

In the Supreme Court of the State of California

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

RANDOLPH D. FARWELL,

Defendant and Appellant.

No. S231009

SUPREME COURT
FILED

AUG 16 2016

Frank A. McGuire Clerk

Deputy

Court of Appeal, Second Appellate District, Division Five, No. B257775
Los Angeles County Superior Court No. TA130219
The Honorable Paul A. Bacigalupo, Judge

**RESPONDENT'S REQUEST FOR JUDICIAL NOTICE;
DECLARATION OF CONSUELO ESPARZA
IN SUPPORT THEREOF; EXHIBITS**

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GERALD A. ENGLER
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Attorneys for Respondent

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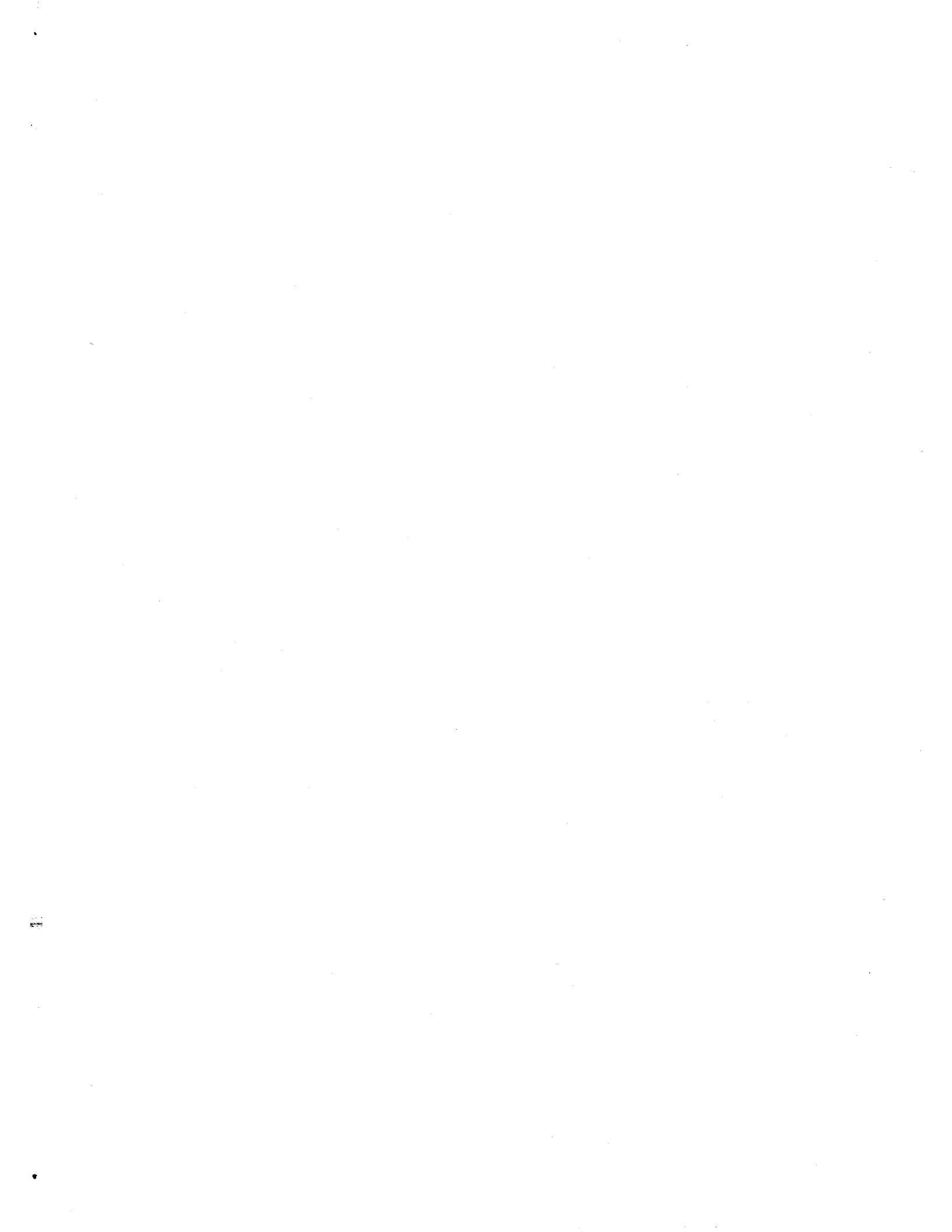


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REQUEST FOR JUDICIAL NOTICE

Pursuant to Evidence Code sections 452, subdivision (d), and 459, subdivision (a), and rule 8.252(a) of the California Rules of Court, respondent submits this request for judicial notice in support of its Answer Brief on the Merits (“ABM”), filed concurrently herewith.

