

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER ALAN LONG,

Defendant and Appellant.

C071871

(Super. Ct. No. NCR82740)

Appointed counsel for defendant Christopher Alan Long asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). We will correct an error in the abstract of judgment, but we find no other arguable error that would result in a disposition more favorable to defendant. Accordingly, we will affirm the judgment.

I

On October 15, 2011, the City of Red Bluff Police Department received a report of a shooting. The victims, Josh and Jacob Bumpus, reported they were at a local convenience store and defendant was parked next to them. According to Josh and Jacob, defendant began “talking trash” to them. Josh and Jacob left the store and defendant followed them for a period of time.

Soon thereafter, Josh and Jacob were standing in front of their house with two others when defendant drove up, stopped in the street, and said something to them. One of the men approached defendant, when he was within approximately four feet of defendant's car, defendant "brought his arm around, holding a handgun." Defendant then fired a single shot and drove away. The bullet fired by defendant pierced the bed of a parked truck and lodged itself in the front porch of the house.

Defendant was subsequently arrested and charged with attempted murder (Pen. Code,¹ §§ 664, 187) and two counts of assault with a firearm (§§ 245, subd. (b), 245, subd. (a)(2)). It was further alleged defendant personally and intentionally discharged a firearm in violation of section 12022.53, subdivision (c), and personally used a firearm in violation of section 12022.5, subdivisions (a) and (d).

Defendant retained counsel and waived a preliminary hearing. He later pleaded guilty to both counts of assault with a firearm and admitted he personally and intentionally discharged a firearm. In exchange for his plea, the People agreed to dismiss the remaining charge and allegations and to a sentencing bid of 11 years. The trial court later sentenced defendant to an aggregate term of seven years in state prison. The trial court ordered defendant to pay various fines and fees and awarded him 332 days of custody credit (289 actual and 43 conduct).

Defendant appeals without a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of

¹ Undesignated section references are to the Penal Code.

the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Our review discloses a clerical error in the abstract of judgment. The abstract of judgment indicates defendant received 342 days of custody credit (289 actual and 43 conduct). The trial court orally imposed 332 days of custody credit (289 actual and 43 conduct). When you add 289 to 43, the total number is 332. The error in the abstract of judgment is, therefore, a mathematical error that we will direct the trial court to correct.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect custody credits totaling 332 days, not 342 days. The trial court shall forward a certified copy of the corrected abstract of judgment to the California Department of Corrections and Rehabilitation.

BLEASE, J.

We concur:

RAYE, P. J.

NICHOLSON, J.