

Fines correction letter to the Superior Court Judge

LETTERHEAD

[DATE]

Honorable [NAME]
Judge of the [COUNTY] Superior Court
[ADDRESS]

Re: *People v. APPELLANT*; [COUNTY #]; Appeal No. [###]

Dear Judge [NAME]:

I am appointed by the [COURT] District Court of Appeal to represent Mr. [APPELLANT] in the appeal of his sentencing for the above entitled case. The sentencing date was [DATE].

[STATE ERROR EXAMPLE:] Upon reviewing the sentencing transcript, I noticed that the abstract of judgment did not reflect the break-down of the penalties and assessments for the lab fee imposed pursuant to Health and Safety Code section 11372.5. In the recent Third District Court of Appeal case of *People v. High* (2004) 119 Cal.App.4th 1192, 1200, the court stated, "Although we recognize that a detailed recitation of all the fees, fines and penalties on the record may be tedious, California law does not authorize shortcuts. All fines and fees must be set forth in the abstract of judgment." In accord with this observation the court remanded the case to the trial court "with directions to the trial court to separately list, with the statutory basis, all fines, fees and penalties imposed on each count." (*Id.* at p. 1201.)

On behalf of Mr. [APPELLANT], I am requesting that the abstract of judgment be amended to reflect the break-down of the laboratory fee and the penalty assessments, as required by the *High* opinion. (*People v. Smith* (2001) 24 Cal.4th 849, 854 [An unauthorized sentence may be corrected at any time whether or not there was an objection in the trial court.]

If this Court makes the requested modification, I am further requesting that the clerk's minute order and the amended abstract of judgment be transmitted to the Court of Appeal and the parties as additional Clerk's Transcript pursuant to the provisions of Rules of Court, rule 8.340.

The opening brief deadline for Mr. [APPELLANT's] case is [AOB DUE DATE]. Therefore, I am hopeful that I will receive a response to this request by [GIVEN REASONABLE DEADLINE]. Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

[NAME]
Attorney for [APPELLANT]
State Bar [#####]

Proof of Service to:
[COURT] District Court of Appeal, Clerk
Office of the Attorney General
Office of the [COUNTY] County District Attorney
[COUNTY] County Superior Court Appeals Clerk

Central California Appellate Program
Mr. APPELLANT