Respondent requests that this Court take judicial notice of the following superior court records relating to appellant’s prior convictions:

1. A certified copy of the electronic docket in *People v. Randolph Dylan Farwell*, Los Angeles County Superior Court case number 0LT00658, attached hereto as Exhibit A; and
2. A certified copy of the electronic docket in *People v. Randolph Farwell*, Los Angeles County Superior Court case number VA115966, attached hereto as Exhibit B.

Respondent previously requested judicial notice of these records in the Court of Appeal. Citing *Haworth v. Superior Court* (2010) 50 Cal.4th 372, 379, fn. 2, the Court of Appeal denied respondent’s request, because “the documents were not before the trial court.” (Opn. 8, fn. 3.) Respondent submits that *Haworth* is distinguishable.

In *Haworth*, this Court observed that “[r]eviewing courts generally do not take judicial notice of evidence not presented to the trial court absent exceptional circumstances. It is an elementary rule of appellate procedure that, *when reviewing the correctness of a trial court’s judgment*, an appellate court will consider only matters which were part of the record at the time the judgment was entered.” (*Haworth*, 50 Cal.4th at p. 379, fn. 2, italics added, internal quotation marks and citation omitted.) Here, the Court of Appeal was not reviewing the correctness of a trial court’s ruling, but assessing *harmless error* under the totality of the circumstances. (See Opn. 4-8.) And since the trial court had no occasion to conduct a harmless



error analysis, it follows that the documents respondent requested judicial notice of were not before that court.

The *Haworth* court concluded, “No exceptional circumstances appear that would justify deviating from th[e] general rule in [that] case, particularly in the absence of a request for judicial notice by either of the parties. Moreover, to take judicial notice of additional records at this stage of the litigation would deprive the parties of any opportunity to respond, either by offering additional evidence or by tailoring their arguments to address these new facts.” (*Haworth*, 50 Cal.4th at p. 379, fn. 2, citation omitted.) Here, respondent requested judicial notice in the Court of Appeal, and appellant had an opportunity to, and did, file an opposition. (See Appellate Courts Case Information website, <http://appellatecases.courtinfo.ca.gov>, Court of Appeal case no. B257775, docket entries dated June 22 and June 24, 2015.)

Accordingly, respondent submits its request for judicial notice to this Court. The attached certified dockets reflect that on June 23, 2010, and September 17, 2010, respectively, appellant was advised of, and personally waived, his rights to trial by jury, to confrontation of witnesses, and against self-incrimination. He then pled no contest to a charged offense. (See Exh. A at pp. 1-3; Exh. B at p. 2.) Appellant’s prior experience with no contest pleas and the required constitutional advisements is relevant to respondent’s contention that appellant’s stipulation to count 2 in this case was voluntary and intelligent under the totality of the circumstances. (See ABM 25; *People v. Mosby* (2004) 33 Cal.4th 353, 365 [“defendant’s prior conviction was based on a plea of guilty, at which he would have received *Boykin-Tahl* advisements”]; *People v. Cross* (2015) 61 Cal.4th 164, 180 [noting that this Court had “no information on how the alleged prior conviction was obtained”].)

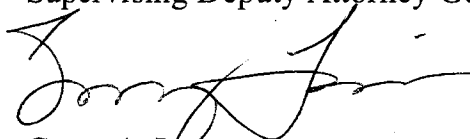


Respondent therefore requests that this Court take judicial notice of the attached superior court records.

Dated: August 15, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GERALD A. ENGLER
Chief Assistant Attorney General
LANCE E. WINTERS
Senior Assistant Attorney General
MICHAEL R. JOHNSEN
Supervising Deputy Attorney General



GARY A. LIEBERMAN
Deputy Attorney General
Attorneys for Respondent

LA2016600459
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DECLARATION OF CONSUELO ESPARZA

I, Consuelo Esparza, declare:

1. I am a legal secretary in the Criminal Division of the California Attorney General's Office.
2. At the request of Deputy Attorney General Gary Lieberman, I contacted the Los Angeles County Superior Court clerk's offices in Long Beach and Norwalk, and requested certified copies of the dockets in case numbers 00LT00658 and VA115966. Attached hereto as Exhibits A and B are copies of the records that I received in response to my requests.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 15, 2016, at Los Angeles, California.



