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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL FREDRICK CHAMBERS,

Defendant and Appellant.

G051354

(Super. Ct. No. 13WF3683)

O P I N I O N

Appeal from a postjudgment order of the Superior Court of Orange County, Christopher Evans, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Appeal dismissed.

Ava R. Stralla, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney General, Arlene A. Sevidal and Amanda E. Casillas, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant Daniel Fredrick Chambers appeals from the trial court's postjudgment order resentencing him to a misdemeanor and imposing parole pursuant to Penal Code section 1170.18, subdivisions (a), (b), and (d).¹ However, while defendant's appeal was still pending, the trial court ordered that his excess custody credits be counted against his parole time and that his parole period be reduced to eight months. Because defendant has now obtained the relief he sought on appeal, we dismiss his appeal as moot.

PROCEDURAL HISTORY

On January 6, 2014, defendant pleaded guilty to felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a) — count 1); misdemeanor false representation to a peace officer (§ 148.9, subd. (a)) — count 2); and misdemeanor possession of controlled substance paraphernalia (Health & Saf. Code, § 11364.1, subd. (a) — count 3). His plea form included an admission that on November 30, 2013, he unlawfully possessed a usable quantity of methamphetamine and a syringe, and gave a false name to a peace officer. Defendant also admitted all priors alleged in the first amended complaint. The court struck defendant's strike priors and struck his prison priors for purposes of sentencing only. It suspended sentence on counts 2 and 3, and imposed a prison term of 16 months on count 1. The court awarded him credit for 76 days and ordered him to register pursuant to Health and Safety Code section 11590.

¹

All statutory references are to the Penal Code unless otherwise stated.

On January 16, 2015, defendant petitioned under section 1170.18 for the reduction of his felony conviction to a misdemeanor conviction and, if subdivision (a) of section 1170.18 were found to be applicable, for misdemeanor resentencing. The court granted defendant's petition and designated count 1 a misdemeanor, but (over defendant's objection) imposed a one-year parole period pursuant to section 1170.18, subdivision (d).

Defendant filed a notice of appeal on January 22, 2015. While defendant's appeal was pending, the trial court ordered on October 14, 2015 that defendant's parole period be reduced to eight months because his custody credits exceeded the sentence, and that his registration requirement under Health and Safety Code section 11590 be vacated.²

DISCUSSION

The court's October 14, 2015 order effectuates section 2900.5's mandate that a defendant's excess custody credits be applied to reduce his or her parole period. Consequently, we are unable to give defendant any relief he has not already received in the trial court. Because defendant has obtained the relief he sought on appeal and is no longer an aggrieved party, his appeal is moot.

²

On November 4, 2015, we granted defendant's November 2, 2015 motion to augment the record with a copy of the court's October 14, 2015 order. In that motion, defense counsel argued this appeal appeared to be moot, given the trial court's October 14, 2015 order.

DISPOSITION

The appeal is dismissed.

IKOLA, J.

WE CONCUR:

O'LEARY, P. J.

THOMPSON, J.