant Rontae Dunn's parole (the petition). (Pen. Code, § 1203.2, subd. (b)(1).)<sup>1</sup> The petition alleged four parole violations: criminal threats (§ 422, subd. (a); violations 1 & 3), assault with a deadly weapon (§ 245, subd. (a); violation 2), and battery (§ 242, subd. (a); violation 4).

On October 6, 2016, defendant filed a demurrer and motion for sanctions, arguing in each that the petition violated his right to equal protection because revocation petitions filed by the district attorney's office are subject to different requirements than petitions filed by parole supervising agencies. The trial court overruled the demurrer and denied the motion for sanctions.

Following a contested hearing, on November 4, 2016, the trial court sustained the petition and revoked defendant's parole. The trial court restored parole on the same terms and conditions as before the violation, plus 180 days in the county jail. Defendant received 90 days of custody credit.

This timely appeal ensued. Defendant contends that "the constitutional guarantees of equal protection require that any agency seeking to revoke parole, whether a district attorney's office or supervising agency, must abide by the same procedural safeguards regardless of the underlying basis for revocation." Specifically, he argues that (1) the district attorney's office was required to file a written report as mandated by section 3000.08 and California Rules of Court, rule 4.541 (rule 4.541)

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

(2) any “disparity in procedural safeguards between petitions for revocation of parole filed by a district attorney’s office and one filed by a supervising agency violates a parolee’s Fourteenth Amendment right to equal protection because all parolees in violation of parole are similarly situated and, thus, should be treated equally”; (3) “[t]he unequal treatment of parolees in revocation proceedings is not rationally related to a legitimate state purpose.”

Pursuant to *People v. Castel* (2017) 12 Cal.App.5th 1321 (*Castel*), we affirm the trial court’s order. As we held in *Castel*, section 3000.08 and rule 4.541 “do not require a petition to revoke parole or postrelease community supervision filed by a district attorney to be accompanied by a written report.” (*Castel, supra*, at p. 1326.) Moreover, “[i]t is far from clear that the two groups defendant identifies—those whose revocation proceedings are initiated by a supervising agency and those whose are initiated by a district attorney—are similarly situated.” (*Id.* at p. 1327.) And, “[i]t is also unclear that the two groups defendant identifies are being treated differently.” (*Id.* at p. 1328.) And, “[e]ven if we assume that the two groups of supervised persons are similarly situated and are being treated differently, our Legislature had a rational basis for doing so.” (*Ibid.*)

Also in accordance with *Castel*, we reject defendant’s reliance upon *People v. Chatman* (2016) 2 Cal.App.5th 561, review granted November 16, 2016, S237374. (*Castel, supra*, 12 Cal.App.5th at p. 1330.)

**DISPOSITION**

The order is affirmed.

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\_\_\_\_\_, Acting P. J.  
ASHMANN-GERST

We concur:

\_\_\_\_\_, J.  
CHAVEZ

\_\_\_\_\_, J.  
HOFFSTADT