

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

12/08/11 4/06/12

Case # **SCR-1** Date: **2/09/12** Time: **0830** Courtroom # **6** 1st App: Target:
Judge: **PETER OTTENWELLER** Reporter: Sworn Interpreter: [INT]
Deputy D.A.: **WC5** Clerk: **L Kozlik** [I12] Interpreter needed next date
PEOPLE VS. [DE 1]

Agency # **CHP-1 J** DDL: **CA N 5** DOB: **3**
Charges: **1) M 23152(a) VC 2) M 23152(b) VC**

A NATURE OF PROCEEDINGS: CHANGE OF PLEA

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. J...** [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 **ADD CT 3** [31] 170.6 CCP filed re: Judge by [A] DA [B] Defense
[20] Charge(s) amended to **23152.5 VC** 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
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

[1] Sett. Conf. set Ctrm [A] HELD [9] Cert per 1368 PC for hrg. Ctrm [A] HELD
[2] Readiness Conf. set Ctrm [A] [10] Proceeding suspended & case Certified to Juvenile Court
[3] Jury trial set Ctrm [A] **MOTION** [11] 1538.5 PC [12] 1050 PC [13] Other
[4] Court trial Ctrm [A] Set Ctrm [A] HELD [B] granted
[5] Vio. Probation hrg. set Ctrm [A] [14] P & A's by [15] Response by
[6] Hearing [16] Plea of guilty/conviction set aside [17] Case dismissed per 1203.4 PC
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(s)
Judge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

Case # SCR-4

5

Date: 2/09/2012 Time:

0830

Courtroom # 6

PEOPLE VS.

[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 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

[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 [33] suspended per DMV regulations [33A] surrendered to Court

[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 [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 [40] Traffic Violator School by [41] Court monitored suspension

[19] Submit to random chemical tests [A] as directed by Orenda Center for [44] DUI Conviction involves [42] Commercial vehicle [43] HAZMAT

months [C] as directed by Probation and pay \$6.50 fee per test [45] Corrected abstract [46] Declaration per 23212 & 23103.5 VC filed

Do not possess or use any [20] alcohol [21] controlled substances or associated paraphernalia without valid prescription [47] Attend Awareness Program by Court Costs to Clerk's Office forthwith [47] AIDS class through DAAC

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

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

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

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

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

[5] \$ AIDS Educ. Fee to Pub. Health [B] [A] Waived Payable [A] by 5/19/12 [B] at \$ mo. beg

[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 [E] Contact the collection unit re: payment of delinquent fine.

[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. [24] Fine reduced to \$ with proof of license & insurance

Suspended unless probation is revoked [25] Vehicle to be released upon payment of impound & tow fees

[9] \$ Restitution fine per 294 PC [B] [A] Reserved DMV hold to be released [26] forthwith [27]

[10] \$ Supervision Fee [B] [A] Waived [28] Fines/fees vacated 151 BFE

[11] \$ RPO Fees [B] [A] Waived [29] [30] Booking fee \$

[12] \$ Dom. Viol. Fee per 1203.097 PC [B] [A] Waived

[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(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 [X] Defendant sentenced to serve 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] Jail time of suspended [X] With credit for time served (CTS) of days (actual + conduct)

[X] Stayed to by 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

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 (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 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 & 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.