

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

|   |
|---|
| California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115. |
|---|

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

JASON JAMES MARTINEZ,

Defendant and Appellant.

B267514

(Los Angeles County  
Super. Ct. No. KA110107)

APPEAL from a judgment of the Superior Court of Los Angeles County, Bruce Marrs, Judge. Affirmed as modified.

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

Kathleen A. Kenealy, Acting Attorney General, Paul S. Thies, Deputy Attorney General, for Plaintiff and Respondent.

Defendant, Jason James Martinez, appeals from his judgment of conviction. There is no probable cause certificate.

The information alleges that on July 8, 2015, defendant possessed methamphetamine for purpose of sale. (Health & Saf. Code, § 11378.) On August 19, 2015, defendant pled no contest to the charge of methamphetamine possession for purposes of sale. Defendant also admitted an allegation that he had previously sustained a serious or violent felony conviction. (Pen. Code<sup>1</sup>, §§ 667, subd. (d), 1170.12, subd. (b).) The prior conviction was for violation of section 245, subdivision (a)(2) on July 6, 1993. Defendant received a sentence of 32 months in state prison. The trial court orally imposed the following fines and fees: \$300 restitution fine pursuant to section 1202.4, subdivision (b)(1); \$300 parole restitution fine pursuant to section 1202.45, subdivision (a), which was stayed; a \$30 court facilities assessment pursuant to Government Code section 70373, subdivision (a)(1); a \$40 court operations assessment pursuant to section 1465.8, subdivision (a)(1); and a \$50 criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), plus penalty assessments. The penalty assessments were \$145 plus a 20 percent surcharge in the amount of \$10. Defendant received 84 days of custody credits which consists of 42 days for actual custody and 42 days for good time credit.

---

<sup>1</sup> Further statutory references are to the Penal Code.

We appointed counsel to represent defendant on appeal. After examination of the record, appointed appellate counsel filed an “Opening Brief” in which no issues were raised. Instead, appointed appellate counsel requested this court to independently review the entire record on appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436, 441. (See *Smith v. Robbins* (2000) 528 U.S. 259, 277-284.) On June 3, 2016, we advised defendant that he had 30 days within which to personally submit any contentions or arguments he wishes us to consider. No response has been received.

On December 27, 2016, we issued an order requesting additional briefing on the following issue. The abstract of judgment indicated that the trial court imposed a \$195 criminal laboratory analysis fee plus penalty assessments on defendant. However, in the minute order from the arraignment hearing, the trial court correctly imposed a \$205 fee. The abstract of judgment must be amended. As noted, the criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a) is \$50. The penalties and the applicable surcharge are calculated as follows: \$50 state penalty (§ 1464, subd. (a)(1)); \$35 county penalty (Gov. Code, § 76000, subd. (a)(1)); \$10 state surcharge (§ 1465.7, subd. (a)); \$25 state court construction penalty (Gov. Code, § 70372, subd. (a)(1)); \$5 deoxyribonucleic acid penalty (Gov. Code, § 76104.6, subd. (a)(1)); \$20 state-only deoxyribonucleic acid penalty (Gov. Code, § 76104.7, subd. (a)); and \$10 emergency medical services penalty (Gov. Code, § 76000.5, subd. (a)(1)).

The abstract of judgment is modified to impose a \$50 criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), plus \$155 in penalty assessments and surcharge. The judgment is affirmed in all other respects. Upon remittitur issuance, the clerk of the superior court must prepare an amended abstract of judgment and deliver a copy to the Department of Corrections and Rehabilitation.

NOT TO BE PUBLISHED IN THE OFFICIAL  
REPORTS

TURNER, P. J.

We concur:

BAKER, J.

KIN, J. \*

---

\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.