Consuelo Esparza,
Legal Secretary

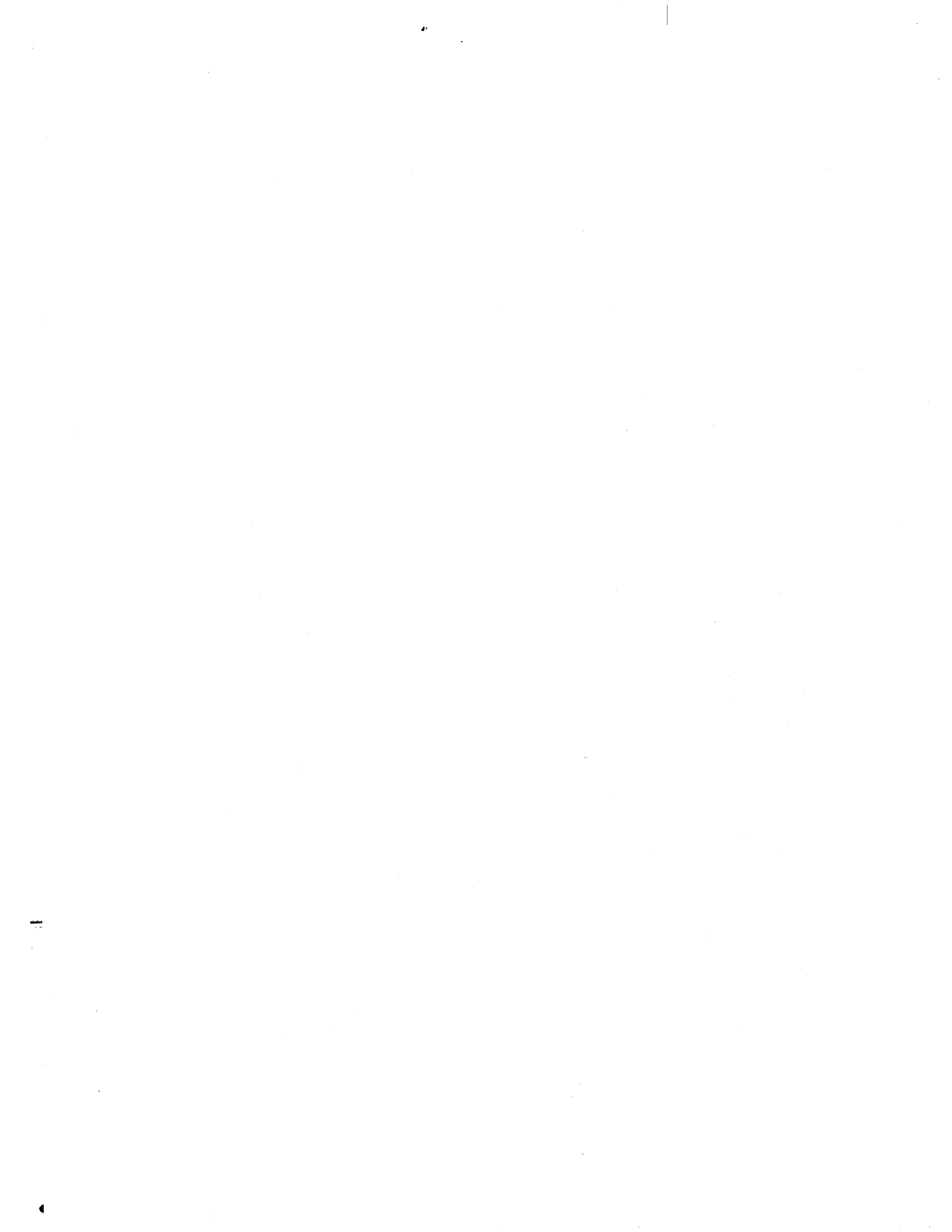


EXHIBIT A



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

D. 0LT00658

THE PEOPLE OF THE STATE OF CALIFORNIA VS.
DEFENDANT 01: RANDOLPH DYLAN FARWELL

PAGE NO. 1
CURRENT DATE 06/10/15

LAWF ENFORCEMENT AGENCY EFFECTING ARREST: CHP - SANTA FE SPRINGS STATION

MAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 04/12/10.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 02/10/10 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 23103(A) VC MISD

