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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

JEAN MARIE WAGONER,

Defendant and Appellant.

C069290

(Super. Ct. No. NCR69097)

Appointed counsel for defendant Jean Marie Wagoner asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment. We note that the abstract of judgment needs to be amended to reflect a court security fee.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

In November of 2005, defendant presented forged checks to both Food Max and Holiday Market. She pled guilty to two counts of felony forgery. (Pen. Code, § 470, subd. (a).)¹ Four additional charges of felony forgery and a prior prison term allegation were dismissed with a *Harvey*² waiver. The trial court sentenced defendant to a term of two years and eight months, and after finding the case unusual, stayed execution of the prison term and granted her probation. She was also ordered to pay a court security fee of \$20 (\$ 1465.8) and a restitution fund fine of \$400 (\$ 1202.4, subd. (b)).

In October 2010, defendant failed to advise the probation officer of a change of address. In March 2011, defendant was found in possession of stolen property, fraudulent items, and hypodermic syringes. She admitted both of those probation violations. The court revoked probation and ordered the previously imposed sentence executed. Defendant was granted 108 days of presentence conduct credit. At the request of the trial court, defense counsel waived "any breakdown of [the] fines and fees in the abstract of judgment."

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

¹ Undesignated statutory references are to the Penal Code.

² *People v. Harvey* (1979) 25 Cal.3d 754.

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 do, however, note one correction that must be made to the abstract of judgment.

In *People v. High* (2004) 119 Cal.App.4th 1192 at page 1200, we held that the trial court must separately list the fines, fees, and assessments in the abstract of judgment so the Department of Corrections and Rehabilitation can "fulfill its statutory duty to collect and forward deductions from prisoner wages to the appropriate agency." (*People v. High, supra*, 119 Cal.App.4th at p. 1200.) This requirement assists the state and local agencies in their collection efforts. (*Ibid.*) Defendant's purported waiver of a breakdown of fines and fees in the abstract of judgment did not relieve the trial court from its obligation to list every fine, fee, and assessment in the abstract of judgment. While the abstract correctly lists some of the fines and fees, it does not list the court security fee imposed on defendant. Accordingly, we order the abstract amended to correct this error.

DISPOSITION

The judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

_____ HOCH _____, J.

We concur:

_____ HULL _____, Acting P. J.

_____ MAURO _____, J.