

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RUBEN GARCIA,

Defendant and Appellant.

F052703

(Super. Ct. No. F90420081-2)

**ORDER MODIFYING
OPINION**
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 8, 2008, be modified as follows:

1. On page 15, the second and third full paragraphs beginning with “This claim was made” are deleted and the following paragraph is inserted in their place, which will require the renumbering of all subsequent footnotes:

This claim was made, and rejected, in the recently published case of *Boyle, supra*, 164 Cal.App.4th at pages 1286-1288. *Boyle* concluded that SVP’s are not similarly situated with other individuals who are committed civilly because (1) the group has an extremely high rate of recidivism, resulting in a high danger to the community; (2) the group commits predatory offenses, that is, offenses against individuals with whom the offender does not have a relationship; and (3) such individuals require long-term treatment with only a limited likelihood of cure. (*Ibid.*) We also note the amended SVPA is directed at a very narrow group of individuals (those convicted of specific sex crimes with a mental disorder

that predisposes them to commit such crimes). We agree with *Boyle* that SVP's are not similarly situated with other individuals who have been committed under different civil commitment statutes. Accordingly, we reject Garcia's equal protection challenge to the amended SVPA.

Except for the modifications set forth, the opinion previously filed remains unchanged. There is no change in the judgment.

CORNELL, Acting P.J.

I CONCUR:

DAWSON, J.