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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Colusa)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE ALFREDO MOLINA,

Defendant and Appellant.

C080495

(Super. Ct. No. CR562671)

About 6:00 p.m. on July 25, 2014, defendant Jose Alfredo Molina overreacted when his spouse and children returned home after spending time at the river where they had a confrontation with the victim, a 13-year-old boy. The victim knew defendant's spouse and children. For about 20 minutes, the victim played with the children. They threw mud at each other. When the victim told them he did not want to play anymore, defendant's son continued to throw mud at the victim. The victim snapped a wet towel at defendant's son, causing him to cry. When defendant heard this, he demanded that his spouse drive him around town to find the victim. They found the victim and confronted him. Defendant grabbed the victim and forced him into the vehicle. When the victim tried to escape, defendant pushed him back, knocking the wind out of him. When they

arrived at defendant's home, defendant forced the victim inside and ordered him to get down on his knees. Defendant then forced the victim outside to apologize to defendant's children. When they went outside, the victim ran toward police officers who had been dispatched to defendant's home on a report of a kidnapping. The victim had a red face and his eyes were watery, suggesting he had been crying.

On October 28, 2014, defendant entered a guilty plea to false imprisonment by violence in exchange for dismissal of the remaining counts (kidnapping and child abuse) with a waiver pursuant to *People v. Harvey* (1979) 25 Cal.3d 754. The court suspended imposition of sentence and granted probation for a term of three years.

A petition for revocation of probation filed December 31, 2014, alleged that defendant violated probation by failing to obey all laws in that he had been cited for driving on a suspended license, an unregistered vehicle, and failure to provide proof of insurance.

A petition for revocation of probation filed January 27, 2015, alleged that defendant violated probation by failing to obey all laws in that he committed corporal injury on his spouse.

A contested hearing was held on both petitions. On December 5, 2014, a deputy sheriff observed defendant driving although his license had been suspended. When stopped, defendant admitted his driver's license was suspended.

About 7:30 p.m. on January 15, 2015, officers responded to a report of domestic violence at defendant's home. Initially, defendant's spouse refused to make a statement. She later stated that defendant had punched her twice in the face, cutting her lip, and tried to stab her with an object. He also slammed her arm in the door. Defendant's spouse testified at the contested hearing and recanted.

The court sustained the allegations that defendant failed to obey all laws in that he had been driving on a suspended license and committed corporal injury upon his spouse.

