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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**THIRD APPELLATE DISTRICT**

**(Tehama)**

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
RAMON RUIZ SEGURA,  
  
Defendant and Appellant.

C070646  
  
(Super. Ct. No. NCR83092)

Defendant Ramon Ruiz Segura entered a plea of guilty to felony transportation of heroin and admitted a quantity allegation in exchange for dismissal of remaining counts. The trial court sentenced defendant to an aggregate term of six years pursuant to Penal Code section 1170, subdivision (h),<sup>1</sup> the first four years to be served in county jail and the remaining two years to be served on supervised community release.

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

Defendant appeals. He contends the trial court erroneously imposed an \$800 parole revocation restitution fine (parole fine). The People concede the error. We accept the concession. Section 1202.45, by its own terms, applies only to a sentence that "includes a period of parole." A state prison sentence includes a period of parole (§ 3000, subd. (a)(1)), whereas a felon sentenced to county jail under California's 2011 realignment legislation (hereafter Realignment Act; Stats. 2011, ch. 15), rather than state prison, is not subject to parole (§§ 3000, subd. (b), 3000.08, subd. (b), 1170, subd. (h)(1)-(3), (5)).

The Realignment Act sentencing applies to a defendant sentenced on or after October 1, 2011. (§ 1170, subd. (h)(6).) Defendant was sentenced to county jail pursuant to section 1170, subdivision (h) on January 24, 2012. His sentence does not include a period of parole. Thus, a parole revocation restitution fine pursuant to section 1202.45 does not apply. We will order the \$800 parole fine stricken from the judgment.

Defendant also contends the trial court erroneously imposed a \$35, rather than a \$30, criminal conviction assessment. The People concede. We agree. Government Code section 70373, subdivision (a)(1) provides for a \$30 assessment for each felony conviction. Defendant was convicted of one felony. We will order the judgment modified to provide for a \$30 assessment.

**DISPOSITION**

The judgment is modified, striking the \$800 parole fine (Pen. Code, § 1202.45) and reducing the criminal conviction assessment (Gov. Code, § 70373) to \$30. The trial court is directed to prepare an amended abstract of judgment incorporating these changes and to forward a certified copy to the Tehama County Sheriff. As modified, the judgment is affirmed.

\_\_\_\_\_ BUTZ \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ HULL \_\_\_\_\_, Acting P. J.

\_\_\_\_\_ MURRAY \_\_\_\_\_, J.