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

In re MANUEL F., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MANUEL F.,

Defendant and Appellant.

F070470

(Super. Ct. No. 512879)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Valli K. Isreals, Judge.

Lindsay Sweet, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Michael P. Farrell, Assistant Attorney General, Julie A. Hokans and Clara M. Levers, Deputy Attorneys General for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Kane, J. and Smith, J.

Minor Manuel F. was declared a ward of the court (Welf. & Inst. Code, § 602)¹ and was placed on probation and returned to the custody of his parents. After he violated probation, the juvenile court ordered him removed from his parents' custody. The court determined his maximum aggregate term of confinement to be 46 months and ordered him committed to juvenile hall for 19 days with 19 days of credit for time served. On appeal, he contends the juvenile court erred in failing to aggregate his predispositional custody credits and award him 451 days. The People concede and we agree.

Section 726, subdivision (d)(1) provides: "If the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court."

"In a juvenile delinquency proceeding, 'a minor is entitled to credit against his or her maximum term of confinement for the time spent in custody before the disposition hearing. [Citations.] It is the juvenile court's duty to calculate the number of days earned, and the court may not delegate that duty. [Citations.]' [Citation.] '[W]hen a juvenile court elects to aggregate a minor's period of physical confinement on multiple petitions ..., the court must also aggregate the predisposition custody credits attributable to those multiple petitions.' ([Citation]; see Welf. & Inst. Code, § 726, subd. (d) ['If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of

¹ All statutory references are to the Welfare and Institutions Code unless otherwise noted.

imprisonment specified in [Pen. Code section 1170.1, subd. (a)] ...’].”² (*In re A.M.* (2014) 225 Cal.App.4th 1075, 1085-1086.)

We agree with the parties that the record supports a finding that minor spent 451 days in actual custody. He is entitled to these aggregated predisposition custody credits against his maximum aggregate period of confinement.

DISPOSITION

The matter is remanded to the juvenile court with directions to modify the order to reflect 451 days of actual predisposition custody credit to be credited against minor’s maximum period of confinement of 46 months. As so modified, the juvenile court’s orders are affirmed.

² This provision is now found in section 726, subdivision (d)(3).