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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

ALTON EUGENE DEAN,

Defendant and Appellant.

C067308

(Super. Ct. No.
09F08440)

Defendant Alton Eugene Dean was accused by a complaint deemed an information of petty theft with two prior convictions for robbery (count one; Pen. Code, § 666),¹ second degree commercial burglary (count two; § 459), and falsely identifying himself to a police officer (count three; § 148.9, subd. (a)). As to counts one and two, it was alleged that defendant had two prior convictions for robbery, a serious felony, and had served

¹ Further undesignated section references are to the Penal Code.

prior prison terms therefor. (§§ 211, 667, subds. (b)-(i), 667.5, subd. (b), 1170.12.) As to count three, it was alleged that defendant had prior convictions for false imprisonment, sale or transportation of a controlled substance, grand theft, receiving stolen property, and auto theft, and had served prior prison terms therefor. (§§ 236, 487.2, 496, 667.5, subd. (b); Health & Saf. Code, § 11352, subd. (a); Veh. Code, § 10851, subd. (a).)

Defendant pled no contest to second degree burglary (count two) and admitted one strike prior in return for an aggregate state prison term of six years (the upper term doubled). The stipulated factual basis for the plea was that on November 13, 2009, defendant entered a Home Depot store in Sacramento with the intent to commit a felony therein, and that he was convicted of robbery on February 2, 1996.

After denying defendant's motion to withdraw his plea, the trial court sentenced defendant to six years in state prison and awarded 640 days of presentence custody credits (420 days actual credit and 220 days conduct credit). The court imposed a \$200 restitution fine (§ 1202.4, subd. (b)) a suspended \$200 restitution fine (§ 1202.45), and a \$40 court security fee (§ 1465.8). The court also ordered victim restitution in an amount to be determined.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v.*

Wende (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

We note, however, that the record shows a discrepancy as to the amount of the court security fee ordered: the transcript of the sentencing hearing states the amount is \$40, but the abstract of judgment indicates it is \$60. Because no basis for the latter figure appears in the record, the matter is remanded to the trial court with directions to prepare a corrected abstract of judgment that reflects a court security fee of \$40.

DISPOSITION

The judgment is affirmed. The matter is remanded to the trial court with directions to prepare a corrected abstract of judgment and forward a certified copy thereof to the Department of Corrections and Rehabilitation.

NICHOLSON, Acting P. J.

We concur:

BUTZ, J.

DUARTE, J.