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REPORTS**

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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re PAUL AHUMADA,

on Habeas Corpus.

B289191

(Los Angeles County
Super. Ct. No. GA091530)

ORIGINAL PROCEEDINGS; petition for writ of habeas corpus. Cathryn F. Brougham, Judge. Petition granted in part and denied in part.

Paul Ahumada, in pro. per., for Petitioner.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Yung Lee and Peggy Z. Huang, Deputy Attorneys General, for Respondent.

Petitioner Paul Ahumada (petitioner) filed a habeas corpus petition contending, among other things, that the trial court erred in imposing both a Penal Code section 12022, subdivision (a)(1) enhancement (“a person who is armed with a firearm in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment”) and a Penal Code section 12022, subdivision (b)(1) enhancement (“[a] person who personally uses a deadly or dangerous weapon in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment”) as to each of his nine robbery convictions. This court ordered the Attorney General to file an informal response addressing whether the trial court’s imposition of both enhancements constitutes an unauthorized sentence. (Pen. Code, §§ 12022, subd. (e), 1170.1, subd. (f).) The Attorney General’s informal response concedes that one of the two imposed weapon enhancements pertaining to the robbery convictions must be stayed.

Pursuant to *People v. Romero* (1994) 8 Cal.4th 728, 740, footnote 7, the habeas corpus petition is deemed an existing cause before this court. The petition is granted solely as to petitioner’s claim that imposition of both enhancements constitutes an unauthorized sentence. (*People v. Espinoza* (1983) 140 Cal.App.3d 564, 566-567.) The remainder of petitioner’s claims lack merit.

DISPOSITION

The judgment is modified to stay imposition of the additional term of imprisonment for the Penal Code section 12022, subdivision (a)(1) enhancement as to each robbery count.

The clerk of the superior court shall prepare an amended abstract of judgment reflecting this modification and transmit it to the Department of Corrections and Rehabilitation. The petition is denied in all other respects.

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BAKER, Acting P.J.

We concur:

MOOR, J.

KIM, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.