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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTONIO MENDOZA,

Defendant and Appellant.

A145296

(San Mateo County
Super. Ct. No. SC079697A)

Appellant and defendant Antonio Mendoza contends the abstract of judgment below must be corrected to reflect imposition of a 19-year prison term, rather than the 29-year term currently stated in the abstract. The People agree. We direct the trial court to make the correction.

BACKGROUND

In December 2014, pursuant to an agreement, appellant pled no contest in two cases to two counts of assault with a semiautomatic firearm (Pen. Code § 245, subd. (b))¹ and one count of soliciting another to commit murder (§ 653f, subd. (b)). He also admitted personally using a firearm (§ 12022.5, subd. (a)) in the two assaults, among other allegations. The agreement called for a 19-year prison term.

In March 2015, the trial court sentenced appellant to a 19-year prison term. The sentence consisted of a nine-year term for the assault in count two, plus a 10-year term

¹ All undesignated statutory references are to the Penal Code.

for the section 12022.5 enhancement. The court ordered the prison terms on the other offenses and allegations to run concurrently.

In June 2015, an abstract of judgment was prepared that states appellant was sentenced to 29 years in prison, consisting of the 19-year term on count two and its section 12022.5 enhancement, plus ten years for the section 12022.5 enhancement on count three.

DISCUSSION

The parties agree the trial court sentenced appellant to a 19-year term and the 29-year term stated in the abstract of judgment is a clerical error. This court has inherent power to order the correction of a clerical error in an abstract of judgment. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.) We will do so.

DISPOSITION

This matter is remanded to the trial court with directions to correct the abstract of judgment to reflect imposition of a total prison term of 19 years, consisting of a nine-year term on count two and a ten-year term on the section 12022.5, subdivision (a) enhancement attached to count two. The trial court shall forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

SIMONS, Acting P.J.

We concur.

NEEDHAM, J.

BRUINIERS, J.

(A145296)