

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

1/26/11 5/26/11
Ist App: Target:

Case # 08CR99 Date: 2/16/11 Time: 0830 Courtroom # 7
Judge: Jamie E. Thistlethwaite Reporter: Sworn Interpreter: _____ [INT]
Deputy D.A.: Clerk: Jennifer A. Ko [112] Interpreter needed next date
PEOPLE VS. _____ [DE 1]

Agency # 151 DDL: LA DOB: 2
Charges: 1) M 23152(a) VC 2) M 23152(b) VC 3) I 22350 VC 4) I 16028(a) VC

A NATURE OF PROCEEDINGS: POSSIBLE DISPOSITION

DEFENDANT [1] present [2] not present [3] present in custody [4] not present in custody [A] pro per [5] Waiver of personal appearance filed
[6] Pub. Def. _____ [7] appointed [A] PD reg fee [8] relieved [21] True name is _____
[9] Defense Csl. _____ [10] generally [11] relieved [22] Defendant advised of charges/allegations
[12] Conflict Csl. _____ [23] Stipulates to arraignment [24] Advised of constitutional rights
[13] assigned [14] appointed [A] reg fee [15] relieved Waives [25] reading [26] further advisement of rights
[16] Complaint filed [17] _____ Amended complaint filed **Complaint not filed** [27] Defendant discharged [28] Continued for complaint
[18] Defense provided with [A] Complaint [B] Report [C] Cite [29] Mutual discovery granted by _____ [30] Judge recuses self per 170.1 CCP
[19] Complaint amended to _____ [31] 170.6 CCP filed re: Judge _____ by [A] DA [B] Defense
[20] Charge(s) amended to _____ P.O. _____ [32] present [A] gives oral report
[33] City Attorney _____ present
[34] Criminal Protective Order [A] issued & filed [B] vacated [C] served

B BAIL/CUSTODY STATUS

DEFENDANT [1] REMANDED [2] RELEASED FROM CUSTODY
BAIL [3] forfeited [4] reinstated [5] exonerated [7] reinstated and exon
[8] Bench warrant to issue per _____ Bail \$ _____
Do not [9] cite out/release on OR [10] recalendar
[11] Bail may be forfeited in lieu of appearance [12] EXECUTION STAYED
Declaration & warrant to be prepared by [13] DA [14] City Attorney
WARRANT [15] RECALLED [18] remains out
[19] Bail set \$ _____ [A] as set [20] NO BAIL
Bail [21] increased to \$ _____ [22] reduced to \$ _____
Min. for [24] OR [25] Sup. OR [A] granted [B] denied [C] conditions attached
[26] OR [27] Sup. OR [A] reinstated [B] revoked [C] terminated [D] continued
[28] Summary judgment extended to _____
[29] Reassumption of liability filed

C DEFENDANT INFORMED OF RIGHTS/ADVISEMENTS

[1] to counsel [2] of time for trial [3] to confront/cross exam witnesses
[4] against self-incrimination [5] to jury/court trial [6] to VOP hearing
[7] possible assessment of P.D. fees [8] alien advisement per 1016.5PC
[9] Faretta advisement given re: counsel & waived
DEFENDANT [10] waives each right [11] waives time
[12] does not waive time [13] withdraws time waiver
[14] waives VOP hearing [15] waives jury trial [16] People waive jury trial
DNA test [DNA1] ordered _____ [DNA2] previously done
Qualifying offense _____

D DEFENDANT PLEADS

[1] Not Guilty [A] NGI [2] Not guilty plea w/drawn
[3] Absentia plea filed [4] Priors denied [5] Enhancements/allegations denied
Advised of [6] max. penalties [7] future consequences [8] understands &
waives each right [9] Defense Csl. joins in waiver [10] TAHL waiver filed
[11] GUILTY [12] NO CONTEST
Admits [13] _____ priors [14] enhancement [15] enhancement stricken
[16] Violation of Probation [A] denied [B] admitted [C] dropped
[17] Priors _____ found constitutionally [A] valid [B] invalid
[18] Stipulates to [A] factual basis for plea [B] probable cause for arrest
[C] Commissioner [19] Report/memo filed [A] Bail [B] PI
COURT FINDS [20] factual basis for plea [21] admission [22] Def. knowingly
intelligently, freely, voluntarily waives rights [23] Def guilty [24] in Viol. Prob.
[25] People's motion to dismiss remaining counts at time of sentencing granted
DEFENDANT waives time for [26] sentencing [27] referral to Probation
Enters [28] Arbuckle [29] Harvey waiver _____
[30] Referred to [31] Accepted in [A] 1210 PC Court [B] Drug Court
[C] DV Court [D] FACT Court [E] DUI Court [K] Compliance Court
CRIMINAL PROCEEDINGS [32] suspended [33] reinstated
Refer to [34] PI [35] ESP [35A] SCRAM for _____
[36] P.I. [37] ESP [38] NBRC on ct(s) _____ [A] accepted [B] denied [C]
Terminate [39] successfully [40] unsuccessfully [A] P.I. [B] NBRC
[41] GUILTY plea for deferred entry of judgment on ct(s) _____
Deferred entry completed [41A] successfully [41B] unsuccessfully
[42] Dr. _____
[43] Report due _____, appointed per
DEFENDANT [44] found mentally [A] competent [B] incompetent
[45] committed to Sonoma County Jail [A] contested [B] uncontested
[46] If sentenced to Jail, term would be _____ yrs/mos. Credits

