

Office of the State Public Defender

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March 17, 2021

Jennifer Neill
Assistant Secretary/Chief Counsel, Legal Affairs
California Department of Corrections and Rehabilitation
(via email jennifer.neill@cdcr.ca.gov)

Re: Pursuant to Penal Code section 1243, CDCR Must Cease Collecting Restitution Payments from Inmates Under Sentence of Death Pending Completion of their Automatic Appeals

Dear Ms. Neill,

As lawyers who represent inmates under sentence of death incarcerated in California's prisons, the Office of the State Public Defender, the Habeas Corpus Resource Center, and the California Appellate Project – San Francisco request that CDCR immediately cease collecting restitution payments from the wages and trust account deposits of inmates sentenced to death pending completion of their automatic appeals. The recent decision in *People v. Chhoun* (2021) 2021 WL 506110, __ Cal.5th (*Chhoun*), requires these steps without further action by the California Supreme Court or lower courts.

California law requires that courts impose two types of restitution on persons convicted of a felony criminal offense. (Pen. Code, § 1202.4, subd. (a).) First, courts must impose a restitution fine (Pen. Code, § 1202.4, subd. (b)) of up to \$10,000 per case, which is considered an additional criminal penalty. (*People v. Hanson* (2000) 23 Cal.4th 355, 362.) Second, when the victim has suffered economic loss as a result of the defendant's conduct, the courts must impose restitution to the victim. (Pen. Code, § 1202.4, subd. (f).)

The law further provides a mechanism for collecting payments toward the restitution obligations of persons incarcerated due to a criminal conviction. Penal Code section 2085.5 requires the CDCR to transfer a percentage of prisoners' wages and trust account deposits to the California Victim Compensation Board for transfer either to the Restitution Fund (for fines and for victim restitution orders where the

victim has already received compensation from the Fund) or to the victim (for victim restitution orders where the victim has not received compensation from Fund).¹ For condemned inmates, the amount collected is 70 percent. (Pen. Code, § 2700.1.)

While the law thus facilitates the satisfaction of restitution awards, it also mandates that execution of the judgment in cases involving a sentence of death is automatically stayed pending completion of the appeal. As Penal Code section 1243 explains, “[a]n appeal to the Supreme Court or to a court of appeal from a judgment of conviction stays the execution of the judgment in all cases where a sentence of death has been imposed”

CDCR’s present practice is to execute upon that portion of the judgment in a capital case imposing a restitution fine or victim restitution order even while the inmate’s appeal is pending. (15 CCR § 3097; see, e.g., Centinela Inmate Orientation Handbook (2020), § 24, pp. 39-41; see also sample inmate trust account statement,

¹ Penal Code section 2085.5 provides in pertinent part:

“(a) If a prisoner owes a restitution fine imposed pursuant to . . . subdivision (b) of Section 1202.4 of this code, the secretary shall deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation Board for deposit in the Restitution Fund. The amount deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments. . . .

. . . .
“(c) If a prisoner owes a restitution order imposed pursuant to . . . subdivision (f) of Section 1202.4 of this code, the secretary shall deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law. The secretary shall transfer that amount to the California Victim Compensation Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made to victims and of the payments deposited to the Restitution Fund pursuant to this subdivision.”

Victim restitution awards must be satisfied before collecting for a restitution fine. (Pen. Code, § 2085.5, subd. (j) “[i]f a prisoner has both a restitution fine and a restitution order from the sentencing court, the department shall collect the restitution order first . . .”].)

attached as Exhibit A.) This violates Penal Code section 1243 as reiterated by the California Supreme Court in *People v. Chhoun*.

Penal Code section 1243 and recent case law require that CDCR cease collecting restitution payments from condemned inmates pending completion of their automatic appeals

People v. Chhoun (2021) 2021 WL 506110, Cal.5th , makes clear that the automatic stay in Penal Code section 1243 stays collection of a restitution fine pending completion of the automatic appeal without further action by the sentencing court or a higher court.

