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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

LUIS FRANCISCO LOPEZ,

Defendant and Appellant.

F067031

(Super. Ct. No. MCR042639)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Madera County. Ernest J. LaCalsi, Judge.

Jake Stebner, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Michael P. Farrell, Assistant Attorney General, Leanne LeMon and Louis M. Vasquez, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Poochigian, Acting P.J., Detjen, J. and Sarkisian, J.†

† Judge of the Superior Court of Fresno County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

A jury convicted appellant, Luis Francisco Lopez, of possession of a firearm by a person previously convicted of a felony (Pen. Code, § 29800, subd. (a)(1)), and in a separate proceeding, the court found true an enhancement allegation that appellant had served a prison term for a prior felony conviction (Pen. Code, § 667.5, subd. (b)). The court imposed a four-year prison term and awarded appellant 904 days of presentence custody credit (Pen. Code, § 2900.5, subd. (a)).

Prior to trial, on August 15, 2012, appellant filed a notice of a *Pitchess* motion (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531), with supporting papers, for discovery of certain information and materials regarding a City of Madera police officer. On September 14, 2012, the court conducted an in camera hearing, after which it advised defense counsel that “there are no existing records [meeting the description of the records requested].”

On appeal, appellant asks this court to independently review the sealed records pertaining to the *Pitchess* proceedings. The People effectively concede, and we agree, that such review is proper. (*People v. Mooc* (2001) 26 Cal.4th 1216, 1229.)

We have conducted an independent review of the transcript of the in camera hearing. Based on our review, we conclude the court’s ruling on the *Pitchess* motion did not constitute an abuse of discretion.

Appellant also argues in his opening brief that he was entitled to 905 days of presentence conduct credit, and not 904 days as ordered by the court. Subsequently, appellate counsel communicated to this court that the trial court had corrected the award of presentence credit and therefore that issue is resolved. We treat this communication as an abandonment of the claim of error in the award of presentence custody credit.

Appellant raises no other issues on appeal.

DISPOSITION

The judgment is affirmed.