COUNT 02: 23109(A) VC MISD

NEXT SCHEDULED EVENT:

05/12/10 830 AM ARRAIGNMENT DIST LONG BEACH COURTHOUSE DEPT S07

05/12/10 AT 830 AM IN LONG BEACH COURTHOUSE DEPT S07

PHONE CALLS FOR ARRAIGNMENT

ATTORNEYS: COMR. RALPH R. OLSON (JUDGE) KEVIN CAUDILL (CLERK)
GARY COSTELLO (REP) ARTURO D. SANCHEZ (CP)

DEFENDANT DEMANDS COUNSEL.

COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.

PUBLIC DEFENDER APPOINTED. BETTY L. MESHACK - P.D.

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BETTY L. MESHACK DEPUTY PUBLIC DEFENDER

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 23103(A) VC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 23109(A) VC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

ENTERED BY M. MARTINEZ

NEXT SCHEDULED EVENT:

05/26/10 830 AM PRETRIAL HEARING DIST LONG BEACH COURTHOUSE DEPT SOF

NEXT SCHEDULED EVENT:

06/23/10 830 AM JURY TRIAL DIST LONG BEACH COURTHOUSE DEPT SOF

PAGE 42 OF 45

STUDY STATUS: RELEASED ON OWN RECOGNIZANCE

05/26/10 AT 830 AM IN LONG BEACH COURTHOUSE DEPT SOF

PHONE CALLS FOR PRETRIAL HEARING

ATTORNEYS: JESSE I. RODRIGUEZ (JUDGE) EDWARD ARIAS (CLERK)

ROBERTA MARTIN (REP) WAYNE BIBEE (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JENNEL R. MIMMS DEPUTY PUBLIC DEFENDER

PUBLIC DEFENDER

ENTERED BY M. MARTINEZ

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

JURY TRIAL

06/23/10 AT 830 AM IN LONG BEACH COURTHOUSE DEPT SOF



NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER. CASE CALLED FOR JURY TRIAL

PARTIES: BRADFORD L. ANDREWS (JUDGE) KEVIN CAUDILL (CLERK)
ROBERTA MARTIN (REP) LUCREZIA H. PRATICO (CP)

DEFENDANT DEMANDS COUNSEL.

COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.

PUBLIC DEFENDER APPOINTED. JAHEE YIN - P.D.

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JAHEE YIN DEPUTY PUBLIC DEFENDER

BY STIPULATION, COURT ORDERS COMPLAINT DEEMED AMENDED TO ALLEGE COUNT 02 AS AN INFRACTION PURSUANT TO 17D (1-2) OF THE PENAL CODE AND COUNT SHALL PROCEED AS AN INFRACTION.

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:

DEFENDANT ARRAIGNED, AND ADVISED OF THE FOLLOWING RIGHTS: PLEAS AVAILABLE TO DEFENDANT; EXPLANATION OF NOLO CONTENDERE PLEA; TO

THE AID OF AN ATTORNEY AT ALL STAGES OF THE PROCEEDINGS; TO A REASONABLE LENGTH OF TIME TO CONSULT AN ATTORNEY; THAT THE COURT WOULD APPOINT AN ATTORNEY FREE OF CHARGE IF DEFENDANT DOES NOT HAVE THE FINANCIAL MEANS TO RETAIN OWN; THAT UPON CONCLUSION OF THE CASE, THE COURT MAY ORDER A HEARING TO DETERMINE THE DEFENDANT'S THEN ABILITY TO PAY FOR ALL OR ANY PART OF THE COST OF APPOINTED COUNSEL, AND THAT DEFENDANT MAY BE ORDERED TO PAY ALL OR THAT PART OF SAID COSTS WITHIN DEFENDANT'S ABILITY TO PAY, RIGHT TO REPRESENT HIMSELF IN PRO PER AND ADVISED OF DISADVANTAGES OF SELF REPRESENTATION; NO SPECIAL TREATMENT BY COURT; PROSECUTOR EXPERIENCED ATTORNEY; CANNOT LATER CLAIM ERROR FOR INADEQUACY OF REPRESENTATION; THE DEFENDANT HAS BEEN ADVISED THAT THERE MAY BE DEFENSES THAT HE/SHE IS UNAWARE OF; TO PUBLIC TRIAL BY JURY OR COURT IN LONG BEACH; TO DISMISSAL IF NOT TRIED WITHIN 30 DAYS IF IN CUSTODY; WITHIN 45 DAYS IF NOT; TO THE AID OF THE COURT TO SUBPOENA AND PRODUCE WITNESSES ON OWN BEHALF; TO REASONABLE BAIL PENDING TRIAL; TO CONFRONT AND EXAMINE ADVERSE WITNESSES; TO EXERCISE PRIVILEGE AGAINST SELF INCRIMINATION AND REMAIN SILENT; INFORMED THAT BY ENTERING A PLEA OF GUILTY, THESE RIGHTS WOULD BE WAIVED; ADVISED RIGHT TO BE SENTENCED IN NOT LESS THAN 6 HOURS OR MORE THAN 5 DAYS UNLESS REFERRED TO THE

