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

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THE PEOPLE,

Plaintiff and Respondent,

v.

FABIAN ROMERO MENDOZA,

Defendant and Appellant.

C073006

(Super. Ct. No. CRF12456)

In accordance with a negotiated plea agreement, defendant Fabian Romero Mendoza pleaded no contest to committing felony corporal injury to a cohabitant resulting in a traumatic condition. (Pen. Code, § 273.5, subd. (a).) In exchange, the trial court imposed the upper term of four years in state prison. At sentencing, the trial court awarded defendant 113 days' actual custody credit, plus 112 days' conduct credit, for a total of 225 days' presentence credit against his sentence.

On appeal, defendant contends and the People concede that the credit award is incorrect. We agree the credit award is incorrect and defendant is entitled to 228 days' presentence credit.

On September 23, 2013, the trial court filed an amended abstract of judgment awarding defendant 228 days' presentence credit. Therefore, the error having been corrected, we dismiss this appeal as moot.

DISPOSITION

The appeal is dismissed.

\_\_\_\_\_ HULL \_\_\_\_\_, Acting P. J.

We concur:

\_\_\_\_\_ DUARTE \_\_\_\_\_, J.

\_\_\_\_\_ HOCH \_\_\_\_\_, J.