E PROBATION

[1] Referred to Prob. Dept. for RPO [2] re-referral [A] OR Bail Reduction [B] Presentence [C] VOP [D] NBRC [E] Post Sentence
[F] Other _____ [3] PROBATION SUMMARILY REVOKED [4] Prob. Rpt filed [5] See P.O. today [6] Test today
[7] Cont. to _____ Ctrm _____ [8] Refer to [A] Mental Health [B] Mental Health Review Team [9] Report due _____

F CALENDAR SETTINGS

HELD [9] Cert per 1368 PC for hrg. _____ Ctrm _____ [A] HELD
[1] Sett. Conf. set _____ Ctrm _____ [A] [10] Proceeding suspended & case Certified to Juvenile Court
[2] Readiness Conf. set _____ Ctrm _____ [A] **MOTION** [11] 1538.5 PC [12] 1050 PC [13] Other _____
[3] Jury trial set _____ Ctrm _____ [A] Set _____ Ctrm _____ [A] HELD [B] granted
[4] Court trial _____ Ctrm _____ [A] [14] P & A's by _____ [15] Response by _____
[5] Vio. Probation hrg. set _____ Ctrm _____ [A] [16] Plea of guilty/conviction set aside [17] Case dismissed per 1203.4 PC
[6] Hearing _____ [18] Case [19] Cts. _____ **DISMISSED** [A] People's motion
[7] VACATED [B] Interest of Justice [C] Insufficient Evidence [D] With TVS proof
[8] Cont. to _____ Ctrm _____ [E] On condition(s): _____
Judge _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

Case # 09H-596

Date: 2/16/2011 Time: 0830

0830

Courtroom # 7

PEOPLE VS. J I N [DE 1]

[G] No legal cause why jdgmt. should not be pronounced [1] Imposition of sentence suspended [2] Probation denied [3] Probation summarily imposed
[4] **CONDITIONAL SENTENCE** [5] **FORMAL PROBATION** [6] **SENTENCE MODIFIED**

[A] **Granted** mos. [7] **Extended** mos. [A] from today's date [B] to [8] **Modified** [9] **Revoked** [10] **Reinstated**

Convert to [11] formal probation [12] conditional sentence [A] upon
To [17] **terminate** [13] successfully [14] unsuccessfully [A] upon payment of fine [B] upon completion of jail time [C] On date:
[15] **Terminated** [A] successfully [B] unsuccessfully [16] All other terms & conditions remain in full force & effect

[H] [1] Commence & continue education, counsel, other rehab. programs [21B] Do not commit criminal offense, refuse a BAC (blood alcohol
as directed including [A] residential treatment at [B] 52-session Batterer's program [C] and do not leave any program
without prior written consent [2] meetings as directed [24] firearms for 10 yrs or any weapons for 3 yrs. Per 12021(c)(1) PC
[3] **Make all court appearances & appointments** (including intake) [25] Stay out of places where alcohol is the primary item of sale
[4] Report to Prob. Officer as directed [5] Observe curfew as directed [26] Do not drive with any alcohol in system
[6] Complete hrs. work thru Sonoma Co. Volunteer Center as directed [27] Do not drive without valid California license & insurance in effect
by [7] vacated [8] in lieu of [9] Contact by [28] FODDP referral [C] 9 mo extended program [A] vacated
[10] Seek & maintain employment or enroll in educational program [29] MODDP referral [A] vacated [30] Enroll within 21 days & complete as
Do not [11] harm, harass, or annoy victim [A] molest, attack, strike, stalk, threaten, sexually assault, batter, & do not disturb victim's peace
[12] Do not contact victim directly or indirectly [32] Referred to Orenda Center Alcohol/Other Drug Assessment
[13] Do not congregate/frequent locations or associate with gang members, wear gang attire or colors, or possess gang paraphernalia
[14] **Be of good conduct & obey all laws** [15] Abide by any protective orders [37] **Interlock** [A] advisement given [B] to be installed
[16] Register per [A] 290 PC [B] 11590 H&S [17] HIV test ordered [C] waived, not in the Interest of Justice
Defendant to submit to warrantless search & seizure of [18] person, [38] DL-309 Habitual Traf. Offender [39] DL310 Verbal suspension ntc.
property, vehicle any time of day or night [A] residence any time of day or reasonable hour of the night by any Probation or Law Enforcement Officer
[19] Submit to random chemical tests [A] as directed by Orenda Center for [40] Traffic Violator School by [41] Court monitored suspension
months [C] as directed by Probation and pay \$6.00 fee per test [42] **Conviction involves** [43] **HAZMAT**
[20] alcohol [21] controlled substances or associated paraphernalia without valid prescription [44] Corrected abstract [45] Declaration per 23212 & 23103.5 VC filed
[46] Attend Awareness Program by Court Costs to Clerk's Office forthwith [47] AIDS class through DAAC

