FILED
ALAMEDA COUNTY
JUN 10 2011
CLERK OF THE SUPERIOR COURT
By

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, Vs. JOHANNES MEHSERLE, Defendant.	AOC# 1009606-10 Alameda County Superior Court #161210 ORDER TO RELEASE DEFENDANT FROM CUSTODY [PENAL CODE §1073(a)(3]

Defendant Johannes Mehserle was sentenced on November 5, 2010, to two years imprisonment for his conviction for involuntary manslaughter. The law requires the defendant be awarded conduct credits of one day for each day spent in custody. (Penal Code Sections 2933(b) and (e)(1).)

Defendant was convicted on July 8, 2010. He was remanded to custody on July 8, and has remained in continuous custody since that date. When he was sentenced on November 5, 2010, he had served 146 days in custody (121 days from the date of conviction to sentencing and 25 days from the date of his arrest on January 13, 2009, to his release on bail on February 6, 2009).

The Department of Corrections and Rehabilitation (CDCR) has calculated defendant Mehserle's release date, and has advised the Court that the defendant must be released on Monday, June 13, 2011. The Court has independently calculated the defendant's mandatory release date and agrees the defendant must be released on that date.

Through Sunday, June 12, 2011, defendant Mehserle will have served 365 days in custody (146 prior to sentencing and 219 post sentencing). He has previously been awarded 146 days of conduct credits for the time served prior to sentencing. On June 12, 2011, defendant Mehserle will have earned an additional 219 days of conduct credits. As of June 13, 2011, defendant's total custody credits will be 731 days (365 actual days in custody and 366 conduct credits).

The Court finds that as of June 13, 2011, the defendant's mandated custody credits will be equal to or exceed the sentence imposed, and that pursuant to Penal Code Section 1170(a)(3) he must be released from custody on that date. Defendant Mehserle has been advised by CDCR personnel regarding his parole status.

IT IS HEREBY ORDERED that Defendant Johannes Mehserle be released from custody on Monday, June 13, 2011. The hearing scheduled for June 13, 2011, is vacated.

Dated: June 10, 2011

Robert J. Perry

SUPERIOR COURT OF CALIFORNIA
EUREKA
COUNTY OF ALAMEDA