

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

DEFENDANT COPY

Case # 1312R-704313-1 Date: 08/23/17 Time: 11:15 Courtroom # 77 Ist App. Target:
Judge: Nadler, Mary Reporter: Sworn Interpreter: INT
Deputy D.A.: J Beriz Clerk: AK Cert # Language
PEOPLE VS LUPE (DF) [DE] [] Oath on file [] Identity verified
[112] Interpreter-needed next date

Agency # CHP-1134841
Charge(s) 23152(a), 23152(b), 23152(c), 23152(d)

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. D. 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] Cont. 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

BAC .13 Method Breath

B BAIL/CUSTODY STATUS WARRANT [15] RECALLED [18] remains out

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 [12] EXECUTION STAYED
Declaration & warrant to be prepared by [13] DA [14] City Attorney
[19] Bail set \$ [A] as set [20] NO BAIL
Bail [21] increased to \$ [22] reduced to \$
Mtn. for [24] OR [A] granted [B] denied [C] conditions attached
[26] OR [A] reinstated [B] revoked [C] terminated [D] continued
[28] Summary judgment extended to
[29] Reassumption of liability filed
PTR [PTR03] Granted [PTR05] Denied [PTR04] Conditions attached
[PTR06] Reinstated [PTR07] Revoked [PTR08] Terminated [PTR09] Continued

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
[PTR01] Petition for Violation of PTR 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] TALK waiver filed
[11] GUILTY [12] NO CONTEST Jim Esposito
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 [PTR02] PTR
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] CAD Contact within 48 hours [35A] Alcohol Monitoring
[36] CAD [A] accepted [B] denied [C] vacated
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
SPRAT referral [CP217] to Prob. Dept. [CP218] to Sheriff Dept. [PTR02] SPRAT filed [8] Refer to [A] Mental Health [B] Mental Health Review Team [9] Report due

F CALENDAR SETTINGS

[1] Sett. Conf. set Ctrm [A] HELD [9] Cert per 1368 PC for hrg. Ctrm [A] HELI
[2] Readiness Conf. set Ctrm [A] MOTION [11] 1538.5 PC [12] 1050 PC [13] Other
[3] Jury trial set Ctrm [A] Set Ctrm
[4] Court trial Ctrm [A] [A] HELD [B] granted [R31E] Denied
[5] Vio. Probation hrg. set Ctrm [A] [14] P & A's by [15] Response by
[7] VACATED [16] Plea of guilty/conviction set aside [17] Case dismissed per 1203.4 PC
[8] Cont. to Ctrm [18] Case [19] Cts DISMISSED [A] People's motio
[] Defendant ordered to be present [X] 977 appearance authorized [B] Interest of Justice [C] Insufficient Evidence [D] With TVS proof
[] Judge [E] On condition(s)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

Case # _____ Date: _____ Time: _____ Courtroom # _____

PEOPLE VS.

[DE] _____

[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 _____ test), or drive with any measurable amount of alcohol in blood.

[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 [A] or intoxicating substance

[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 [B] Wet Reckless 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 directed [31] MODDP re-referral [A] DL-104 2nd offender re-referral

[12] Do not contact victim directly or indirectly _____

[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 [33B] Court orders DMV not to issue a restricted license

[14] Be of good conduct & obey all laws [15] Abide by any protective orders [37] **Interlock** [A] advisement given [B] to be installed for _____ mo.

[16] Register per [A] 290 PC [B] 11590 H&S [17] HIV test ordered [38] DL-309 Habitual Traf. Offender [39] DL310 Verbal suspension ntc.

Defendant to submit to warrantless search & seizure of [18] person, [40] Traffic Violator School by _____

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 **DUI Conviction involves** [42] Commercial vehicle [43] HAZMAT

[19] Submit to random chemical tests [C] as directed by Probation and pay testing fee [44] Corrected abstract [45] Declaration per 23212 & 23103.5 VC filed

[SE074] No marijuana even with a 215 card or recommendation [46] Attend _____ [X] Alive at 25

Do not possess or use any [20] alcohol [21] controlled substances or associated paraphernalia without valid prescription with proof of attendance to clerk's office by _____

J AMOUNT FINE AND/OR FEE DUE DATE [17] \$ _____ Diversion Rest. Fee per 1001.90 PC _____

[1] \$ _____ Court Costs [B] _____ [A] Susp. [18] Fine \$ 2392,00 (inc. Security Fee)

[2] \$ _____ FTA Fine [B] _____ [A] Susp. [19] Previous Balance \$ _____ ct.

[3] \$ _____ Alcohol Prevention Fee [B] _____ [A] Waived [20] Vacate \$ _____ ct.

[4] \$ _____ Drug Prevention Fee [B] _____ [A] Waived [21] Suspend \$ _____ ct.

[5] \$ _____ AIDS Educ. Fee to Pub. Health [B] _____ [A] Waived **Payable** [A] by _____ [B] at \$ 75 mo. beg 11-17

[6] \$ _____ AIDS Fund Fee [B] _____ [A] Waived plus processing fee thru [C] Clerk's Office [D] Probation

[7] \$ _____ Battered Women's Shelter Fee [B] _____ [A] Waived

[8] \$ _____ Restitution fine per 1202.4(b)PC [B] _____ [A] Waived [23] Bail to apply with authorization by _____

[15] \$ _____ Restitution fine per 1202.44PC, [B] _____ [A] Susp. **Suspended unless probation is revoked**

[9] \$ _____ Restitution fine per 294 PC [B] _____ [A] Reserved

[10] \$ _____ Supervision Fee [B] _____ [A] Waived DMV hold to be released [26] forthwith [27] _____

[11] \$ _____ RPO Fees [B] _____ [A] Waived [28] Fines/fees vacated

[12] \$ _____ Dom. Viol. Fee per 1203.097 PC [B] _____ [A] Waived [29] _____ [30] Booking fee \$ _____

[13] \$ _____ Appt. Counsel [14] P.D. fees [B] _____ to Central Coll.

Restitution [31] in an amount & manner to be determined by the Probation Dept [32] issue reserved [33] jointly & severally liable with co-defendant

[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 [38] Due to victim by _____

M JAIL SECTION [X] Defendant sentenced to serve 2 days Credits 4/2 [] 6/2 []

_____ in Sonoma County Jail [X] in any penal institution

[X] All but _____ suspended [X] Consecutive to [X] Concurrent with _____ [X] any time previously imposed

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

[X] Stayed to 9:27 by 7:00 p.m. [X] Surrender to NCDF [X] forthwith [X] previously imposed [X] Defendant given credit for time served

Refer to [X] Work release - contact within 10 days [X] Work furlough [X] Supervised Electronic Confinement [X] consecutive 48 hour periods

[X] Day for day credits allowed while in residential treatment program [X] Release to program representative when bed space becomes available

[X] Sentenced to jail time on _____ cases this date [X] Jail alternative programs denied [X] Jail to calculate credits

Defendant's Signature _____ Phone _____

Address: _____

City: _____ State _____ Zip _____ JUDGE _____