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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

TIMOTHY WILLIAMS,

Defendant and Appellant.

D060940

(Super. Ct. No. SCD236433)

APPEAL from a judgment of the Superior Court of San Diego County, Theodore M. Weathers, Judge. Appeal dismissed.

On September 7, 2011, Timothy Williams willfully and unlawfully obtained personal identifying information (Pen. Code, § 530.5, subd. (a)). On September 26, he entered a negotiated guilty plea to that offense. On November 10, the court sentenced Williams to two years in local custody. The court awarded him 64 days' actual custody credits and 32 days' conduct credits (Pen. Code, § 4019), a total of 96 days. On November 15 and December 5, Williams filed notices of appeal.

In March 2012, the sentencing court denied Williams's motion for 32 additional days' conduct credits. Two weeks later, Williams filed his opening brief in this appeal, contending he is entitled to that additional credit. On May 10, a judge in the presiding department of the superior court issued an order that " 'pre-and-post-sentence conduct credits in . . . cases listed in [an] attachment[, including Williams's case,] shall be re-calculated to award "two days-for-two days" (half-time) credits for custody served both before and after sentencing.' " On May 21, the same judge amended the award of custody credits to include the additional 32 days Williams requested. On May 23, another superior court judge denied as moot Williams's petition for writ of habeas corpus, which requested the additional 32 days' credit. On May 24, the People filed their brief in this appeal, conceding that Williams is entitled to the additional credit.

The superior court's May 21, 2012, order renders this appeal moot. We accordingly dismiss the appeal.

#### DISPOSITION

The appeal is dismissed.

McDONALD, J.

WE CONCUR:

NARES, Acting P. J.

AARON, J.