

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

CASEY JOHN PAULSEN,

Defendant and Appellant.

C068137

(Super. Ct. No.
10F3108)

Defendant Casey John Paulsen pleaded guilty to possessing psilocybin mushrooms for sale, and admitted having suffered two prior prison terms. Initially granted formal probation, defendant ultimately violated his probation and was sentenced to prison.

At sentencing, the trial court ordered defendant to pay "any outstanding fee and fine balances." The minute order of the sentencing proceeding reflects an order by the court that defendant pay (among others) "the previously imposed criminal

laboratory fee of \$190.00 as follows: \$50.00 pursuant to Section 11372.5 of the Health and Safety Code, \$50.00 pursuant to Section 1464 of the Penal Code, \$10.00 pursuant to Section 1465.7 of the Penal Code, \$5.00 pursuant to Section 76104.6 of the Government Code, \$15.00 pursuant to Section 76104.7 of the Government Code, \$25.00 pursuant to Section 70372 (a)(1) of the Government Code and \$35.00 pursuant to Section 76000(a)(1) of the Government Code." But the abstract of judgment indicates only that a fine of \$190, imposed "per PC 1202.5" includes a \$50.00 lab fee pursuant to Health and Safety Code section 11372.5, subdivision (a).

Defendant contends, and the Attorney General concedes, the matter must be remanded to the trial court to enable it to specify the correct statutory bases for the court's imposition of the \$190 fine. We accept the Attorney General's concession.

In *People v. High* (2004) 119 Cal.App.4th 1192, this court stated: "Although we recognize that a detailed recitation of all the fees, fines and penalties on the record may be tedious, California law does not authorize shortcuts. All fines and fees must be set forth in the abstract of judgment. [Citations.] The abstract of judgment form used here, Judicial Council form CR-290 (rev. Jan. 1, 2003) provides a number of lines for 'other' financial obligations in addition to those delineated with statutory references on the preprinted form. If the abstract does not specify the amount of each fine, the Department of Corrections cannot fulfill its statutory duty to collect and forward deductions from prisoner wages to the

appropriate agency. [Citation.] At a minimum, the inclusion of all fines and fees in the abstract may assist state and local agencies in their collection efforts. [Citation.] Thus, even where the Department of Corrections has no statutory obligation to collect a particular fee, such as the laboratory fee imposed under Health and Safety Code section 11372.5, the fee must be included in the abstract of judgment. [Citation.]” (*Id.* at p. 1200; see also *People v. Eddards* (2008) 162 Cal.App.4th 712, 717.)

Here, not only does the abstract of judgment fail to recite the statutory bases for the various components of the \$190 fine, but it incorrectly states that the \$190 fine was imposed pursuant to Penal Code section 1202.5, which authorizes the imposition of theft-related fines (see Pen. Code, § 1202.5, subd. (a)). Defendant was not convicted of a theft-related offense, and no fine pursuant to Penal Code section 1202.5 was imposed.

On remand, the trial court shall prepare an amended abstract of judgment specifying the correct statutory bases of all fees, fines, and penalties imposed upon defendant.

DISPOSITION

Defendant’s conviction is affirmed. The case is remanded to the trial court, and the trial court is directed to prepare an amended abstract of judgment specifying the correct statutory bases for all fines, fees and penalties imposed upon defendant.

A certified copy of the amended abstract of judgment shall be forwarded to the Department of Corrections and Rehabilitation.

_____ HULL _____, Acting P. J.

We concur:

_____ BUTZ _____, J.

_____ MAURO _____, J.