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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re J.B., A Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.B.,

Defendant and Appellant.

B262507

(Los Angeles County
Super. Ct. No. NF27807)

APPEAL from orders of the Superior Court of Los Angeles County, John C. Lawson, Judge. Affirmed in part, reversed in part, and remanded with directions.

Torres & Torres and Tonja R. Torres, 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, Assistant Attorney General, Steven D. Matthews and Margaret E. Maxwell, Deputy Attorneys General, for Plaintiff and Respondent.

Appellant J.B., a minor, contends the juvenile court erred in failing to aggregate predisposition custody credits attributable to a prior petition when it issued its disposition order for the underlying petition, filed in January 2015. Respondent agrees. Accordingly, we remand for reconsideration of custody credits.

FACTUAL AND PROCEDURAL BACKGROUND

A. Prior Proceeding

In February 2014, appellant admitted in accordance with a petition filed under Welfare and Institutions Code section 602, that in November 2013, he committed first degree residential burglary in violation of Penal Code section 459. On June 3, 2014, the court placed appellant on probation for 12 to 36 months and ordered him released for 30 days of a community detention program. On December 12, 2014, the court ordered camp community placement for five-to-seven months with a maximum confinement time of three years.¹

B. Underlying Proceeding

In January 2015, a petition was filed alleging that appellant had committed a burglary in October 2014. At a contested hearing in February 2015, the court found the allegations of the petition true.² The court observed that appellant was serving the five-to-seven-month camp commitment ordered in December 2014. Based on the evidence that appellant was doing well in camp, the court ordered the five-to-seven-month camp commitment to remain in full force and effect, and

¹ The December 2014 order is not in our record, nor is any other order for the period between June 3, 2014 and January 9, 2015.

² Because the facts of the offense are not significant to the issue raised on appeal, we do not summarize them.

declared a maximum confinement period of seven years, four months.³ The court awarded appellant one day of predisposition credit based on his arrest for the October 2014 burglary. It did not determine whether he was entitled to credit for time spent in custody for the November 2013 burglary.

DISCUSSION

Welfare and Institutions Code section 726, subdivision (d) provides: “If the minor is removed from the physical custody of his or her parent or guardian as a result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.” “Since an adult’s term is reduced by credit for preconviction custody, section 726 should be interpreted as entitling a minor to credit for time previously spent in physical confinement when physical confinement is subsequently selected as a disposition.” (*In re Randy J.* (1994) 22 Cal.App.4th 1497, 1503; accord, *In re Eric J.* (1979) 25 Cal.3d 522, 533-536.) Section 726, subdivision (d)(5), of the Welfare and Institutions Code specifically defines “[p]hysical [c]onfinement” as “placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Justice.” Where, as here, “a juvenile court elects to aggregate a minor’s period of physical confinement on multiple petitions . . . the court must also aggregate the predisposition custody credits attributable to those multiple

³ The court also ordered 120 hours of community service, a \$100 statutory fine, and \$2,200 in restitution to the victim of the October 2014 burglary.

petitions.” (*In re Emilio C.* (2004) 116 Cal.App.4th 1058, 1067; accord, *In re A.M.* (2014) 225 Cal.App.4th 1075.)

Appellant and respondent agree the juvenile court erred in failing to award appellant any custody credits to which he was entitled based on the prior petition. Appellant and respondent further agree that the record contains insufficient information for this court to calculate the appropriate custody credits. Accordingly, the matter must be remanded.

DISPOSITION

The matter is remanded to the juvenile court to reconsider and recalculate custody credits. In all other respects, the adjudication and disposition orders are affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

COLLINS, J.