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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re V.E., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

V.E.,

Defendant and Appellant.

B285166

(Los Angeles County
Super. Ct. No. YJ38954)

APPEAL from a judgment of the Superior Court of Los Angeles County, J. Christopher Smith, Judge. Affirmed.

Tonja R. Torres, under appointment by the Court of Appeal for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

INTRODUCTION

Appellant was charged with two counts of second-degree robbery pursuant to a Welfare and Institutions Code section 602 petition.¹ Following a hearing, the juvenile court found both counts true and sustained the petition. As a condition of probation, appellant was ordered to pay victim restitution, a restitution fine, and an administrative fee. On appeal, he contends the juvenile court's probation order must be modified to reflect the statutory basis of the restitution awards. As the statutory basis is evident, we affirm the judgment of the juvenile court.

FACTUAL AND PROCEDURAL HISTORY

On November 3, 2016, appellant was charged with two counts of second-degree robbery (Pen. Code, § 212.5, subd. (c)) pursuant to a petition under section 602. The juvenile court found both counts true as felonies and sustained the petition on July 20, 2017. The items taken during the robbery, and returned to the two victims, were a pack of cigarettes, a lighter, three dollars, and a set of keys.

At the September 14, 2017 disposition hearing, the juvenile court declared appellant a ward of the court within the meaning of section 602, and ordered him home on probation. As conditions of probation imposed by the juvenile court, appellant was ordered to pay any restitution owed to the victims, a restitution fine, and a service fee:

“The Court: No. 23, you must pay to the victims for any damages to him or her, or his or her property

¹ All undesignated statutory references are to the Welfare & Institutions Code.

that you or your companions caused by committing these crimes. The amount you owe, if any, will be determined by the probation officer, subject to court approval.

“No. 23A, you must pay a restitution fine which goes to the victims’ fund in an amount of \$100, plus a ten dollar service fee, for a total of \$110.”

A minute order reflecting the conditions of probation was entered the same day, and did not specify the statutory basis for the restitution awards.

A notice of appeal was timely filed on September 14, 2017. Appellant argues that the probation order must be amended, whether by this court or the juvenile court, to reflect the statutory basis for the victim restitution, the restitution fine, and the service fee. Respondent argues that the statutory basis for these fines -- section 730.6, subdivisions (b) and (q) -- is obvious and not reasonably subject to dispute. We agree.

DISCUSSION

The standard of review of a restitution order is abuse of discretion. “A victim’s restitution right is to be broadly and liberally construed.’ [Citation.] “When there is a factual and rational basis for the amount of restitution ordered by the trial court, no abuse of discretion will be found by the reviewing court.” [Citations.]” (*In re Johnny M.* (2002) 100 Cal.App.4th 1128, 1132.) Under section 730, subdivision (b), the juvenile court, in placing a ward on probation, “may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.”

Section 730.6 governs restitution in cases where a minor is adjudicated a ward of the court pursuant to section 602. Section 730.6, subdivision (a)(1), provides for restitution of a victim's economic loss:

“(a)(1) It is the intent of the Legislature that a victim of conduct for which a minor is found to be a person described in Section 602 who incurs an economic loss as a result of the minor's conduct shall receive restitution directly from that minor.”

Section 730.6, subdivision (b), imposes a mandatory restitution fine for a minor who committed a felony:

“(b) If a minor is found to be a person described in Section 602, the court shall impose a separate and additional restitution fine. The restitution fine shall be set at the discretion of the court and commensurate with the seriousness of the offense as follows:

“(1) If the minor is found to be a person described in Section 602 by reason of the commission of one or more felony offenses, the restitution fine shall not be less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000). . . .”

Section 730.6, subdivision (q), authorizes the imposition of an administrative fee for the collection of the restitution fine, to be included in the court's order:

“(q) At its discretion, the board of supervisors of any county may impose a fee to cover the actual administrative cost of collecting the restitution fine,

not to exceed 10 percent of the amount ordered to be paid, to be added to the restitution fine and included in the order of the court, the proceeds of which shall be deposited in the general fund of the county.”

There is no requirement within section 730.6 that a court specify the statutory basis for its restitution orders.

Appellant argues that under *People v. High* (2004) 119 Cal.App.4th 1192 (*High*), and *People v. Hamed* (2013) 221 Cal.App.4th 928 (*Hamed*), the juvenile court was required to set forth the statutory basis for its restitution orders. *High* remanded the case to the trial court with directions to “separately list, with the statutory basis, all fines, fees and penalties imposed on each count” in the abstract of judgment. (*High, supra*, at p. 1201.) *Hamed* also directed the trial court to “prepare an amended abstract of judgment that sets forth the amount of and statutory basis” for each fine and penalty assessment. (*Hamed, supra*, at p. 941.) Appellant cites no supporting authority for his proposition that “[a]lthough *High* addresses the statutory bases of fines, fees, and assessments in the abstract of a criminal judgment, the principle involved applies equally to fines ordered in a delinquency action.”

Moreover, *High* and *Hamed* are distinguishable. Both cases involved nonminor defendants and more complex fines, fees, penalties and surcharges under the Penal Code, Health and Safety Code, and the Government Code, which were not separately itemized but assessed in aggregate amounts. (See *High, supra*, 119 Cal.App.4th at pp. 1200-1201; *Hamed, supra*, 221 Cal.App.4th at pp. 941-942.) The purpose of the *High* court’s holding, as reiterated by *Hamed*, was to assist the Department of Corrections and Rehabilitation to “fulfill its statutory duty to

collect and forward deductions from prisoner wages to the appropriate agency.” (*Hamed, supra*, at p. 940, citing *High, supra*, at p. 1200.) In contrast, the juvenile court’s order here involved a single restitution fine and service fee under the Welfare and Institutions Code, which will not be deducted from prisoner wages or forwarded to multiple agencies. Appellant does not dispute the actual amount or calculation of the restitution fine, and in his reply brief, appears to question only the amount of the \$10 administrative charge, which the statute delegates to the discretion of the county board of supervisors. Absent a showing of error, we decline to remand the matter to the juvenile court.

DISPOSITION

The judgment of the juvenile court is affirmed.

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MANELLA, P.J.

We concur:

WILLHITE, J.

COLLINS, J.