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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RENO LUCKY BRESCHI,

Defendant and Appellant.

H038247

(Santa Clara County

Super. Ct. No. C1085746)

On June 15, 2011, Reno Lucky Breschi pleaded no contest to all of the counts he was charged with and admitted the two prison prior convictions. He did so with the understanding that the court would sentence him to four years in state prison.

The charges were grand theft of an automobile in count 1, grand theft of a value over \$400 counts 2 and 6, unauthorized use of motor vehicles counts 3 and 4, receiving a stolen motor vehicle count 5, passing bad checks counts 7 and 8, receiving stolen property counts 9 and 10, second degree burglary counts 11 and 12, and forgery counts 13 through 17. The information also alleged that he had served two prior prison terms.

At a sentencing hearing on August 22, 2011, the court imposed an aggregate state prison term of four years consisting of the mid-term of two years on count 1 with concurrent mid-terms of two years each for counts 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 16 and 17 and imposed concurrent mid-terms of two years each on counts 5, 9 and 10 and it

then stayed the sentences imposed thereby pursuant to Penal Code section 654. The court then enhanced the term with two one year terms for the prior prison convictions.

The nub of the case and the only claim on appeal is the amount the court ordered the appellant to pay in restitution. It ordered \$40,000 to victims Richard and Julie August and \$550 to South Valley National Bank. Reno Lucky Breschi demanded a restitution hearing particularly as to the victims Richard and Julie August and the claim relating to their F250 truck.

The details of the 17 charged offenses shall not trouble us here because the single appeal that Reno Lucky Breschi makes and his sole claim is that the trial court erred by not giving him a restitution hearing. To that claim the Attorney General responds “because [Penal Code] section 1202.4, subdivision (f)(1), allows a party to seek modification of the restitution order, respondent does not oppose remand for a restitution hearing on the totality of the Augusts’ claim.” We agree and accept the concession and will remand the matter to the trial court for a contested restitution hearing regarding the Augusts’ claim as well as for determination as to amounts that may be due Wells Fargo Bank.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.