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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MELVIN ANTHONY BELL,

Defendant and Appellant.

B240757

(Los Angeles County
Super. Ct. No. TA120612)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Ricardo R. Ocampo, Judge. Affirmed as modified, with directions.

Richard B. Lennon, under appointment by the Court of Appeal, for
Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Lance E. Winters, Assistant Attorney General, Kenneth C.
Byrne and Shira B. Seigle, Deputy Attorneys General, for Plaintiff and
Respondent.

INTRODUCTION

Melvin Anthony Bell appeals from a judgment of conviction for robbery. He contends the trial court erred in imposing a \$20 fine pursuant to Government Code section 76104.7.¹ The People concede the error. Accordingly, we will modify the judgment to remove the fine.

STATEMENT OF THE CASE

Pursuant to a negotiated disposition, appellant pleaded guilty to robbery (Pen. Code, § 211) and admitted a personal firearm use allegation (Pen. Code, § 12022.5, subd. (a)). Appellant was sentenced to the agreed upon term of nine years in state prison. The trial court imposed a \$40 court operations assessment (Pen. Code § 1465.8, subd. (a)), a restitution fine (Pen. Code § 1202.4, subd. (b)), a parole revocation fine (§ 1202.45), a \$30 criminal conviction assessment (§ 70373), and a \$20 DNA fine (§ 76104.7). Appellant filed a timely appeal.

DISCUSSION

Appellant contends the trial court erred in imposing the \$20 DNA fine under section 76104.7 because that fine may be imposed only if the trial court also imposed a DNA fine under section 76104.6. (*People v. Valencia* (2008) 166 Cal.App.4th 1392, 1395.) The People admit the trial court did not impose a DNA fine under section 76104.6, and concede the record cannot support the imposition of such a fine on appeal. The People request this court strike the fine. Accordingly, we will remand with instructions to strike the \$20 DNA fine.

¹ All further statutory citations are to the Government Code, unless otherwise indicated.

DISPOSITION

The order directing defendant to pay a \$20 DNA fine pursuant to Government Code section 76104.7 is stricken. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and forward a corrected abstract of judgment to the Department of Corrections and Rehabilitation.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

SUZUKAWA, J.