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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROSCOE WILLIAMS,

Defendant and Appellant.

B267665

(Los Angeles County
Super. Ct. No. BA435476)

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

Christine C. Shaver, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

I. INTRODUCTION

Defendant, Roscoe Williams, appeals from his judgment of conviction. On September 25, 2015, defendant was convicted by jury trial of one count of felony false imprisonment and one count of criminal threats. (Pen. Code¹, §§ 236-237, 422, subd. (a).) The jury also found as to both counts defendant used a deadly weapon. (§ 12022, subd. (b)(1).) We affirm the judgment, as modified.

II. BACKGROUND

On April 6, 2015, defendant forced Lisa B. into a car and threatened her. Defendant and Lisa were in the process of breaking up after they had been involved in a relationship of some duration. According to Lisa, defendant used a screwdriver and pair of scissors to threaten her. Lisa's testimony was corroborated by Sharon Turner and Officer Chris Bellah who recovered the screwdriver and pair of scissors. The defense presented testimony from Bennie Leggett and Monique Brooks which indicated they saw defendant and Lisa together on April 6, 2015. According to both Mr. Leggett and Ms. Brooks, nothing unusual appeared to be happening when they saw defendant and Ms. Brooks.

On October 8, 2015, defendant was sentenced. Defendant was sentenced to the middle term of 2 years for count 1, felony false imprisonment, based on his prior criminal history. The trial court imposed the additional one-year enhancement under section 12022, subdivision (b)(1). The count 2 sentence for

¹ Future statutory references unless otherwise indicated are to the Penal Code.

criminal threats was stayed pursuant to section 654, subdivision (a). Defendant received a total 370 days of presentence credits. This consisted of 185 days of actual custody and 185 days for good time credit. The trial court also imposed fines and fees: a \$300 restitution fine under section 1202.4, subdivision (b); a \$300 parole revocation fine which is suspended unless parole is revoked under section 1202.45, subdivision (a); a \$30 court facilities assessment under Government Code section 70373, subdivision (a)(1); and a \$40 court operations assessment under section 1465.8 subdivision (a)(1).

III. DISCUSSION

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 we 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 28, 2016, we sent a notice advising defendant that he had 30 days within which to personally submit any contentions or arguments he wishes us to consider. No response was received. On December 27, 2016, we issued an order requesting defendant provide additional response to three issues. Defendant filed his response to our order on January 12, 2017.

The first issue concerns defendant’s presentence credits. Defendant was arrested on April 6, 2015 and sentenced on October 8, 2015. At the time of sentencing, defendant was in custody for 186 days. The trial court erred by finding defendant was in custody for 185 days. Defendant is entitled to 186 days for time actually served and 186 days of good time credit under

section 4019. Thus, defendant should receive 372 days of presentence credits.

The second issue concerns the abstract of judgment stating defendant was convicted of kidnapping. As noted, a jury found defendant guilty of felony false imprisonment under sections 236-237. The superior court clerk is to prepare an amended abstract of judgment reflecting defendant's conviction for false imprisonment.

The third issue pertains to the imposition of court facilities and operations assessments. As noted, the trial court stayed sentencing on count 2. The trial court erred by failing to impose the court facilities and court operations assessments for each count. The court facilities assessment and court operations assessment are mandatory for each count. (*People v. Sencion* (2012) 211 Cal.App.4th 480, 484; *People v. Rodriguez* (2012) 207 Cal.App.4th 1540, 1543, fn. 2; *People v. Woods* (2010) 191 Cal.App.4th 269, 272-273.) The trial court should have imposed \$80 court operations and \$60 court facilities assessments. (Gov. Code, § 70373, subd. (a)(1); § 1465.8, subd. (a)(1).)

IV. DISPOSITION

The judgment is modified to impose a \$60 court facilities assessment (Gov. Code, § 70373, subd. (a)(1) and an \$80 court operations assessment (§ 1465.8, subd. (a)(1)). The oral pronouncement of judgment is modified to award defendant 186 days of actual custody credits and 186 days of conduct credits. The abstract of judgment must state defendant was convicted of false imprisonment for count 1, not kidnapping. 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.

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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.