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

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM PERCY PARSONS,

Defendant and Appellant.

C070946

(Super. Ct. No. SF118460A)

In this one-issue appeal, defendant William Percy Parsons correctly contends the minute order of sentencing and the abstract of judgment must be corrected to reflect the amount of fines and fees the judge orally imposed at sentencing (\$280 total as orally pronounced by the judge instead of the \$290 total as recorded by the clerk, the discrepancy being a \$10 increase in the amount of the restitution fund collection fee in the written documents). The People disagree. They argue that since the judge signed the minute order, he was “exercising his judicial discretion” by increasing the fee by \$10.

The People’s argument is contrary to law. “Where there is a discrepancy between the oral pronouncement of judgment and the minute order or the abstract of judgment, the oral pronouncement controls.” (*People v. Zackery* (2007) 147 Cal.App.4th 380, 385.)

DISPOSITION

The judgment is affirmed. The clerk is directed to correct the minute order of sentencing and the abstract of judgment to reflect a \$10 restitution fund collection fee instead of a \$20 fee. The clerk is further directed to forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

We concur:

HULL, Acting P. J.

MURRAY, J.