PROBATION OFFICE; ADVISED MAXIMUM SENTENCE, UNLESS COURT INDICATED OTHERWISE, WOULD BE 1 YEAR COUNTY JAIL, \$1,000 FINE OR BOTH; ADVISED MEANING OF PROBATION AND POSSIBLE OF LATER SENTENCE IF COURT DETERMINES VIOLATION; ADVISED IF ON PROBATION TO ANOTHER COURT THAT PLEA/CONVICTION MAY RESULT IN REVOCATION; THE RIGHT TO HAVE A JUDGE REVIEW THE EVIDENCE TO DETERMINE IF THERE IS PROBABLE CAUSE TO KEEP THE DEFENDANT IN CUSTODY UNTIL TRIAL, THAT CONVICTION OF THE OFFENSE MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION

COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT'S FINANCIAL STATEMENT FILED.

DEFENDANT IS ADVISED OF FINANCIAL RESPONSIBILITY.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:



TRIAL BY COURT AND TRIAL BY JURY
CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;
SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;
AGAINST SELF-INCRIMINATION;
DEFENDANT ADVISED OF THE FOLLOWING:
THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENTS OF THE OFFENSE IN THE
COMPLAINT, AND POSSIBLE DEFENSES TO SUCH CHARGES;
THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING
THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL
EFFECTS AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE
SAME OR SIMILAR OFFENSES;
THE EFFECTS OF PROBATION;
IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE
OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF
DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF
NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.
COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.
COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY

MADE;
THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 02 AND PLEADS
NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION
23109(A) VC IN COUNT 02. THE COURT FINDS THE DEFENDANT GUILTY.
COUNT (02) : DISPOSITION: CONVICTED
COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT
ACCEPTS PLEA.
GIVES TIME FOR SENTENCE.
NEXT SCHEDULED EVENT:
SENTENCING
DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE
WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING
JUDGMENT:

TO COUNT (02):
PAY A FINE OF \$150.00
PLUS A STATE PENALTY FUND ASSESSMENT OF \$390.00
PLUS \$1.00 NIGHT COURT.
PLUS \$25.00 ADMINISTRATIVE SCREENING FEE (PURSUANT TO 1463.07PC)
\$35.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)
\$30.00 COURT SECURITY ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)
\$30.00 INSTALLMENT & ACCOUNTS RECEIVABLE FEE (PURSUANT TO 1205(D)PC)

\$30.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)
DEFENDANT TO PAY FINE TO THE COURT CLERK
IN LIEU OF FINE, DEFENDANT MAY:
PERFORM 5 DAYS OF COMMUNITY SERVICE
TOTAL DUE: \$691.00
IN ADDITION:
DEFENDANT ORDERED TO REPORT TO FINANCIAL EVALUATOR FORTHWITH

FOR CATEGORY 1.
OBEY ALL LAWS AND FURTHER ORDERS OF THE COURT.
***ENTERED BY A.MONTOYA
COUNT (02): DISPOSITION: CONVICTED
REMAINING COUNTS DISMISSED:
COUNT (01): DISMISSAL IN FURTH OF JUSTICE PER 1385 PC
WRIT ISSUED ON 06/23/10 FOR COUNT 02
JUDGMENT CODE C



