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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.

SAUL HERNANDEZ,

Defendant and Appellant.

B290525

(Los Angeles County
Super. Ct. No. YA095822)

APPEAL from an order of the Superior Court of Los Angeles County, Eric C. Taylor, Judge. Affirmed.

Heather L. Beugen, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Lance E. Winters, Senior Assistant Attorney General, Zee Rodriguez and Noah P. Hill, Deputy Attorneys General, for Plaintiff and Respondent.

* * * * *

Defendant Saul Hernandez appeals the trial court's restitution order, following his guilty plea for evading a police officer (Veh. Code, § 2800.2), driving under the influence (§§ 23152, subd. (a), 23540), and driving on a suspended license (§ 14601.1, subd. (a)). He contends the trial court violated his right to an adequate appellate record when it returned the exhibits on which its restitution order was based to the People, and seeks remand for a new hearing. We affirm.

BACKGROUND

After initially pulling over for a traffic stop, defendant fled the scene and led police on a high-speed chase over a distance of eight miles before colliding into three vehicles, terminating the pursuit.

Following defendant's guilty plea, the People sought restitution for five victims. The victims did not testify at the hearing. Instead, the prosecutor provided defense counsel, and the court, with five exhibits containing the bills, medical records, and repair estimates for each of the victims. The trial court ordered over \$28,000 in restitution pursuant to Penal Code section 1202.4, subdivision (f). The court returned the exhibits to the People.

Defendant timely appealed.

DISCUSSION

Defendant contends the trial court erred when it failed to admit the exhibits into evidence, and returned them to the People. He contends that the error prevents him from prosecuting his claims of error on appeal, and that the appropriate remedy is to remand the case for a new restitution hearing.

A criminal defendant is entitled to an adequate record to permit meaningful appellate review, including exhibits that are admitted, refused, or lodged below. (*People v. Osband* (1996) 13 Cal.4th 622, 663; see also Cal. Rules of Court, rule 8.320(e).) If the record is inadequate, defendant's remedy is not reversal and a new hearing. Defendant must take steps to augment the record. (*People v. Osband*, at p. 663; *People v. Jones* (1981) 125 Cal.App.3d 298, 300-301; *People v. Coley* (1997) 52 Cal.App.4th 964, 970.)

Defendant could have asked the People to provide copies of the records. The California Rules of Court require a defendant to file a notice in the superior court designating any "exhibits that were admitted in evidence, refused, or lodged but that were not copied in the clerk's transcript," and that "[a]ny party in possession of designated exhibits returned by the superior court must . . . send them to the reviewing court." (Cal. Rules of Court, rule 8.224(a), (b)(2); see also rule 8.320(e).) Apparently, defendant made no effort to get the records. He has not shown the court or the People did anything to prevent him from presenting an adequate record.

DISPOSITION

The order is affirmed.

GRIMES, Acting P. J.

WE CONCUR:

STRATTON, J.

WILEY, J.