

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

TREVOR LEE KOONTZ,

Defendant and Appellant.

2d Crim. No. B224697
2D Crim. No. B224701
(Super. Ct. No. 2009029278
(Super Ct. No. 2009002554)
(Ventura County)
ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed hereon on March 2, 2011, be modified as follows:

1. On page 1, line 6 of the first full paragraph between the words “presentence” and “conduct” insert section 4019, so the sentence reads:

We hold that section 1385 vests trial courts with the discretion to strike a prior serious felony conviction in order to afford the maximum allowable presentence section 4019 conduct credits.

2. On page 1, line 7 of the first full paragraph, delete the word “a” and insert in its place insert the word ‘the.’”

3. On page 2, the last line of the second full paragraph after the word “deleted” insert section 4019, so the sentence reads: Thereafter on September 28, 2010, the Legislature deleted section 4019 “one-for-one credits.”

4. On page 2, line 7 of the second full paragraph put quotations marks around the words one-for-one.

4. On page 5, line 2 after the word “awarding” insert the words section 4019 and put quotations marks around the words one-for-one. The sentence will then read:

We remand to the trial court to determine whether, pursuant to section 1385, the prior serious felony conviction should be stricken for the purposes of awarding section 4019 “one-for-one” presentence conduct credits.

5. On page 5, line 2 of the footnote, between the words “largesse of” and “ ‘one-for-one credits’ ” insert section 4019 presentence. so that the line will read:

. . .because the Legislature largesse of section 4019 presentence “one-for-one credits” . . .

6. On page 5, line 5 of the footnote , after the words “trial court” insert the following:

We also observe that both in the trial court and on appeal, this matter was limited solely to section 4019. We need not, and do not, consider the September 25, 2011 amendments to section 2933, subdivisions (e)(1) and (e(3)).

No change in judgment.