CASE NO. OLT00658
REF NO. 01

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DATE PRINTED 06/10/15

NEXT SCHEDULED EVENT:
12/23/10 830 AM FINES/FEES DIST LONG BEACH COURTHOUSE DEPT CLK

POSTBOND STATUS: RELEASED ON OWN RECOGNIZANCE

12/30/10 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF JUSTICE

12/22/10 AT 830 AM :

EXTENSION GIVEN AT PSC, R.RIVERA

NEXT SCHEDULED EVENT:
03/23/11 830 AM FINES/FEES DIST LONG BEACH COURTHOUSE DEPT CLK

03/23/11 AT 800 AM :

EXTENSION GRANTED FOR FINE & CALTRANS. AMAYHAND

NEXT SCHEDULED EVENT:
05/23/11 830 AM PROOF OF COMPLETION/FINE DIST LONG BEACH COURTHOUSE DEPT CLK

03/24/11 AT 800 AM IN LONG BEACH COURTHOUSE DEPT CLK

DEFENDANT CALLED FOR PROOF OF CAL TRANS
PARTIES: NONE (JUDGE) NONE (CLERK)

NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT PERFORMED 40 HOURS OF CAL TRANS IN LIEU OF FINE

KVARGAS

NEXT SCHEDULED EVENT:
PROOF OF COMPLETION/FINE

05/23/11 AT 800 AM IN LONG BEACH COURTHOUSE DEPT CLK

DEFENDANT CALLED FOR FINES/FEES
PARTIES: NONE (JUDGE) NONE (CLERK)

NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
PAYMENT IN THE AMOUNT OF \$90.00 PAID ON 05/23/11 RECEIPT # LBH482047001

KVARGAS

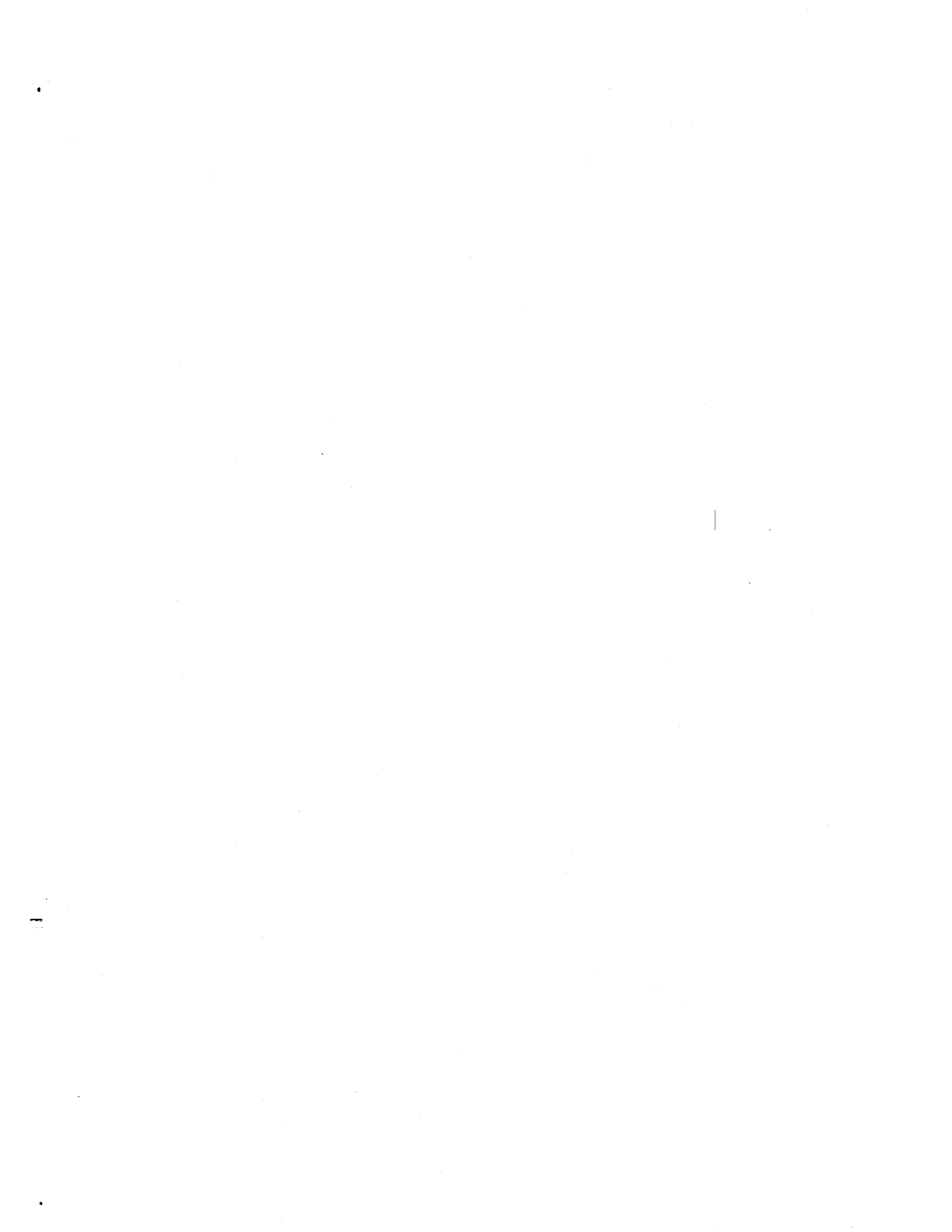
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

