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

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON EARL VISSER,

Defendant and Appellant.

C067610

(Super. Ct. Nos.
08F9819, 08F3451,
08F9779 and 09F0011)

Defendant Jason Earl Visser entered negotiated guilty pleas to theft-related charges in three cases and was granted probation. Ultimately, however, he was sentenced on some charges to which he had *not* entered a plea, and *not* sentenced on other crimes to which he *had* entered a plea. We agree with the parties that these cases must be remanded to the trial court for pronouncement of sentence.

BACKGROUND

On March 23, 2009, defendant entered guilty pleas in cases numbered 08F9819, 08F9779, and 09F0011 before the trial court (per Judge Ruggiero) as follows:

In case 09F0011, to count 1 (second degree burglary), to be selected the primary term;

In case 08F9779, to count 1 (petty theft with a prior); and

In case 08F9819, to count 2 (petty theft with a prior), count 4 (second degree burglary), count 6 (petty theft with a prior), and count 7 (second degree burglary). All "remaining cts/cases" were to be dismissed, in exchange for a sentence "lid" of six years, four months. Imposition of sentence was suspended in these three cases and defendant was granted probation.¹

On September 18, 2009, after defendant admitted violating his probation, the trial court (per Judge Beatty) imposed sentence as follows:

In case 08F9819, on count 1 (selected as the primary term), three years; on count 2, eight months; on count 3, eight months; and on count 4, eight months;²

¹ The minute order of sentencing also recites that, in case No. 08F3451, defendant was convicted of fraudulent use of an access card.

² Defendant had entered no plea to counts 1 or 3 in case 08F9819, and those counts had been dismissed. Defendant was not sentenced on counts 6 or 7 in case 08F9819, to which he had pleaded guilty. The minute order correctly recites the counts

In case 09F0011, on count 1, eight months; and

In case 08F9779, on count 1, eight months. The aggregate sentence imposed was six years, four months. Execution of sentence was suspended, and probation reinstated.

On August 10, 2010, following admissions by defendant that he had violated his probation, the court (by Judge Ruggiero) ordered "the previously imposed state prison term, six year, four months be executed at this point."³

DISCUSSION

When a defendant is convicted on multiple counts, the trial court has a duty to pronounce sentence on each conviction and impose a punishment authorized by law. (Pen. Code, § 12; *People v. Cheffen* (1969) 2 Cal.App.3d 638, 641-642.) The failure to pronounce sentence on a count of which defendant has been convicted has been found to constitute an unauthorized sentence (*People v. Price* (1986) 184 Cal.App.3d 1405, 1411, fn. 6); the same is surely true of a sentence imposed upon a charge to which the defendant did not plead guilty and which was dismissed pursuant to a plea bargain.

As defendant was sentenced on counts to which he did not plead guilty, and not sentenced on counts to which he did plead

to which defendant entered pleas, and incorrectly indicates that the trial court imposed sentence thereon.

³ The minute order of the August 10, 2010, proceedings indicates, incorrectly, that sentence imposed on September 18, 2009, included prison sentences on counts 2, 4, 6 and 7 of case No. 08F9819.

guilty, the current sentence is unauthorized. We shall remand the matter for pronouncement of sentence.

DISPOSITION

The matters are remanded for pronouncement of sentence in a manner consistent with the plea bargain and this opinion. In all other respects, the judgment is affirmed. Following pronouncement of sentence, the trial court shall prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

BLEASE, Acting P. J.

We concur:

NICHOLSON, J.

BUTZ, J.