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

THE PEOPLE,

Plaintiff and Respondent,

v.

SHANEIL COOKS,

Defendant and Appellant.

C068526

(Super. Ct. No.
08F04643)

Appointed counsel for defendant Shaneil Cooks has asked this court to review the record to determine whether there exist any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) As we explain *post*, the abstract of judgment fails to accurately reflect the trial court's judgment; further, the judgment must be modified because the custody credit award is deficient.

BACKGROUND

Defendant was part of a plan to lure Samuel Wilson to a location where defendant's cohort Randall Powell ultimately shot

and killed him. The murder took place on June 8, 2008. Defendant and her four cohorts had planned to rob Wilson in retaliation for Wilson's selling one of them an essentially empty box in lieu of the television he claimed was inside. A witness saw one of the cohorts trying to steal the victim's watch immediately after the shooting.

Approximately six weeks before the murder, defendant and one of her cohorts stole a purse from Yesenia Espinoza in a parking lot. Defendant pushed Espinoza and defendant's cohort hit Espinoza in the head several times when she resisted.

Defendant was charged with the murder and attempted robbery of Wilson, while armed with a firearm. (Pen. Code, §§ 187, 211, 664, 12022, subd. (a)(1).)¹ It was further alleged that the murder was committed under the special circumstance that it took place during the attempted commission of a robbery. (§ 190.2, subd. (a)(17).) Defendant was also charged with robbery of Espinoza. (§ 211.)

Defendant pled no contest to voluntary manslaughter (§ 192, subd. (a)) and admitted she was armed with a firearm during the commission of the offense (§ 12022.5, subd. (a)). She also pled no contest to attempted robbery from Wilson, while armed with a firearm, and to the robbery of Espinoza. (§§ 211, 664, 12022, subd. (a).) In exchange for her plea, the parties agreed she

¹ Further undesignated statutory references are to the Penal Code.

would receive a term of 23 years in prison, with a waiver of all custody credits earned prior to the date of her plea.

On June 10, 2011, the trial court sentenced defendant, in accordance with the agreement, to 23 years in state prison as follows: the upper term of 11 years for voluntary manslaughter and a consecutive upper term of 10 years for the firearm enhancement; a consecutive eight months for attempted robbery and a consecutive one year, four months for the associated firearm enhancement; and a concurrent middle term of three years for robbery.

Defendant was awarded 61 days of custody credit (which did not include the day of sentencing). The trial court also ordered fines and fees as follows: a \$2,400 restitution fine (§ 1202.4); a \$2,400 stayed parole revocation fine (§ 1202.45); \$10 crime prevention fine (§ 1202.5); three \$40 court security fees for a total of \$120 (§ 1465.8, subd. (a)(1)); three \$30 court facility fees for a total of \$90 (Gov. Code, § 70373); and victim restitution in an amount to be determined (§ 1202.4).

DISCUSSION

Counsel filed an opening brief that sets forth the facts of the case and asks us to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant.

Having undertaken an examination of the entire record, we see the need for a corrected abstract of judgment. An abstract of judgment must fully and accurately capture all components of a defendant's sentence. (See *People v. Mitchell* (2001) 26 Cal.4th 181, 185; *People v. Zackery* (2007) 147 Cal.App.4th 380, 385-389.) Although the restitution fine is included on the abstract of judgment, the additional fines and fees noted *ante* are not included. The trial court is required to "separately list, with the statutory basis, all fines, fees and penalties imposed." (*People v. High* (2004) 119 Cal.App.4th 1192, 1201.) This omission requires correction of the abstract.

Additionally, appellate counsel asked the trial court to award defendant an additional day of custody credit to account for the day of sentencing. (*People v. Bravo* (1990) 219 Cal.App.3d 729, 735; *People v. Smith* (1989) 211 Cal.App.3d 523, 527.) Although appellate counsel represents that the trial court has already modified the judgment to reflect the additional day, we have not yet received an amended abstract of judgment reflecting this modification. Accordingly, we shall order the judgment modified to reflect a total award of 62 days of custody credit. We find no other arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed as modified. The trial court is directed to prepare and forward to the Department of Corrections

and Rehabilitation a new abstract of judgment consistent with this opinion.

DUARTE, J.

We concur:

BLEASE, Acting P. J.

HULL, J.