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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

BRANDON ELLIS THOMAS,

Defendant and Appellant.

B258025

(Los Angeles County
Super. Ct. No. BA417988)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Drew E. Edwards, Judge. Affirmed.

James M. Crawford, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler and Lance E. Winters, Assistant Attorneys General, Victoria B. Wilson and Margaret E. Maxwell, Deputy Attorneys General, for Plaintiff and Respondent.

Brandon E. Thomas pled no contest to one count of assault by force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(4)) as part of a plea agreement which sentenced him to the low term of two years in state prison. Thomas contends on appeal that the trial court violated the prohibition against ex post facto laws under the state and federal constitutions when it also imposed a \$300 restitution fine under Penal Code section 1202.4.¹ There is no merit to this contention.

During the plea colloquy, the prosecutor advised Thomas, among other things, that “[y]ou’ll have to pay a restitution fine of \$300.” When asked whether he understood all the consequences of his plea, Thomas replied, “yes.” The record clearly shows the \$300 restitution fine is part of the plea agreement and is valid. (*People v. Soria* (2010) 48 Cal.4th 58, 65, fn. 6 [“defendants are free to negotiate the amount of restitution fines as part of their plea bargains”]; *People v. Crandell* (2007) 40 Cal.4th 1301, 1307 [“the parties must adhere to the terms of a plea bargain”].)

DISPOSITION

The judgment is affirmed.

BIGELOW, P.J.

We concur:

RUBIN, J.

FLIER, J.

¹ Penal Code section 1202.4, subdivision (b) requires every person convicted of a crime to pay a restitution fine unless the trial court “finds compelling and extraordinary reasons for not doing so and states those reasons on the record.”