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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JAY CLARY, JR.,

Defendant and Appellant.

A144163

(Del Norte County
Super. Ct. No. CRF149416)

Defendant Michael Clary, Jr., appeals from a judgment following a guilty plea to one count of second degree robbery (Pen. Code, § 211). Defendant raises a single issue on appeal: that the abstract of judgment erroneously specifies a \$150 drug program fee that the trial court did not orally impose.¹

The Attorney General agrees the fee was incorrectly included in the abstract and it should be corrected to delete it. On review of the file, we agree.

At sentencing, the trial court orally announced the fines and fees it was imposing. These did *not* include the \$150 drug program fee provided for by Health and Safety Code section 11372.7 The clerk’s minutes, likewise, do not specify any such fee. Nor does an attachment to the minutes, itemizing the imposed fees, include such a fee.

The felony abstract of judgment, however, does list the \$150 drug program fee. This was obviously a mistake, and the abstract cannot, in any case, differ from the court’s oral pronouncement of sentence. (*People v. Jones* (2012) 54 Cal.4th 1, 89.)

¹ We conclude this matter is proper for disposition by memorandum opinion in accordance with California Rules of Court standard 8.1.

DISPOSITION

The “Felony Abstract of Judgment” filed on December 8, 2014, is ordered corrected to delete the \$150 drug program fee per Health and Safety Code section 11372.7. The judgment is otherwise affirmed.

Banke, J.

We concur:

Humes, P. J.

Margulies, J.