Chhoun was an automatic appeal from a sentence of death. In *Chhoun*, the appellant contended that Penal Code section 1243 required the Supreme Court to stay the collection of his \$10,000 restitution fine pending completion of his appeal. The Court agreed the automatic stay contemplated by section 1243 extended to the portion of the judgment imposing a restitution fine. However, no additional action on the part of the Court was necessary to effect a stay:

Defendant [] argues his obligation to pay the fine should be stayed pending the finality of his automatic appeal, but, as he recognizes, an appeal to this court “stays the execution of the judgment in all cases where a sentence of death has been imposed.” (§ 1243.) *No additional stay is required.*

(*People v. Chhoun, supra*, 2021 WL 506110, at *28, fn. 22 [italics added].)

Chhoun makes clear that a condemned inmate’s obligation to pay a restitution fine is stayed automatically while the appeal is pending. Accordingly, CDCR’s collection of restitution fine payments from the trust accounts or wages of inmates sentenced to death whose automatic appeals are pending is unlawful and must cease immediately. As of December 20, 2020, there were 279 inmates on death row with pending appeals. We therefore request that CDCR immediately stop collecting payments toward the restitution fines of these inmates, until such time as their appeals are completed.

***Chhoun* extends to orders for victim restitution**

Although *Chhoun* dealt only with a restitution fine, its reasoning extends to orders for victim restitution. The *Chhoun* court recognized that restitution fines are part of the judgment that is stayed automatically by section 1243. (See *People v. Hamed* (2013) 221 Cal.App.4th 928, 934 [“all fines are part of the judgment”];

People v. Hong (1998) 64 Cal.App.4th 1071, 1080, 1083 [same].) Further court action therefore is unnecessary to stay execution of the restitution fine. (*Chhoun, supra*, 2021 WL 506110, at *28, fn. 22.)

Victim restitution orders also are part of the judgment. Like restitution fines, victim restitution is a mandatory part of the sentence in a criminal case. (Compare Pen. Code, § 1202.4, subd. (b) [“In every case where a person is convicted of a crime, the court *shall* impose a separate and additional restitution fine . . .”] [italics added]², with *id.*, subd. (f) [subject to certain narrow exceptions, “in every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court *shall* require that the defendant make restitution to the victim or victims . . . based on the amount of loss claimed by the victim or victims or any other showing to the court. . . . The court *shall* order full restitution”] [italics added].)

Moreover, victim restitution orders appear on the same abstract of judgment as the restitution fine. Indeed, Judicial Council forms CR-290 and CR-292, the abstract of judgment forms used throughout the state, include spaces for recording both restitution fines and victim restitution orders. (See Judicial Council Forms CR-290 [“Felony Abstract of Judgment – Determinate”], CR-292 [“Abstract of Judgment – Prison Commitment – Indeterminate”], attached as Exhibit B.) “The Legislature intended that the abstract of judgment summarize the judgment.” (*People v. Hong, supra*, 64 Cal.App.4th at p. 1080; see also *People v. Hamed, supra*, 221 Cal.App.4th at p. 934 [the abstract must summarize the judgment].) It follows that both restitution fines and victim restitution orders are part of the judgment in a criminal case.

Because victim restitution orders are part of the judgment, *Chhoun’s* interpretation of section 1243 extends to the portion of the judgment imposing a victim restitution order in a capital case. In such cases, the collection of payments toward victim restitution orders is stayed automatically pending the completion of the appeal. No further action by the sentencing court or a reviewing court is required. We therefore request that CDCR immediately stop collecting payments toward the victim restitution orders of inmates sentenced to death, until such time as their appeals are completed.

²The court may waive the fine if it finds “compelling and extraordinary reasons” to do so (Pen. Code, § 1202.4, subd. (b)), but inability to pay is not considered such a reason (*Id.*, § 1202.4, subd. (c)).

We look forward to CDCR promptly implementing a solution that complies with *Chhoun* and Penal Code section 1243.

Sincerely,

/s/ *Mary K. McComb*

Mary K. McComb
State Public Defender

/s/ *Michael J. Hersek*

Michael J. Hersek
Interim Executive Director
Habeas Corpus Resource Center

/s/ *Joseph Schlesinger*

Joseph Schlesinger
Executive Director
California Appellate Project

CC: Connie Gipson, CDCR, Director of Adult Institutions
Julie Sobel, CDCR, Attorney, Office of Legal Affairs
Kelli Evans, Governor's Office, Chief Deputy Legal Affairs Secretary
Jessica Devencenzi, Governor's Office, Deputy Legislative Secretary

EXHIBIT A

Institution: SQ

Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
██████	██████████	SQ	██████████	

