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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM ROY RIOS,

Defendant and Appellant.

B293839

(Los Angeles County
Super. Ct. No. VA147081)

APPEAL from a judgment of the Superior Court of Los Angeles County, John Torribio, Judge. Affirmed.

Patricia Ann Dark, 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, Idan Ivri and Nikhil Cooper, Deputy Attorneys General, for Plaintiff and Respondent.

A jury found appellant William Roy Rios guilty of taking a vehicle without the owner's consent and possession of burglar tools. After trial, appellant admitted a prior strike conviction.

The trial court sentenced appellant to two years, doubled for the prior strike, for a total of four years, plus one year in the county jail with credit for time served. The court also imposed a \$40 court operations assessment (Pen. Code, § 1465.8), a \$30 court facilities assessment (Gov. Code, § 70373), and a \$300 minimum restitution fine (Pen. Code, § 1202.4).

Appellant raises two issues on appeal: 1) he asks the court to conduct an independent review of the police officer personnel files reviewed by the trial court in connection with his *Pitchess* motion; and 2) he argues the trial court erred in imposing fines, fees, and assessments without conducting an ability-to-pay hearing under *People v. Dueñas* (2019) 30 Cal.App.5th 1157.

We affirm.

I. Our Independent Review of the *Pitchess* Files Reveals No Discoverable Material

Pursuant to *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, appellant moved for discovery of personnel information relating to two Los Angeles County Sheriff's deputies. The trial court granted the motion, reviewed the files in camera, and determined there was no discoverable information. Appellant now asks our court to conduct an independent review of the same files. (*People v. Yearwood* (2013) 213 Cal.App.4th 161, 180–181.) The People do not object to appellant's request.

We agree appellant is entitled to an independent review by this court. We have conducted such a review and agree with the trial court that there is no discoverable material in the personnel files.

II. We Decline to Address Fines, Fees, and Assessments

Relying on *People v. Dueñas*, appellant contends the trial court should not have imposed fees, fines, and assessments without conducting an ability-to-pay hearing. Appellant failed to raise this issue in the trial court.

California law provides that an attempt to correct errors in the imposition of fines and fees must be made first to the sentencing court before it can be raised on appeal. (Pen. Code, § 1237.2; *People v. Aguilar* (2015) 60 Cal.4th 862, 864 [failure to raise challenge to fees in the trial court precludes consideration of issue on appeal].) Appellant has not raised the issue in the trial court; we therefore decline to consider the issue.

DISPOSITION

The judgment is affirmed.

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STRATTON, J.

We concur:

BIGELOW, P. J.

GRIMES, J.