

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

3/12/09 DEFENDANT COPY

Case # SCR 1 Date: 3 Time: 0830 Courtroom # 6 Ist App: Target:
Judge: CYNTHIA A. DENENHOLZ Reporter: Sworn Interpreter: [INT]
Deputy D.A.: JPL Clerk: Kim Murphy [112] Interpreter needed next date
PEOPLE VS. [DE 1]

Agency # F 4 DDL: CA 5 DOB:
2) M 23152(b) VC w/ 2P
Charges:

FOR SENTENCING

A NATURE OF PROCEEDINGS:
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. Dave Schwartz [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 proof of attendance P.O. [32] present [A] gives oral report
shown [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 \$
Mtn. 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] Fareta 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 withdrawn
[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
CRIMINAL PROCEEDINGS [32] suspended [33] reinstated
Refer to [34] Project Interecept [35] Educational Sentencing - contact w/in 48 hrs
[36] P.I. [37] ESP [38] NBRC on ct(s) [A] accepted [B] denied [C] vacated
Terminate [39] successfully [40] unsuccessfully [A] P.L. [B] NBRC
[41] GUILTY plea for deferred entry of judgment on ct(s)
Deferred entry completed [41A] successfully [41B] unsuccessfully
[42] Dr. appointed to examine defendant
[43] Report due, appointed per
DEFENDANT [44] found mentally [A] competent [B] incompetent
[45] committed to Norton Center [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 Ctm [8] Refer to [A] Mental Health [B] Mental Health Review Team [9] Report due

F CALENDAR SETTINGS
[1] Sett. Conf. set Ctm [A]
[2] Readiness Conf. set Ctm [A]
[3] Jury trial set Ctm [A]
[4] Court trial Ctm [A]
[5] Vio. Probation hrg. set Ctm [A]
[6] Hearing
[7] VACATED
[8] Cont. to 7.9.09 8:30 Ctm 6
proof of attendance
HELD [9] Cert per 1368 PC for hrg. Ctm [A] HELD
[10] Proceeding suspended & case Certified to Juvenile Court
MOTION [11] 1538.5 PC [12] 1050 PC [13] Other
Set Ctm [A] HELD [B] granted
[14] P & A's by [15] Response by
[16] Plea of guilty/conviction set aside [17] Case dismissed per 1203.4 PC
[18] Case [19] Cts. DISMISSED [A] People's motion
[B] Interest of Justice [C] Insufficient Evidence [D] With TVS proof
[E] On condition(s)
Judge
MISDEMEANOR ARRAIGNMENT (PAGE 1) 11. SER NEXT PAGE

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA**

Case # E 1 Date: 3 Time: 0830 Courtroom # 5

PEOPLE VS. E

No legal cause why jdgmt. should not be pronounced Imposition of sentence: suspended [2] Probation denied [3] Probation summarily imposed
[4] CONDITIONAL SENTENCE [5] FORMAL PROBATION [6] SENTENCE MODIFIED
 Granted 4.5 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: _____
 Terminated [A] successfully [B] unsuccessfully [16] All other terms & conditions remain in full force & effect

[H] [1] Commence & continue education, counsel, other rehab. programs as directed including [A] residential treatment at _____ [21B] Do not commit criminal offense, refuse a BAC (blood alcohol test), or drive with any measurable amount of alcohol in blood.
 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 by _____ [7] vacated [8] in lieu of _____ [9] Contact by _____ [27] Do not drive without valid California license & insurance in effect
[10] Seek & maintain employment or enroll in educational program [28] FODDP referral [C] 9 mo extended program [A] vacated
Do not [11] harm, harass, or annoy victim [A] molest, attack, strike, stalk, threaten, sexually assault, batter, & do not disturb victim's peace [29] MODDP referral [A] vacated [30] Enroll within 21 days & complete as directed [31] MODDP re-referral [A] DL-104 2nd offender re-referral
[12] Do not contact victim directly or indirectly _____ [32] Referred to Orenda Center Alcohol/Other Drug Assessment Program w/in 30 days & pay \$100 assessment fee
[13] Do not congregate/frequent locations or associate with gang members, wear gang attire or colors, or possess gang paraphernalia License [33] suspended per DMV regulations [33A] surrendered to Court
[14] Be of good conduct & obey all laws [15] Abide by any protective orders [33B] Court orders DMV not to issue a restricted license
[16] Register per [A] 290 PC [B] 11590 H&S [17] HIV test ordered [37] Interlock [A] advisement given [B] to be installed [C] waived, not in the interest of justice
Defendant to submit to warrantless search & seizure of [18] person, 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 [38] DL-309 Habitual Traf. Offender [39] DL-310 Verbal suspension ntc.
[19] Submit to random chemical tests [A] as directed by Orenda Center for _____ months. [C] as directed by Probation and pay \$6.00 fee per test [40] Traffic Violator School by _____ [41] Court monitored suspension
Do not possess or use any [20] alcohol [21] controlled substances or associated paraphernalia without valid prescription **DUI Conviction involves [42] Commercial vehicle [43] HAZMAT**
 [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

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 \$ <u>206.5</u> (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 \$ <u>100</u> mo. beg <u>5.15.09</u>
[7]	\$ _____	Battered Women's Shelter Fee	[B] _____ [A] Waived	plus processing fee thru [C] Clerk's Office [D] Probation
[8]	\$ <u>100</u>	Restitution fine per 1202.4(b)PC	[B] _____ [A] Waived	[E] Contact the collection unit re: payment of delinquent fine.
[15]	\$ <u>100</u>	Restitution fine per 1202.44PC, 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 <u>138 BFR</u>
[13]	\$ _____	Appt. Counsel [14] P.D. fees	[B] _____ to Central Coll.	[29] _____ [30] Booking fee \$ _____

Restitution [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 _____

[M] JAIL SECTION Defendant sentenced to serve 120 days in Sonoma County Jail in any penal institution
 All but _____ suspended Consecutive to Concurrent with _____
 Jail time of _____ suspended With credit for time served (CTS) of 1 days (____ actual + ____ conduct)
 Stayed to 7:00 by 7:00 p.m. Surrender to NCDF forthwith previously imposed Defendant given credit for time served
 Refer to Work release - contact within 10 days Work furlough Supervised Electronic Confinement consecutive 48 hour periods
 Day for day credits allowed while in residential treatment program Release to program representative when bed space becomes available
 Sentenced to jail time on _____ cases (this date) Jail alternative programs denied Jail to calculate credits
 Defendant's Signature: _____ Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____ **JUDGE** A. H. ...

STANDARD CONDITIONS OF FORMAL PROBATION

- √ 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.
- √ Keep your Probation Officer informed of your whereabouts at all times and immediately notify him/her of any change of employment.
- √ Report to your Probation Officer monthly in writing, on forms provided, or in person as directed.
- √ 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.
- √ Obey all laws.
- √ 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 (B) 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 espanol) 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)

Reporting instructions: Within 48 hours of your appearance in Court, contact the Project Intercept office in person - **DO NOT CALL.** Failure to do so will result in the issuance of 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. Monday - Thursday, and 8:30 A.M. to 12 noon on Friday.

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 **2759 Bennett Valley Road, Santa Rosa, CA 95404.** 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 100E, 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.