Current Available Balance: \$92.45

Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
11/01/2020	SQ	BEGINNING BALANCE				\$0.30
12/18/2020	SQ	INMATE SPECIAL DEPOSIT - DO/CS ONLY	404154052358 EIP	24688	\$1,200.00	\$1,200.30
01/17/2021	SQ	DIRECT ORDER PAYMENT	404154052358 EIP		(\$123.08)	\$1,077.22
01/17/2021	SQ	ADMINISTRATIVE FEE	404154052358 EIP		(\$12.31)	\$1,064.91
01/17/2021	SQ	DIRECT ORDER PAYMENT	404154052358 EIP		(\$716.92)	\$347.99
01/17/2021	SQ	ADMINISTRATIVE FEE	404154052358 EIP		(\$71.69)	\$276.30
02/03/2021	SQ	SALES	15		(\$183.85)	\$92.45

Encumbrance List

Encumbrance Type	Transaction Date	Amount
No information was found for the given criteria.		

Obligation List

Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
No information was found for the given criteria.				

Restitution List

Restitution	Court Case#	Status	Original Owed Balance	Interest Accrued	Sum of Tx for Date Range for Oblg	Current Balance
RESTITUTION FINE	██████████	Active	\$10,000.00	\$0.00	\$0.00	\$10,000.00
DIRECT ORDER	██████████	Active	\$16,203.48	\$0.00	(\$716.92)	\$14,916.55

EXHIBIT B

FELONY ABSTRACT OF JUDGMENT—DETERMINATE
(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:						
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:		DOB:				-A
AKA:						-B
CII NO.:						-C
BOOKING NO.:		<input type="checkbox"/> NOT PRESENT		-D		
FELONY ABSTRACT OF JUDGMENT <input type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT			<input type="checkbox"/> AMENDED ABSTRACT			
DATE OF HEARING		DEPT. NO.		JUDGE		
CLERK		REPORTER		PROBATION NO. OR PROBATION OFFICER <input type="checkbox"/> IMMEDIATE SENTENCING		
COUNSEL FOR PEOPLE				COUNSEL FOR DEFENDANT <input type="checkbox"/> APPOINTED		

1. Defendant was convicted of the commission of the following felonies:

☐ Additional counts are listed on attachment
_____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YR.)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	1/3 CONSECUTIVE	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (REFER TO item 5)	664 STAY	SERIOUS FELONY	VIOLENT FELONY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA									YRS.	MOS.
					/ /													
					/ /													
					/ /													
					/ /													
					/ /													
					/ /													

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

3. ENHANCEMENTS charged and found to be true for PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

4. Defendant sentenced ☐ to county jail per 1170(h)(1) or (2)

☐ to prison per 1170(a), 1170.1(a) or 1170(h)(3) due to ☐ current or prior serious or violent felony ☐ PC 290 or ☐ PC 186.11 enhancement
☐ per PC 667(b)-(l) or PC 1170.12 (strike prior)
☐ per PC 1170(a)(3). Preconfinement credits equal or exceed time imposed. ☐ Defendant ordered to report to local parole or probation office.

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES:		
7. <input type="checkbox"/> Additional indeterminate term (see CR-292).		
8. TOTAL TIME:		

Attachments may be used but must be referred to in this document.

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: \$_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case B: \$_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case C: \$_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case D: \$_____ per PC 1202.4(b) (forthwith per PC 2085.5 if prison commitment); \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase B: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase C: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase D: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund☐ *Victim name(s), if known, and amount breakdown in item 13, below. ☐ *Victim name(s) in probation officer's report.

c. Fines:

Case A: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$_____ Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase B: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$_____ Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase C: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$_____ Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase D: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$_____ Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

d. Court Operations Assessment: \$_____ per PC 1465.8. e. Conviction Assessment: \$_____ per GC 70373. f. Other: \$_____ per (specify): _____

10. TESTING: ☐ Compliance with PC 296 verified ☐ AIDS per PC 1202.1 ☐ other (specify): _____11. REGISTRATION REQUIREMENT: ☐ per (specify code section): _____12. ☐ MANDATORY SUPERVISION: Execution of a portion of the defendant's sentence is suspended and deemed a period of mandatory supervision under Penal Code section 1170(h)(5)(B) as follows (specify total sentence, portion suspended, and amount to be served forthwith):

