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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**A113367**

**v.**

**(San Mateo County  
Super. Ct. Nos.  
SC055525A, SC059720A)**

**LAWRENCE MARSHAUN WILLIAMS,**

**Defendant and Appellant.**

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Lawrence Marshaun Williams appeals from judgment entered after the trial court revoked his probation. He challenges a restitution fine that was imposed. We agree the fine was imposed improperly and order the appropriate modification.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

In April 2004, in case no. SC055525A, appellant pleaded no contest to possessing cocaine base for sale. (Health & Saf. Code, § 11351.5.) On August 11, 2004, the court suspended the imposition of sentence and placed appellant on probation. As is relevant here, the court also ordered appellant to pay a \$200 restitution fine pursuant to Penal Code<sup>1</sup> section 1202.4<sup>2</sup> and an associated \$20 administrative fee.

<sup>1</sup> Unless otherwise indicated, all further section references will be to the Penal Code.

<sup>2</sup> Section 1202.4, subdivision (b) states, in part, “In every case where a person is convicted of a crime, the court shall impose a separate and additional restitution fine, unless it finds compelling and extraordinary reasons for not doing so . . . .”

On November 1, 2005 a new case was filed, no. SC059720A, charging appellant with numerous counts. The new case was joined with a probation revocation hearing in appellant's prior case.

On February 6, 2006, pursuant to a negotiated disposition, both cases were resolved. In the first case, appellant admitted violating his probation; in the second, he pleaded no contest to second degree robbery. In exchange, the court sentenced appellant to five years in prison in the second case, and a concurrent four-year term in the first case. In addition, the court imposed \$200 restitution fines under section 1202.4 and associated \$20 administrative fee on *both* cases.

## II. DISCUSSION

Appellant contends the trial court could not validly impose a second restitution fine and associated administrative fee when it revoked his probation in the first case, no. SC055525A.<sup>3</sup> The People concede the error and we agree. As another court stated in virtually identical circumstances, "There is no statutory authority justifying the second restitution fine because . . . the first restitution fine remained in force despite the revocation of probation." (*People v. Chambers* (1998) 65 Cal.App.4th 819, 823.) The appropriate remedy is to strike the restitution fine and the associated administrative fee. (*Ibid.*)

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<sup>3</sup> Appellant does not challenge any aspect of the judgment in case no. SC059720A.

III. DISPOSITION

In case number SC055525A, the trial court is ordered to prepare and to forward to the appropriate authorities an amended abstract of judgment that omits the \$200 restitution fine under section 1202.4 and the associated \$20 administrative fee. In all other respects, the judgment is affirmed.

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Jones, P.J.

We concur:

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Gemello, J.

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Bruiniers, J.\*

\*Judge of the Superior Court of Contra Costa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.