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

In re EDUARDO H., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

EDUARDO H.,

Defendant and Appellant.

F068402

(Super. Ct. No. JJD064377)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Tulare County. Jennifer Shirk, Judge.

Robert McLaughlin, under appointment by the Court of Appeal, for Defendant and Appellant.

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\* Before Cornell, Acting P.J., Gomes, J. and Kane, J.

Kamala D. Harris, Attorney General, Michael P. Farrell, Assistant Attorney General, and Michael A. Canzoneri, Deputy Attorney General, for Plaintiff and Respondent.

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## **INTRODUCTION**

Appellant Eduardo H. appeals from his juvenile disposition order, contending the order must be reversed because the juvenile court erred in its award of precommitment custody credits. The People concede the error.

## **FACTUAL AND PROCEDURAL SUMMARY**

We provide only a brief summary of the facts because the issue raised in this appeal, the calculation of custody credits, is not contested.

By May 2013 Eduardo had been the subject of multiple Welfare and Institutions Code section 602 petitions, which included assault by means likely to produce great bodily injury, first degree burglary, resisting arrest, felony vandalism, possession of alcohol and marijuana, failure to attend school regularly, associating with gang members, and battery. In each instance the allegations were found true.

Another juvenile wardship petition was filed on May 3, 2013, alleging that Eduardo had committed two felonies in that he willfully, deliberately, and premeditatedly attempted to murder V.M. and shot at an inhabited dwelling. It also was alleged that Eduardo committed the offenses for the benefit of a criminal street gang and was personally armed with a firearm. Eduardo was detained on May 6, 2013. Eduardo admitted the attempted murder allegation, and the juvenile court accepted the admission and found the allegation true. The remaining count was dismissed.

At a contested disposition hearing on September 10, 2013, the juvenile court committed Eduardo to the Department of Corrections and Rehabilitation, Juvenile Justice Division, for a period of 23 years 2 months, plus life, less 940 days' credit for time

served. Eduardo also was ordered to register as a gang member pursuant to Penal Code section 186.30, subdivision (b), and to pay a restitution fine; various assessments were ordered.

### **DISCUSSION**

The sole issue raised by Eduardo in this appeal is that the juvenile court incorrectly calculated custody credits. He asserts the correct amount of custody credit should be 944 days. The People concede the correct custody credit should be 944 days.

The parties differ, however, on the remedy. The People assert the matter should be remanded to the juvenile court, even though there is no dispute as to the correct amount of credit. Eduardo contends this court should correct the sentencing error, rather than remand the matter.

“As a general rule, a defendant is supposed to have the trial court correct a miscalculation of presentence custody credits.” (*People v. Jones* (2000) 82 Cal.App.4th 485, 493.) However, appellate courts may resolve custody credit issues in the interests of judicial economy. (*Ibid.*) In a juvenile case, if there is no dispute regarding an error in calculation, the appellate court need not remand the matter for a calculation. (*In re Antwon R.* (2001) 87 Cal.App.4th 348, 353.)

Here, there is no dispute that there was an error in calculation and the parties agree as to the correct amount of presentence custody credit to be awarded, specifically 944 days. In light of this, we need not remand the matter to the juvenile court for a hearing on presentence custody credit.

### **DISPOSITION**

The commitment order is modified to reflect an award of 944 days of presentence custody credit. In all other respects the commitment order is affirmed. The juvenile court is directed to prepare an amended commitment order reflecting the 944 days presentence custody credit and to forward a certified copy of same to the appropriate authorities.