Total: _____ Suspended: _____ Served forthwith: _____

13. Other orders (specify): _____

16. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
B			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
C			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
D			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
Date Sentence Pronounced		Time Served in State Institution DMH CDC CRC	
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

14. IMMEDIATE SENTENCING: ☐ Probation to prepare and submit a post-sentence report to CDCR per 1203c.
Defendant's race/national origin: _____

15. EXECUTION OF SENTENCING IMPOSED

- a. ☐ at initial sentencing hearing
- b. ☐ at resentencing per decision on appeal
- c. ☐ after revocation of probation
- d. ☐ at resentencing per recall of commitment (PC 1170(d).)
- e. ☐ other (specify): _____

17. The defendant is remanded to the custody of the sheriff ☐ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☐ the reception center designated by the director of the California Department of Corrections and Rehabilitation

☐ county jail ☐ other (specify): _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

DATE

ABSTRACT OF JUDGMENT—PRISON COMMITMENT—INDETERMINATE
(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED)

CR-292

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:							
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:		DOB:				-A	
AKA:						-B	
CII NO.:						-C	
BOOKING NO.:		<input type="checkbox"/> NOT PRESENT		-D			
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT					
DATE OF HEARING	DEPT. NO.	JUDGE					
CLERK	REPORTER	PROBATION NO. OR PROBATION OFFICER		<input type="checkbox"/> IMMEDIATE SENTENCING			
COUNSEL FOR PEOPLE		COUNSEL FOR DEFENDANT		<input type="checkbox"/> APPTD.			

1. Defendant was convicted of the commission of the following felonies:

☐ Additional counts are listed on attachment

_____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	654 STAY
						JURY	COURT	PLEA			
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						
					/ /						

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

Defendant was sentenced to State Prison for an INDETERMINATE TERM as follows:

4. ☐ LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____

5. ☐ LIFE WITH THE POSSIBILITY OF PAROLE on counts _____

6. a. ☐ 15 years to Life on counts _____ c. ☐ _____ years to Life on counts _____

b. ☐ 25 years to Life on counts _____ d. ☐ _____ years to Life on counts _____

PLUS enhancement time shown above

7. ☐ Additional determinate term (see CR-290).

8. ☐ Defendant was sentenced pursuant to ☐ PC 667(b)-(i) or PC 1170.12 ☐ PC 667.61 ☐ PC 667.7 ☐ other (specify):

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Page 1 of 2

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: \$_____ per PC 1202.4(b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case B: \$_____ per PC 1202.4(b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case C: \$_____ per PC 1202.4(b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.Case D: \$_____ per PC 1202.4(b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.
\$_____ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase B: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase C: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution FundCase D: \$_____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund☐ *Victim name(s), if known, and amount breakdown in item 12, below. ☐ *Victim name(s) in probation officer's report.

c. Fines:

Case A: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase B: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase C: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offenseCase D: \$_____ per PC 1202.5 \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense

d. Court Security Fee: \$_____ per PC 1465.8.

e. Criminal Conviction Assessment: \$_____ per GC 70373.

10. TESTING: a. ☐ Compliance with PC 296 verified b. ☐ AIDS per PC 1202.1 c. ☐ other (specify):11. REGISTRATION REQUIREMENT: ☐ per (specify code section): _____

12. Other orders (specify):

13. IMMEDIATE SENTENCING:

☐ Probation to prepare and submit post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin: _____

14. EXECUTION OF SENTENCING IMPOSED

- a. ☐ at initial sentencing hearing
- b. ☐ at resentencing per decision on appeal
- c. ☐ after revocation of probation
- d. ☐ at resentencing per recall of commitment (PC 1170(d).)
- e. ☐ other (specify):

15. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT		
A				[]	2933
				[]	2933.1
				[]	4019
B				[]	2933
				[]	2933.1
				[]	4019
C				[]	2933
				[]	2933.1
				[]	4019
D				[]	2933
				[]	2933.1
				[]	4019
Date Sentence Pronounced		Time Served in State Institution			
		DMH CDC CRC			
		[] [] []			

16. The defendant is remanded to the custody of the sheriff ☐ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.To be delivered to ☐ the reception center designated by the director of the California Department of Corrections and Rehabilitation.☐ other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

DATE