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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES SYLVIO BROOKS,

Defendant and Appellant.

C069999

(Super. Ct. No.
CM033795)

Defendant James Sylvio Brooks pleaded guilty to one count of committing a lewd act upon his stepdaughter, and was sentenced to prison. At sentencing, the trial court imposed various fines and fees, including (as relevant to this appeal) "a pre-sentence investigation report fee in the amount of \$736." The abstract of judgment likewise recites that defendant "pay \$736 for pre-sentence investigation report fee."

On appeal, defendant contends that, because neither the court's order nor the abstract of judgment states the statutory

basis of this fee, the matter must be remanded to the trial court to amend the abstract of judgment to identify the statutory basis for this fee, consistent with this court's opinion in *People v. High* (2004) 119 Cal.App.4th 1192 (*High*).

In *High, supra*, 119 Cal.App.4th 1192, we directed the trial court to "separately list, with the statutory basis, all fines, fees and penalties imposed on each count" (*id.* at p. 1201), explaining, "[a]llthough 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.]" (*High, supra*, at p. 1200.)

The People contend defendant has forfeited the claim by failing to raise it for the first time on appeal. We disagree: as we indicated in *High*, the trial court's duty to articulate all fines and fees in the abstract of judgment is intended, not only to benefit defendant, but also to assist state and local agencies in their collection obligations. The court's duty to state and local agencies cannot be waived by the defendant.

The People also suggest defendant could have ascertained the statutory basis for the imposition of a presentence investigation report fee from an incomplete citation ("*People v. Orozco* (2011), Cal.App.4th") in the presentence probation report in support of the probation department's recommendation that defendant pay a presentence investigation report fee. This incomplete citation, the People argue, "was undoubtedly a reference to *People v. Orozco* (2011) 199 Cal.App.4th 189, which recognized that the imposition of a probation report fee is authorized under section 1203.1(b)." Whether defendant could have figured out this incomplete reference is speculation and, in any event, provides no assistance to state and/or local agencies in their collection obligations. (See *High, supra*, 119 Cal.App.4th at p. 1200.)

DISPOSITION

The matter is remanded for the trial court to state in the abstract of judgment the statutory basis for its imposition at sentencing of a presentence investigation report fee. In all other respects, the judgment is affirmed. The trial court shall

forward a copy of the amended abstract of judgment to the
Department of Corrections and Rehabilitation.

NICHOLSON, J.

We concur:

BLEASE, Acting P. J.

BUTZ, J.