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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RAYMOND WRIGHT,

Defendant and Appellant.

B236663

(Los Angeles County
Super. Ct. No. BA379739)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Henry J. Hall, Judge. Affirmed as modified.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Blythe J. Leszkay and Jonathan M. Krauss, Deputy Attorneys General, for Plaintiff and Respondent.

Raymond Wright (Wright) was convicted of possessing cocaine base in violation of Health and Safety Code section 11351.5. He appeals on the grounds that his sentence should be corrected to reflect that he is entitled to an additional 99 days of credits. The People concede the point and join Wright in requesting that the sentence be corrected. We correct the sentence as requested.

As modified, the judgment is affirmed.

FACTS

After Wright entered a plea of no contest, the trial court sentenced him to six years in prison. The trial court calculated Wright's presentence credits as follows: 235 days of actual custody credit from the date of arrest on January 5, 2011, to the date of sentencing on September 16, 2011, plus 47 days of good time/work time credit. This appeal followed.

DISCUSSION

"Persons who remain in custody prior to sentencing receive credit against their prison terms for all of those days spent in custody prior to sentencing, so long as the presentence custody is attributable to the conduct that led to the conviction. [Citation.]" (*People v. Duff* (2010) 50 Cal.4th 787, 793 (*Duff*); Pen. Code, § 2900.5, subd. (a).)¹ Wright is entitled to presentence custody credit for both the day of arrest and day of sentencing. (*People v. Heard* (1993) 18 Cal.App.4th 1025, 1027.)² He was arrested on January 5, 2011, and held in custody until he was sentenced on September 16, 2011. There are 255 days between and including those dates. Therefore, Wright is entitled to 255 days of presentence custody credit.

Good time/work time credit is calculated under section 4019. The amount of days in custody (255) is divided by four for the sum of 63.75. The fraction is dropped, so the total is 63 days. (§ 4019, subd. (b) & (c).) Then, "if all days are earned under this

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² But see *People v. Ravaux* (2006) 142 Cal.App.4th 914, 921 [holding that custody credit is calculated from the date of booking].

section, a term of four days will be deemed to have been served for every two days spent in actual custody.” (§ 4019, subd. (f).) Based on this subdivision, 63 must be multiplied by two to reach the final number of 126.

DISPOSITION

The sentence is corrected to reflect that Wright is entitled to 255 days of presentence custody credit and 126 days of good time/work time credit, for a total of 381 days of presentence credit. As modified, the judgment is affirmed. On remand, the trial court is directed to amend the abstract of judgment accordingly.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
BOREN

_____, J.
DOI TODD