

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

DEFENDANT COPY

4/29/13 8/27/13

Case # SCR-63 3 Date: 5/31/13 Time: 0130 Courtroom # 2 Ist App: _____ Target: _____
Judge: Virginia B. Marcoida Reporter: _____ Sworn Interpreter: _____ [INT]
Deputy D.A.: _____ Clerk: Eva Osborn [112] _____ Interpreter needed next date
PEOPLE VS. KCS [DE 1]
HE MY

Agency # SON-131 6 DDL: CA D91 0 DOB: 2/ / 0
Charges: 1) M 23152(a) VIC 2) M 23152(b) VIC

A NATURE OF PROCEEDINGS: SETTLEMENT CONFERENCE

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. Djaro 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 _____ 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
[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] 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
[17] Declaration, Notice, & Order re: Vio. of Conditional Sentence filed

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 CF 2
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] CAD
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] CAD [35] ESP [35A] SCRAM for _____
[36] CAD [37] ESP [38] NBRC on ct(s) _____ [A] accepted [B] denied [C]
Terminate [39] successfully [40] unsuccessfully [A] CAD [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 _____
[7] **VACATED** [18] Case [19] Cts. _____ **DISMISSED** [A] People's motion
[8] Cont. to _____ Ctrm _____ [B] Interest of Justice [C] Insufficient Evidence [D] With TVS proof
[E] On condition _____
Judge _____

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Case # SCR-63 3 Date: 5/31/2013 Time: 0130 Courtroom # 2

PEOPLE VS. HE MY [DE 1]

No legal cause why jdgmt. should not be pronounced Imposition of sentence suspended Probation denied Probation summarily imposed
 CONDITIONAL SENTENCE **FORMAL PROBATION** **SENTENCE MODIFIED**

Granted 36 mos. **Extended** _____ mos. from today's date to _____ **Modified** **Revoked** **Reinstated**

Convert to formal probation conditional sentence upon _____

To terminate successfully unsuccessfully upon payment of fine upon completion of jail time On date: _____

Terminated successfully unsuccessfully All other terms & conditions remain in full force & effect

Commence & continue education, counsel, other rehab. programs 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 and do not leave any program Do not own, possess or use any firearms weapons ammunition without prior written consent _____ meetings as directed _____ firearms for 10 yrs or any weapons for 3 yrs. Per 12021(c)(1) PC

Make all court appearances & appointments (including intake) Stay out of places where alcohol is the primary item of sale

Report to Prob. Officer as directed Observe curfew as directed Do not drive with any alcohol in system

Complete _____ hrs. work thru Sonoma Co. Volunteer Center as directed Do not drive without valid California license & insurance in effect

by _____ vacated in lieu of _____ Contact by _____ FODDP referral 9 mo extended program vacated

Seek & maintain employment or enroll in educational program MODDP referral vacated Enroll within 21 days & complete as directed

Do not harm, harass, or annoy victim molest, attack, strike, stalk, threaten, sexually assault, batter, & do not disturb victim's peace MODDP re-referral DL-104 2nd offender re-referral

Do not contact victim directly or indirectly _____ Referred to Orenda Center Alcohol/Other Drug Assessment Program w/in 30 days & pay \$100 assessment fee

Do not congregate/frequent locations or associate with gang members, wear gang attire or colors, or possess gang paraphernalia License suspended per DMV regulations surrendered to Court

Be of good conduct & obey all laws Abide by any protective orders **Interlock** advisement given to be installed for _____ mo. [C] waived, not in the Interest of Justice

Register per 290 PC 11590 H&S HIV test ordered DL-309 Habitual Traf. Offender DL310 Verbal suspension ntc.

Defendant to submit to warrantless search & seizure of person, Traffic Violator School by _____ Court monitored suspension

property, vehicle any time of day or night residence any time of day or reasonable hour of the night by any Probation or Law Enforcement Officer **DUI Conviction involves** Commercial vehicle HAZMAT

Submit to random chemical tests as directed by Orenda Center for _____ months as directed by Probation and pay \$7.00 fee per test Corrected abstract Declaration per 23212 & 23103.5 VC filed

Do not possess or use any alcohol controlled substances or associated paraphernalia without valid prescription Attend _____ Awareness Program by _____

Court Costs to Clerk's Office forthwith AIDS class through DAAC

_____ Diversion Rest. Fee per 1001.90 PC _____

J	AMOUNT	FINE AND/OR FEE	DUE DATE	
[1]	\$ _____	Court Costs	[B] _____ [A] Susp.	[17] \$ _____
[2]	\$ _____	FTA Fine	[B] _____ [A] Susp.	[18] Fine \$ <u>2242-</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 <input checked="" type="checkbox"/> [A] by _____ <input checked="" type="checkbox"/> [B] at \$ <u>75</u> mo. beg <u>7-1-13</u>
[7]	\$ _____	Battered Women's Shelter Fee	[B] _____ [A] Waived	plus processing fee thru <input checked="" type="checkbox"/> Clerk's Office <input type="checkbox"/> Probation
[8]	\$ <u>140-</u>	Restitution fine per 1202.4(b)PC	[B] _____ [A] Waived	<input type="checkbox"/> Contact the collection unit re: payment of delinquent fine.
[15]	\$ <u>140-</u>	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 <u>110</u> 158 BFR
[13]	\$ _____	Appt. Counsel [14] P.D. fees	[B] _____ to Central Coll.	[29] _____ [30] Booking fee \$ _____

Restitution in an amount & manner to be determined by the Probation Dept issue reserved jointly & severally liable with co-defendant(s)

\$ _____ [A] at \$ _____ per mo. beginning _____ [B] as directed by Probation Officer 10% Administrative fee will be assessed

Def. advised of right to restitution hrg per 1214 PC (Cervantes) w/in 90 days Deemed a civil judgment Due to victim by _____

JAIL SECTION Defendant sentenced to serve 2 days _____ Credits 4/2 6/2

_____ in Sonoma County Jail in any penal institution

All but _____ suspended Consecutive to Concurrent with _____

Jail time of 2 suspended With credit for time served (CTS) of _____ days (_____ actual + _____ conduct)

Stayed to 7-1-13 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 [Signature] Phone _____

Address: _____

City: _____ State _____ Zip _____ JUDGE _____