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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.

RAYMOND CRAIG COOK,

Defendant and Appellant.

B241052

(Los Angeles County
Super. Ct. No. BA381600)

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

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant Raymond Craig Cook appeals from a post-judgment order denying his motion to correct pre-sentence custody credits under Penal Code section 4019.¹ His appointed counsel filed a *Wende* brief. (*People v. Wende* (1979) 25 Cal.3d 436.) On June 26, 2012, we directed appointed counsel to send the record and a copy of counsel's brief to defendant and notified defendant of his right to respond within 30 days. We received no response.

In March 2011, defendant was charged with burglary (§ 459) and attempted auto theft (§ 664, Veh. Code, § 10851, subd. (a).) A prior strike conviction was alleged. In May 2011, he pled no contest to the burglary charge and admitted the prior strike. He was sentenced to a total of four years in prison and was awarded 89 days of actual credits and 44 days of conduct credits.

In April 2012, defendant filed a motion purporting to seek additional conduct credits under a subsequent amendment of section 4019. The only amendment cited in the motion, Senate Bill No. 18 (Stats.2009, 3rd Ex.Sess. 2009–2010, ch. 28, § 50), awarded two days of conduct credit for every two days of custody credit. But it was no longer in effect at the time of defendant's sentencing in 2011, and none of the superseding amendments of section 4019 entitle defendant to additional conduct credit. (See *People v. Brown* (2012) 54 Cal.4th 314, 318 & fn. 3; *People v. Garcia* (2012) 209 Cal.App.4th 530.)

We have reviewed the whole record under *People v. Kelly* (2006) 40 Cal.4th 106. No arguable issues for appeal exist.

¹ All statutory references are to the Penal Code, unless otherwise specified.

DISPOSITION

The order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

SUZUKAWA, J.