

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RAMON AMAYA,

Defendant and Appellant.

B263989

(Los Angeles County
Super. Ct. No. PA082141)

APPEAL from a judgment of the Superior Court of Los Angeles County, Monica Bachner, Judge. Affirmed.

Joy A. Maulitz, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Connie H. Kan, Deputy Attorney General, for Plaintiff and Respondent.

On December 26, 2014, defendant, Ramon Amaya, pled no contest to second degree robbery in violation of Penal Code section 211. On April 28, 2015, the trial court suspended imposition of the sentence and placed defendant on three years' probation on the condition that he serve 270 days in the county jail. Defendant received credit for 5 days in presentence custody plus 4 days for good conduct. Defendant surrendered to custody on or about May 8, 2015.

We appointed counsel to represent defendant on appeal. After examining the record, appointed appellate counsel filed an "Opening Brief" in which no issues were raised. Instead, appointed appellate counsel requested this court independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) On February 2, 2016, we advised defendant that he had 30 days within which to personally submit any contentions or arguments he wished us to consider. No response has been received. We have examined the entire record and are satisfied appointed appellate counsel has fully complied with her responsibilities.

We asked the parties to brief the question whether defendant received correct amounts of presentence custody and conduct credit. We conclude that he did. We base this conclusion on our review of the superior court file and sheriff's documents. Defendant was arrested on October 3, 2014, posted bail on October 7, 2014, and remained free of custody until after he was sentenced. As noted above, the oral pronouncement sentence states defendant was entitled to five days in presentence custody plus four days for good conduct. The award was correct. (*People v. Adams* (2016) 245 Cal.App.4th 498, 508 [custody credit]; *People v. Whitaker* (2015) 238 Cal.App.4th 1354, 1357-1362 [conduct credit].) The December 26, 2014 minute order is incorrect insofar as it states that defendant posted bail on October 14, 2014.

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P.J.

We concur:

KRIEGLER, J.

BAKER, J.