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

THE PEOPLE,

Plaintiff and Respondent,

v.

JUAN JAIMES,

Defendant and Appellant.

F069656

(Super. Ct. No. DF011151A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Colette M. Humphrey, Judge.

John L. Staley, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Michael P. Farrell, Assistant Attorney General, Stephen G. Herndon and Harry Joseph Colombo, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Detjen, Acting P.J., Peña, J. and Smith, J.

Defendant Juan Jaimes was convicted by no contest plea of possession of heroin by a state prison inmate (Pen. Code, § 4573.6).¹ The trial court sentenced him to two years in prison and ordered him to pay a \$240 restitution fine (§ 1202.4, subd. (b)) and a suspended \$240 parole revocation fine (§ 1202.45). Both the minute order and the abstract of judgment, however, state the two fines as \$280.

The parties agree that the minute order and the abstract of judgment fail to properly reflect the \$240 fines orally pronounced by the trial court at resentencing. We shall order the documents amended. (See *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

The trial court is directed to amend the minute order and the abstract of judgment to reflect the \$240 (not \$280) restitution and parole revocation fines imposed by the trial court pursuant to sections 1202.4, subdivision (b) and 1202.45. The court is directed to forward copies of the amended documents to the appropriate entities. As so modified, the judgment is affirmed.

¹ All statutory references are to the Penal Code unless otherwise noted.