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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

LEON HOOD,

Defendant and Appellant.

F068040

(Super. Ct. No. F11903194)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Edward Sarkisian, Jr., Judge.

Karriem Baker, under appointment by the Court of Appeal, Defendant and Appellant.

Kamala D. Harris, Attorney General, Michael P. Farrell, Assistant Attorney General, Louis M. Vasquez and Amanda D. Cary, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Cornell, J. and Peña, J.

Defendant Leon Hood was convicted by jury trial of evading an officer (Veh. Code, § 2800.2, subd. (a)). He admitted serving two prior prison terms (Pen. Code, § 667.5, subd. (b)), and the trial court sentenced him to four years in prison and imposed various fines and fees. On appeal, defendant contends the \$30 “time to pay” fee must be stricken because the trial court did not orally pronounce the fee. The People concede and we agree.

Item 20 of the sentencing hearing minute order states: “Payment extended to 09/11/2015 with \$30 time to pay fee added to balance of fine.” The trial court, however, did not impose this fee in its oral pronouncement of judgment.¹ Accordingly, as the parties agree, the fee must be stricken from the minute order. (*People v. Zackery* (2007) 147 Cal.App.4th 380, 385 [“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. Mitchell* (2001) 26 Cal.4th 181, 185-186; *People v. Mesa* (1975) 14 Cal.3d 466, 471.)

DISPOSITION

Item 20 of the sentencing hearing minute order, stating, “Payment extended to 09/11/2015 with \$30 time to pay fee added to balance of fine,” is stricken. The judgment is affirmed.

¹ We note that the fee is not reflected on the abstract of judgment.