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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY MICHAEL YOUNG,

Defendant and Appellant.

B232353

(Los Angeles County
Super. Ct. No. NA085683)

ORDER MODIFYING OPINION
AND DENYING REHEARING

CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on March 21, 2012, be modified as follows:

1. On page 1, line 2 after the caption, the sentence “Affirmed as modified” is changed to “Affirmed.”

2. On page 2, the last sentence of the first paragraph, the words “modify the conduct credits, but in all other respects,” is deleted so the sentence now reads:

We affirm the judgment.

3. On page 8, last line, delete the sentence “We agree that he is entitled to additional conduct credits.” The following sentence is inserted in its place:

We disagree.

4. On page 9, the third full paragraph, beginning “Section 4109 is amended” is deleted and the following paragraph is inserted in its place:

As an exception to the foregoing provisions, however, subdivisions (b)(2) and (c)(2) of Penal Code section 4019 at that time provided six days of credit for four days actually served, “[i]f the prisoner is required to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290), was committed for a serious felony, as defined in Section 1192.7, or has a prior conviction for a serious felony, as defined in Section 1192.7, or a violent felony, as defined in Section 667.5.” Because defendant personally used a deadly and dangerous weapon in the commission of his crime, his was a serious felony. (*Id.*, § 1192.7, subd. (c)(23).) He thus was entitled only to the six days of credit for every four actually in presentence custody which he received.

5. On page 10, the paragraph after the Disposition heading is deleted and the following is inserted in its place:

The judgment is affirmed.

This modification changes the judgment. Respondent’s petition for rehearing is denied

PERLUSS, P. J.

WOODS, J.

JACKSON, J.