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

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

EDDIE SHERMAN JACKSON,

Defendant and Appellant.

E063525

(Super.Ct.No. SWF1500508)

OPINION

APPEAL from the Superior Court of Riverside County. Judith C. Clark, Judge.

Affirmed.

Stephen M. Hinkle, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney General, Barry Carlton and Heidi Salerno, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant Eddie Sherman Jackson is serving four years after pleading guilty to being a felon in possession of a firearm (Pen. Code § 29800, subd. (a)(1))<sup>1</sup> and admitting a prior strike conviction (§§ 667, subds. (c) & (e), 1170.12, subd. (c)(1)). Defendant argues on appeal that the trial court erred when it imposed a \$428.21 booking fee pursuant to Government Code section 29550. We find that defendant forfeited this argument by failing to raise it at sentencing, and therefore affirm the judgment.

### **FACTS AND PROCEDURE**

On February 13, 2015, defendant's neighbor heard arguing coming from defendant's apartment, and then a gunshot, and saw a bullet go through the wall into her unit. Defendant was found by responding police officers with a loaded Glock 22 in his bedroom. Defendant admitted the firearm was in his possession.

On February 19, 2015, the People charged defendant with being a felon in possession of a firearm. The People alleged defendant had a prior strike conviction and six prison term convictions (§ 667.5, subd. (b)).

On March 5, 2015, defendant pled guilty to the possession charge and admitted the strike prior, in exchange for having the six prison term priors dismissed. On that same day the trial court sentenced defendant, as provided in the plea agreement, to the middle term of two years, doubled to four years for the strike prior.

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<sup>1</sup> All section references are to the Penal Code unless otherwise indicated.

This appeal followed. The trial court granted defendant a certificate of probable cause.<sup>2</sup>

### **DISCUSSION**

At sentencing, the court imposed the \$428.21 booking fee, along with a \$300 restitution fine, a stayed \$300 parole revocation fine, a \$30 criminal conviction fee, and a \$40 court security fee. The following exchange took place regarding these fees:

“[DEFENSE COUNSEL]: Your Honor, Mr. Jackson is asking if any of the fines can be waived, given the amount of time he’ll be serving. I said I would ask the court.

“THE COURT: Everything that I impose is the absolute minimum, so I can’t waive anything from there.

“THE DEFENDANT: All right.

“THE COURT: Typically they would be set higher, but I set them all at the minimum.”

Defendant argues the booking fee must be stricken because: (1) the fee is not mandatory and the trial court mistakenly believed it had no discretion to strike the fee; and (2) the court violated Government Code section 29550 when it failed to determine on the record the actual amount of the administrative costs the fee was designed to recover. The People respond that defendant forfeited the ability to challenge the booking fee on appeal because he did not raise these issues in the trial court. We agree with the People’s

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<sup>2</sup> In his request for certificate of probable cause, defendant claimed his mental state and lack of mental health care affected his decision to plead guilty. He did not mention the booking fee.

forfeiture argument. “[C]hallenges to the imposition of booking fees are forfeited unless made at sentencing.” (*People v. Aguilar* (2015) 60 Cal.4th 862, 866, citing *People v. McCullough* (2013) 56 Cal.4th 589.) Here, defense counsel did generally ask to have all fees waived based on the fact that defendant would be serving a four-year term. However, he did not raise either of the issues he argues in this appeal, did not even challenge the booking fee specifically, and thus did not give the trial court the opportunity to address these concerns at sentencing. Therefore, defendant forfeited his ability to raise them in this appeal.

**DISPOSITION**

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

HOLLENHORST

J.

McKINSTER

J.