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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re RICHARD GOMEZ,
on Habeas Corpus.

A109501

(Contra Costa County Super. Ct.
Nos. 050045-4 & 021647-7)

The Court:¹

By petition for writ of habeas corpus, Richard Gomez contends that the superior court made a clerical error in calculating his presentence credits in *People v. Gomez* (Super. Ct. Contra Costa County, 2001, No. 021647-7). He alleges that he is entitled to additional credits.

The Attorney General agrees that petitioner is entitled to a total of 677 days of presentence credits, with 589 days of actual custody, including his date of arrest and his sentencing date (*People v. Browning* (1991) 233 Cal.App.3d 1410, 1412; *People v. Bravo* (1990) 219 Cal.App.3d 729, 735), and 88 days of conduct credits. The Attorney General also waives issuance of an order to show cause, and stipulates that the remittitur may issue immediately.

Therefore, the petition is granted to the extent that the Superior Court of Contra Costa County is directed to forthwith amend the judgment in *People v. Gomez* (Super. Ct. Contra Costa County, 2001, No. 021647-7) to reflect credit for time spent in custody of

¹ Before Marchiano, P.J., Swager, J., and Margulies, J.

677 days, 589 days of actual custody and 88 days of conduct credits, and to thereafter transmit an amended abstract of judgment to the Department of Corrections.

This opinion is final as to this court immediately, and the clerk of this court shall immediately remit a certified copy of it to the superior court for filing.