

Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]

Practice Tip: Section 1237.2 expressly states that an error in the imposition or calculation of certain monetary penalties enumerated in the statute may not be raised on appeal unless either (1) the defendant first presents the claim to the superior court, or (2) the monetary error is not the sole issue on appeal. However, even if the appeal presents other issues, because it is sometimes more practical, appellate counsel might still first seek correction of the error in the trial court.

[Letterhead]

[Date]

Honorable *[name]*
Superior Court of *[name]* County
[Address]

Re: *People v. [Client's name] / In re [client's first name, last initial]*
Superior Court No. *[number]*
Court of Appeal No. *[number]*
Penal Code Section 1237.2 Request for Correction of *[state the appropriate fines, penalty assessments, surcharges, fees or costs at issue]*

Dear Judge *[name]*:

I have been appointed by the Court of Appeal to represent defendant/appellant *[full name, unless juvenile]*, on appeal. In my review of the appellate record, I have identified an error in the *[imposition / calculation]* of *[identify the appropriate fines, penalty assessments, surcharges, fees or costs]* that may and should be corrected by this court. Effective January 1, 2016, Penal Code section 1237.2 requires a motion to the superior court to correct an error in the imposition or calculation of fines, penalty assessments, surcharges, fees or costs as a prerequisite for appealing an incorrect calculation or imposition of any of the enumerated monetary penalties. The motion may be made informally in writing. (Pen. Code, §1237.2, added by Stats. 2015, ch. 194, § 3.)

This court has statutory jurisdiction to consider the matter even while the direct appeal is pending. (See Pen. Code, §1237.2, added by Stats. 2015, ch. 194, § 3.) Please accept this as an informal letter request to correct the error.

Defendant *[name]* was charged with *[state offenses and relevant statutory provisions]*. On *[date]*, *[she / he]* *[pleaded guilty / was found guilty]* of *[offenses]*.

Penal Code section 1237.2 Request for Correction of *[state the appropriate fines, penalty assessments, surcharges, fees or costs at issue]*
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Superior Court No. *[number]*
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[Under a plea bargain,] defendant was sentenced to [sentence and, if applicable, how it was calculated or stipulated]. Attached are copies of [relevant documents such as the information, change of plea form, probation report, abstract of judgment, minute order of plea and sentencing].)

At sentencing defendant was ordered to pay *[specify which fine, penalty assessment, surcharge, fee, or cost relevant to the motion the court imposed]*. For the reasons that follow, the *[imposition / calculation]* of *[state relevant fine, penalty assessment, surcharge, fee, or cost section number]* was erroneous.

[State legal argument. Depending on the error in question, this portion must be modified to any particular case.]

I respectfully request that the abstract of judgment be amended to show *[state relief requested]*.

If the court grants this informal request, the clerk of the court must [augment the appellate record with the amended abstract of judgment and any related minute order. (Cal. Rules of Court, rule 8.340(a)(1).) / **notify the appellate court and all parties entitled to the record under rule 8.409 of the California Rules of Court. (Rule 8.410(b)(2).)**] Counsel also requests the clerk forward the amended abstract of judgment to the [Department of Corrections and Rehabilitation / **Division of Juvenile Facilities**].

Respectfully submitted,

[Attorney's name]
State Bar No. *[number]*
Attorney for Defendant *[name]*

Encls.

PROOF OF SERVICE

[Include district attorney and trial counsel.]