

ATTORNEY NAME

Attorney At Law

ADDRESS

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Date

The Honorable XXX
Judge of the Superior Court
Address
Los Angeles, CA 9XXXX

Re: People v. Defendant Name, Court of Appeal No. Xxxx
Superior Court No. Xxxxxx

Dear Judge XXXX:

I am appointed appellate counsel for XXXXX after his/her conviction/sentence in your court. Pursuant to Penal Code section 1237.2, upon recognizing an error in the “imposition or calculation of fines, penalty assessments, surcharges, fees or costs,” Mr. XXXXX is required to first seek to correct the error in the trial court. The statute ensures that the trial court still has jurisdiction to correct the error and the request may be made informally in writing. (Pen. Code, § 1237.2.)

Here, at XXXXXXXX’s sentencing on March 1, 2016, the court did not orally impose the \$78 booking fee which is on the minute order. According to Gov. Code, §29550.2 the booking fee is not mandatory and thus should be removed from this court’s order of March 1, 2016. A court clerk cannot supplement the judgment of the court actually pronounced by adding to the minute order. (*People v. Zackery* (2007) 147 Cal.App.4th 380, 387-388.)

Thus, on behalf of XXXXX, I request that the court prepare, file and forward to the Department of Corrections an amended minute order and abstract reflecting the lack of a \$78 booking fee.

Please also note that pursuant to Rule of Court 8.340(a)(1), the clerk must promptly send a certified copy of the amended abstract and minute order to the Court of Appeal, appellate counsel and the Attorney.

XXXXXXXXXX's appeal is currently due in the Court of Appeal on XXXXXXXX, thus, your prompt attention to this matter is greatly appreciated. If you have any questions please contact me.

Sincerely yours,

ATTORNEY NAME
Attorney at Law