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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.

ALEX ALFREDO CASTRO,

Defendant and Appellant.

G052159

(Super. Ct. No. 12CF3308)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Vickie Hix, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Appeal dismissed as moot.

Stephanie M. Adraktas, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\* \* \*

Defendant Alex Alfredo Castro appeals after the trial court granted his petition for resentencing and reduction of his felony to a misdemeanor under Penal Code section 1170.18. In November 2012, Castro pleaded guilty to one felony count of possessing methamphetamine in violation of Health and Safety Code section 11377, subdivision (a), and was sentenced to two years in prison. In June 2015, the trial court granted Castro's section 1170.18 petition and reduced his felony conviction to a misdemeanor. The court also resentenced Castro to 365 total days in jail with "total credits of 365 days" and placed him on one year of misdemeanor parole.

Castro filed a notice of appeal which stated, "[t]his appeal is after a contested issuance of 1 yr parole on a Prop 47 application." Castro's appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, setting forth the facts of the case and requesting that we review the entire record. Castro was granted 30 days to file written arguments in his own behalf, but did not do so.

On September 11, 2015, after Castro filed his notice of appeal, the trial court issued an order stating in part: "Prior to this court granting Defendant's petition for resentencing under section 1170.18 of the Penal Code, Defendant served 2 years in prison for this matter (pursuant to the sentence imposed by the court on November 26, 2012), *and served 180 days in county jail for this matter* pursuant to a sentence imposed by the court on August 19, 2014." (Italics added.) Noting that Penal Code section 18.5 states that a defendant may not be sentenced to more than 364 days for a misdemeanor, the trial court ordered Castro's sentence changed to 364 days, and his total credits changed to 30 months. The court stated that because Castro's "total credits of 30 months exceed the total sentence, including both confinement time and the period of parole, [Castro] is immediately discharged from parole (as to this matter)" and "all remaining fines are deemed paid in full."

The September 11, 2015 order afforded Castro all the relief he could obtain and we could offer by appeal. (*In re Miranda* (2011) 191 Cal.App.4th 757, 762.) The appeal is therefore dismissed.

FYBEL, J.

WE CONCUR:

ARONSON, ACTING P. J.

THOMPSON, J.