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In the Supreme Court of the State of California

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

ALLEN DIMEN DELEON,

Defendant and Appellant.

Case No. S230906

First Appellate
District, Division
Three, Case No.
A140050

Solano County
Superior Court, Case
No. FCR302185

**NOTICE OF ERRATA TO RESPONDENT'S ANSWER BRIEF ON
THE MERITS**

Due to inadvertent clerical error, Respondent's Answer Brief on the Merits, filed June 16, 2016, omits page 37. Accordingly, Respondent apologizes for the error, submits a copy of the previously-omitted page 37, and respectfully requests that the enclosed page 37 be inserted into the original brief.

Dated: June 22, 2016

Respectfully submitted,

KAMALA D. HARRIS
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A handwritten signature in black ink, appearing to read "Darren K. Indermill". The signature is fluid and cursive, with a large, stylized initial "D".

DARREN K. INDERMILL
Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. DeLeon**

No.: **S230906**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On June 22, 2016, I served the attached **NOTICE OF ERRATA TO RESPONDENT'S ANSWER BRIEF ON THE MERITS** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

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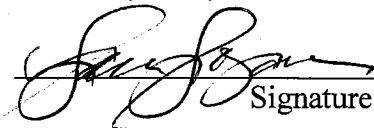
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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 22, 2016, at Sacramento, California.

Laurie Lozano
Declarant


Signature

set aside unless it appears that the failure to accord him a [probable cause] hearing resulted in prejudice to him at the revocation hearing.” (*Ibid.*) The appropriate standard for prejudice in this context is whether the denial was harmless beyond a reasonable doubt. (*Id.* at pp. 154-155, citing *Chapman v. California* (1967) 386 U.S. 18, 24.)

Specifically as it relates to the final revocation hearing, constitutional due process requires (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of the evidence against him; (c) an opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses; (e) a “neutral and detached” hearing body; and (f) a written statement as to the evidence relied on and the reasons for revoking parole. (*Morrissey, supra*, 408 U.S. at p. 489; *Vickers, supra*, 8 Cal.3d at pp. 457-458, 460-461.) The revocation hearing must take place within a “reasonable time” after the parolee is taken into custody. (*Morrissey*, at p. 488; *Vickers*, at p. 457.) A lapse of two months between arrest and revocation hearing is generally not unreasonable. (*Morrissey*, at p. 488; *In re Coughlin* (1976) 16 Cal.3d 52, 61 [two months was reasonable]; *In re Winn* (1975) 13 Cal.3d 694, 697-698 [three and a half months]; *People v. Woodall, supra*, 216 Cal.App.4th at p. 1238 [two months]; *In re Williams* (1974) 36 Cal.App.3d 649, 653 [two months and 25 days].)

Appellant received a timely, fair, and proper final revocation hearing. The hearing was held just 41 days after appellant’s arrest, which was within a “reasonable time.”¹⁶ The hearing would have been held even sooner if

¹⁶ Although respondent submits that the time limits in section 3044 do not apply to parole revocation proceedings conducted by the superior courts, it is notable that the revocation hearing in this case took place within the statutory limit of 45 days. Appellant did not argue in the trial court and does not argue here that the final revocation hearing was not timely.