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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re ANTHONY P., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY P.,

Defendant and Appellant.

G050470

(Super. Ct. No. DL037595)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Jacki C.
Brown, Judge. Affirmed as modified.

Sylvia Whatley Beckham, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Peter Quon, Jr., and Raquel M. Gonzalez, Deputy Attorneys General, for Plaintiff and Respondent.

* * *

This is an appeal from a final order of the Orange County Juvenile Court which had previously found that minor Anthony P. came within the jurisdiction of the juvenile court. The minor admitted he defaced property, unlawfully possessed an aerosol paint container with the intent to commit vandalism and identified himself as a fictitious person to evade proper identification by a police officer.

Both the minor and the Attorney General agree the record contains two errors. The minor requests, and respondent does not oppose, that this court correct the June 30, 2014 minute order to conform to the juvenile court's oral pronouncement about probationary terms and conditions for the second petition. The juvenile court orally pronounced: "I'm not granting the informal sanctions discretion to be given to probation because I'm going to set a compliance review now." The court's minute order nonetheless states: "Probation can impose limited informal sanction for probation violations without court order." A discrepancy between the minutes and an oral pronouncement is presumed to be the result of clerical error, and the oral pronouncement prevails. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185-186.)

The second error was that the juvenile court ordered 11 days of custody credit when, in fact, the court should have ordered 12 days. We have examined the record and agree the juvenile should have ordered the additional day of custody credit.

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DISPOSITION

The findings and orders of the juvenile court are affirmed, except that the clerical error in the minute order is ordered stricken, and the record is ordered corrected to reflect 12 days of custody credit instead of 11.

MOORE, J.

WE CONCUR:

O'LEARY, P. J.

THOMPSON, J.