

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yuba)

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THE PEOPLE,

Plaintiff and Respondent,

v.

STACEY LEE RICHEY,

Defendant and Appellant.

C070891

(Super. Ct. No. CRF10217)

Appointed counsel for defendant Stacey Lee Richey has 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. (*People v. Wende* (1979) 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. Finding no arguable error that would result in a disposition more favorable to defendant, we order a correction to the abstract and affirm the judgment.

On March 18, 2010, law enforcement officers executed a search warrant at defendant's residence. Defendant was found in possession of 1.85 grams of methamphetamine, packaging materials, and three scales. The search also uncovered 64.50 grams of marijuana, 1.80 grams of hashish, and firearm ammunition.

After his motions to quash the search warrant and suppress evidence and to disclose the identity of a confidential informant were denied, defendant pleaded no contest to one count of possession of methamphetamine for sale. (Health & Saf. Code, § 11378.) Additional charges and enhancements were dismissed and, on April 9, 2012, the trial court sentenced defendant to the upper term of three years. The trial court ordered the sentence be served locally pursuant to Penal Code section 1170, subdivision (h)(5)(B), as a "split term" with 365 days served in county jail and the remaining two years suspended under mandatory supervision. The trial court also imposed relevant fines and fees, including a \$240 restitution fine, and awarded defendant 23 actual days and 22 conduct days, for a total of 45 days of custody credit.

Defendant appeals, without having obtained a certificate of probable cause. (Pen. Code, § 1237.5.)

We order a correction to the abstract of judgment. Although there is a typographical error in the reporter's transcript, the trial court ordered defendant to pay a criminal lab fee pursuant to Health and Safety Code section 11372.5, subdivision (a) in the amount of \$50, plus penalty assessment amounting to an additional \$150, for a total of \$200. Likewise, the trial court ordered defendant pay a drug program fee pursuant to Health and Safety Code section 11372.7, subdivision (a) in the amount of \$150, plus penalty assessment amounting to an additional \$450, for a total of \$600. The abstract of judgment, however, sets forth the total amount for each fine as the fine itself (i.e., "\$200 Lab Fee" and "\$600 Drug Program Fee"). This can cause some confusion in collecting the fees and must be broken down on the abstract to separately set forth the amount of each fine and their attendant assessments.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

### DISPOSITION

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment in accordance with this opinion and forward a certified copy thereof to the relevant custodial and supervising authorities.

\_\_\_\_\_ HULL \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ NICHOLSON \_\_\_\_\_, Acting P. J.

\_\_\_\_\_ ROBIE \_\_\_\_\_, J.