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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(El Dorado)

THE PEOPLE,

Plaintiff and Respondent,

v.

RYAN WILLIAM BAKER,

Defendant and Appellant.

C068035

(Super. Ct. No. P10CRF0070)

Defendant Ryan William Baker entered a negotiated no contest plea to attempting to dissuade a witness from testifying by force or threat, and was sentenced to prison for three years.

At sentencing, the trial court imposed and stayed a \$400 domestic violence fine under Penal Code section 1203.097. On appeal, defendant contends, and the People correctly concede, that the trial court should not have imposed any fine pursuant to section 1203.097, subdivision (a), which applies "[i]f a person is granted probation" Defendant was sentenced to prison. The fine must therefore be stricken.

The court also entered a domestic violence protective order that defendant have no contact with the victim and a member of her family. The no-contact order is reflected in the January 31, 2011 abstract of judgment. Four months later, the trial court terminated the protective order nunc pro tunc. Defendant asks that we direct the trial court to amend the abstract of judgment to strike the no-contact order. The People agree. The no-contact order must be stricken from the abstract.

DISPOSITION

The judgment is modified as follows: the fine imposed and stayed pursuant to Penal Code section 1203.097, subdivision (a) is stricken; and the no-contact order is stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

_____ MURRAY _____, J.

We concur:

_____ HULL _____, Acting P. J.

_____ ROBIE _____, J.