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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

SHAWN PAUL INGRAM,

Defendant and Appellant.

C072888

(Super. Ct. No. CM036633)

Defendant Shawn Paul Ingram pleaded no contest to orally copulating an unconscious person (Pen. Code, § 288a, subd. (f)) and was sentenced to prison.<sup>1</sup> At sentencing, defendant was ordered to have no visitation with the victim. (§ 1202.05.)

On appeal, defendant asks that the no-visitation order be stricken because section 1202.05 authorizes such orders only when the sex crime victim is a minor. The People concede the error, and we agree.

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

Section 1202.05, subdivision (a) provides, in relevant part: “Whenever a person is sentenced to the state prison on or after January 1, 1993, for violating Section . . . 288a, . . . and the victim . . . is a child under the age of 18 years, the court shall prohibit all visitation between the defendant and the child victim.”

Because the victim here was over 18 years old when the crime was committed, defendant was not subject to the mandatory provisions of section 1202.05.

**DISPOSITION**

The section 1202.05 no-visitation order is stricken. In all other respects, the judgment is affirmed. The superior court shall prepare an amended abstract of judgment and forward a certified copy thereof to the Department of Corrections and Rehabilitation.

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RAYE, P. J.

We concur:

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BUTZ, J.

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HOCH, J.