

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Yolo)

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES DAVID WOODALL,

Defendant and Appellant.

C071850

(Super. Ct. No. CRF121726)

Appointed counsel for defendant James David Woodall has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We shall order the abstract of judgment amended to correct a minor error in pronouncement of sentence and affirm the judgment.

BACKGROUND

On April 27, 2012, police officers responded to a fight between defendant and his stepfather. Defendant barricaded himself inside his stepfather's home, told officers he would burn the house down, and set fire to clothes and papers, causing damage to the

floor and carpet. Defendant pled no contest to arson of an inhabited structure (Pen. Code,¹ § 451, subd. (b)).

The trial court sentenced him to a stipulated term of five years in state prison, imposed various fines and fees, and awarded him 55 days of presentence credit--48 actual and 7 conduct. Defendant appeals. He did not obtain a certificate of probable cause.

DISCUSSION

Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant. However, we observe that the trial court specified the incorrect statutory basis (§ 4019) for limiting defendant's conduct credit, and that error is also reflected in the abstract of judgment. Although the trial court correctly limited defendant's presentence conduct credits to 15 percent of his actual time in custody due to his violent felony conviction (see § 667.5, subd. (c)(10)), the correct statutory authority for this limitation is section 2933.1. We shall order the trial court to amend the abstract of judgment to reflect the proper legal basis for its decision.

DISPOSITION

The judgment is affirmed. The trial court is directed to prepare an amended

¹ Further undesignated statutory references are to the Penal Code.

abstract of judgment consistent with this opinion and forward a certified copy to the Department of Corrections and Rehabilitation.

DUARTE _____, J.

We concur:

RAYE _____, P. J.

BUTZ _____, J.