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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

VICTOR DANTE YOUNG,

Defendant and Appellant.

C071173

(Super. Ct. No. 62094203B)

On October 13, 2009, a complaint charged defendant Victor Dante Young with second degree burglary and forgery of an access card.¹ The complaint alleged as to both counts that defendant had been convicted of a serious or violent felony (armed bank robbery) and had served a prison term therefor.

On January 19, 2010, defendant pled no contest to the forgery count and admitted the strike in exchange for a stipulated state prison term of four years (two years, doubled for the strike) and dismissal of the remaining charges and allegations.

¹ We granted defendant's request to incorporate by reference the record filed in defendant's prior appeal, case No. C068660, which was dismissed on January 26, 2012, as taken from a nonappealable order.

The factual basis for defendant's plea was as follows: On October 8, 2009, defendant entered a BevMo! store with the intent to use a forged MasterCard to purchase approximately \$500 worth of merchandise.

On January 21, 2010, the trial court imposed the stipulated four-year prison term. The court awarded defendant 156 days of presentence custody credits (104 actual days and 52 conduct days). The court ordered a \$200 restitution fine and a suspended \$200 restitution fine, a \$30 court security fee, and a \$30 criminal assessment fee.

On April 11, 2012, the trial court denied defendant's request for more conduct credits under Penal Code section 4019 as amended and effective on October 1, 2011.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests 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. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

We must remand the matter to the trial court, however, to correct the abstract of judgment. First, although the court properly imposed the mandatory restitution fine and suspended restitution fine, the abstract of judgment does not show those fines. Second, neither the court's oral sentencing statement nor the abstract of judgment reflects the statutory basis for the \$30 criminal assessment fee. (See *People v. High* (2004) 119 Cal.App.4th 1192, 1200-1201.)

DISPOSITION

The judgment is affirmed. The matter is remanded to the trial court with directions to order the preparation of a corrected abstract of judgment reflecting the mandatory restitution fine and suspended restitution fine, and reflecting the statutory

basis for the criminal assessment fee. The corrected abstract of judgment shall be forwarded to the Department of Corrections and Rehabilitation.

ROBIE, J.

We concur:

BLEASE, Acting P. J.

DUARTE, J.