[21B] Do not commit criminal offense, refuse a BAC (blood alcohol test), or drive with any measurable amount of alcohol in blood.
Do not own, possess or use any [22] firearms [23] weapons [A] ammunition
[24] firearms for 10 yrs or any weapons for 3 yrs. Per 12021(c)(1) PC
[25] Stay out of places where alcohol is the primary item of sale
[26] Do not drive with any alcohol in system
[27] Do not drive without valid California license & insurance in effect
[28] FODDP referral [C] 9 mo extended program [A] vacated
[29] MODDP referral [A] vacated [30] Enroll within 21 days & complete as directed [31] MODDP re-referral [A] DL-104 2nd offender re-referral
[32] Referred to Orenda Center Alcohol/Other Drug Assessment Program w/in 30 days & pay \$100 assessment fee
License [33] suspended per DMV regulations [33A] surrendered to Court
[33B] Court orders DMV not to issue a restricted license
[37] **Interlock** [A] advisement given [B] to be installed [C] waived, not in the Interest of Justice
[38] DL-309 Habitual Traf. Offender [39] DL310 Verbal suspension ntc.
[40] Traffic Violator School by [41] Court monitored suspension
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J	AMOUNT	FINE AND/OR FEE	DUE DATE	
[1]	\$	Court Costs	[B] _____ [A] Susp.	[17] \$ _____ Diversion Rest. Fee per 1001.90 PC _____
[2]	\$	FTA Fine	[B] _____ [A] Susp.	[18] Fine \$ _____ (inc. Security Fee)
[3]	\$	Alcohol Prevention Fee	[B] _____ [A] Waived	[19] Previous Balance \$ _____
[4]	\$	Drug Prevention Fee	[B] _____ [A] Waived	[20] Vacate \$ _____
[5]	\$	AIDS Educ. Fee to Pub. Health	[B] _____ [A] Waived	[21] Suspend \$ _____
[6]	\$	AIDS Fund Fee	[B] _____ [A] Waived	Payable [A] by _____ [B] at \$ _____ mo. beg _____
[7]	\$	Battered Women's Shelter Fee	[B] _____ [A] Waived	plus processing fee thru [C] Clerk's Office [D] Probation
[8]	\$	Restitution fine per 1202.4(b)PC	[B] _____ [A] Waived	[E] Contact the collection unit re: payment of delinquent fine.
[15]	\$	Restitution fine per 1202.44PC. Suspended unless probation is revoked	[B] _____ [A] Susp.	[23] Bail to apply with authorization by _____
[9]	\$	Restitution fine per 294 PC	[B] _____ [A] Reserved	[24] Fine reduced to \$ _____ with proof of license & insurance
[10]	\$	Supervision Fee	[B] _____ [A] Waived	[25] Vehicle to be released upon payment of impound & tow fees _____
[11]	\$	RPO Fees	[B] _____ [A] Waived	DMV hold to be released [26] forthwith [27] _____
[12]	\$	Dom. Viol. Fee per 1203.097 PC	[B] _____ [A] Waived	[28] Fines/fees vacated 10
[13]	\$	Appt. Counsel [14] P.D. fees [B] _____ to Central Coll.	[B] _____ [A] Waived	[29] _____ [30] Booking fee \$ _____

[31] in an amount & manner to be determined by the Probation Dept [32] issue reserved [33] jointly & severally liable with co-defendant(s)
[34] \$ _____ [A] at \$ _____ per mo. beginning _____ [B] as directed by Probation Officer [35] **10% Administrative fee will be assessed**
[36] Def. advised of right to restitution hrg per 1214 PC (Cervantes) w/in 90 days [37] Deemed a civil judgment [38] Due to victim by _____

[38] Due to victim by _____

[38] Due to victim by _____

[38] Due to victim by _____

[38] Due to victim by _____

[38] Due to victim by _____

[38] Due to victim by _____

Defendant's Signature _____ Phone _____

Address: _____
City: _____ State _____ Zip _____ JUDGE _____

STANDARD CONDITIONS OF FORMAL PROBATION

- 1. Report to your Probation Officer within two working days upon completion of jail sentence and furnish him/her with requested information regarding yourself, including place of residence, exact post office address and contemplated or actual place of employment.
- 2. Keep your Probation Officer informed of your whereabouts at all times and immediately notify him/her of any change of employment.
- 3. Report to your Probation Officer monthly in writing, on forms provided, or in person as directed.
- 4. While under probation, remain in custody of Probation Officer and whenever notified to do so, report in person to him/her or to this Court at the time & place designated in this notice. A written notice mailed at least 5 days prior to your appearance date, sent to you at the last post office address furnished by you is sufficient.
- 5. Obey all laws.
- 6. Diligently seek employment, accept first honorable employment offered you and, as much as possible, remain employed during term of probation.

1203.4 PC

1203.4 PC PROBATIONER MAY WITHDRAW PLEA OF GUILTY OR OF NOLO CONTENDERE - WHEN

(a) In any case in which defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interest of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted, except as provided in Section 13555 of the Vehicle Code. The probationer shall be informed, in his probation papers, of this right and privilege and his right, if any, to petition for a certificate of rehabilitation and pardon. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had been granted or the accusation or information dismissed; and provided further that the order shall state, and the probationer shall be informed, that the order does not relieve him of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

The subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (B9) of section 42001 of the Vehicle Code or to any infractions.

REFERRAL TO DRINKING DRIVER PROGRAMS (Wet Reckless, 1st Offense, or Multiple Offense DUI)

Reporting Instructions: Telephone 565-7640 (565-7642 Spanish Speaking line: se habla español) to schedule an intake appointment immediately following your court action to ensure enrollment compliance or a warrant may be issued. For your appointment, report to: **Sonoma County Drinking Driver Program, 1300 Coddington Center, Santa Rosa, CA 95401**. Office hours: 8:00 A.M. to 5:00 P.M., weekdays.

You will be required to comply with the following general program regulations:

1. To attend & participate in all education & counseling as scheduled.
2. To pay program fees as agreed. A non-refundable enrollment fee is required at intake; the balance will be paid as outlined by program.
3. Program sobriety **must** be maintained. A subsequent alcohol related arrest (DUI) while in the program will result in termination from the classes, referral back to Court, and your probation could be revoked or violated.

INTERLOCK IGNITION DEVICE

Contact the Department of Motor Vehicles (DMV) for directions on how to arrange installation. You are further ordered as follows:

1. You must install a certified Ignition Interlock Device (IID) on any vehicle that you own or operate & are prohibited from operating a motor vehicle unless the vehicle is equipped with a functioning, certified IID. The IID must be installed during the probationary period for the length of time directed.
2. Please be advised that installation of an IID on a vehicle does not allow you to drive without a valid driver's license.
3. You shall arrange for each vehicle with an IID to be serviced by the installer at least once every 60 days for the installer to recalibrate and monitor the operation of the device.

REFERRAL TO PROJECT INTERCEPT (PI and ESP PROGRAMS & SCRAM MONITORS) (Secure Continuous Remote Alcohol Referral Monitor)

Reporting instructions: Telephone 523-2242 within 48 hours of your appearance in Court. If you do not do so, the Court will issue a warrant for your arrest. The office is located at 3315 Airway Drive, Santa Rosa, CA 95403. Office hours are 8:30 A.M. to 5:00 P.M., Mon - Thurs, and closed Fridays.

REFERRAL TO VOLUNTEER CENTER

Contact the Volunteer Center within one week of sentencing for an intake appointment at 573-3360. The office is located at 153 Stoney Circle, Suite 100, Santa Rosa, CA 95401. Office hours are 8:30 A.M. to 5:00 P.M., weekdays.

NOTE: DO NOT CALL VOLUNTEER CENTER FOR WORK RELEASE ASSIGNMENTS

REFERRAL TO ORENDA CENTER FOR ALCOHOL/OTHER DRUG PROBLEM ASSESSMENT PROGRAM (AODPAP)

Contact the program immediately after referral from Court at 565-7450. The office is located at 1430 Neotomas Ave, Santa Rosa, CA 95405. Office hours are 8:30 A.M. to 5:00 P.M., weekdays.

CENTRAL COLLECTIONS

Notice to Defendant: Central Collections Manager (or his designee) has been designated by Superior Court as the Financial Evaluation Officer for the purpose of collection of legal defense fees as outlined in Section 27752 of the Government Code. You will be notified to appear before Central Collections and you will be required to answer questions regarding your ability to reimburse the County of Sonoma pursuant to the order of the Court. The office is located at 585 Fiscal Drive, Room 100F, Santa Rosa, CA 95403. Phone 565-2817.

JAIL SURRENDER AT NORTH COUNTY DETENTION FACILITY

Report to 2254 Airport Boulevard, Santa Rosa, CA 95403. Failure to comply with any terms of Court ordered responsibility is a violation and your case will be returned to Court for further action.