06/23/11 AT 130 PM IN LONG BEACH COURTHOUSE DEPT CLK

DEFENDANT CALLED FOR 987.8 - ATTORNEY FEES PAYMENT
PARTIES: NONE (JUDGE) NONE (CLERK)

NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT FAILED TO APPEAR FOR ATTORNEY FEE PAYMENT OF \$121.00
NOTICE OF DELINQUENCY IS MAILED TO DEFENDANT.



CASE NO. OLT00658
REF NO. 01

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ENTERED BY: S. ESTES
NEXT SCHEDULED EVENT:
07/27/11 830 AM 987.8 - ATTORNEY FEES PAYMENT DIST LONG BEACH COURTHOUSE
DEPT REU

ON 08/10/11 AT 830 AM IN LONG BEACH COURTHOUSE DEPT REU

CASE CALLED FOR 987.8 - ATTORNEY FEES PAYMENT
PARTIES: NONE (JUDGE) NONE (CLERK)
 NONE (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT FAILED TO APPEAR FOR ATTORNEY FEE PAYMENT OF \$121.
THE CASE IS MANUALLY REFERRED TO COLLECTION AGENCY.
ENTERED BY: S. ESTES
NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

/10/15

HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
FILE IN THIS OFFICE AS OF THE ABOVE DATE.
ERRI R. CARTER, EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

A. Ellis ae

, DEPUTY



EXHIBIT B

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

VA115966 PAGE NO. 1
PEOPLE OF THE STATE OF CALIFORNIA VS. CURRENT DATE 06/11/15
DEFENDANT 01: RANDOLPH FARWELL
ENFORCEMENT AGENCY EFFECTING ARREST: LASD - LAKEWOOD STATION

FILED DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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FILED ON 08/04/10.

OFFENSE(S):

COUNT 01: 459 PC MISD

COUNT 02: 487(A) PC FEL

ADMITTED ON OR ABOUT 06/03/10 IN THE COUNTY OF LOS ANGELES

NEXT SCHEDULED EVENT:

08/18/10 830 AM ARRAIGNMENT DIST SOUTHEAST DISTRICT DEPT SES

08/18/10 AT 830 AM IN SOUTHEAST DISTRICT DEPT SES

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER. DEFENDANT CALLED FOR ARRAIGNMENT

JUDGES: ROGER ITO (JUDGE) MARY ESTACIO (CLERK)

WANDA GRAY (REP) REBECCA A. NOBLIN (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DONALD R PRIGO DEPUTY PUBLIC DEFENDER

THE INFORMATION IS AMENDED BY INTERLINEATION AND THE DEFENDANT IS ARRAIGNED.

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

DEFENDANT IS ADVISED OF FINANCIAL RESPONSIBILITY.

DEFENDANT WAIVES ARRAIGNMENT, READING OF INFORMATION/INDICTMENT, AND STATEMENT CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 459 PC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 487(A) PC.

ON PEOPLE'S MOTION, THE INFORMATION IS AMENDED BY INTERLINEATION

BY CORRECTING COUNT 1, A VIOLATION OF PENAL CODE SECTION

59, FROM A MISDEMEANOR TO A FELONY.

THE DEFENDANT DENIES ANY AND ALL SPECIAL ALLEGATIONS.

PRETRIAL CONFERENCE IS SET FOR 9-17-10 AT 8:30 A.M., IN THIS DEPARTMENT.

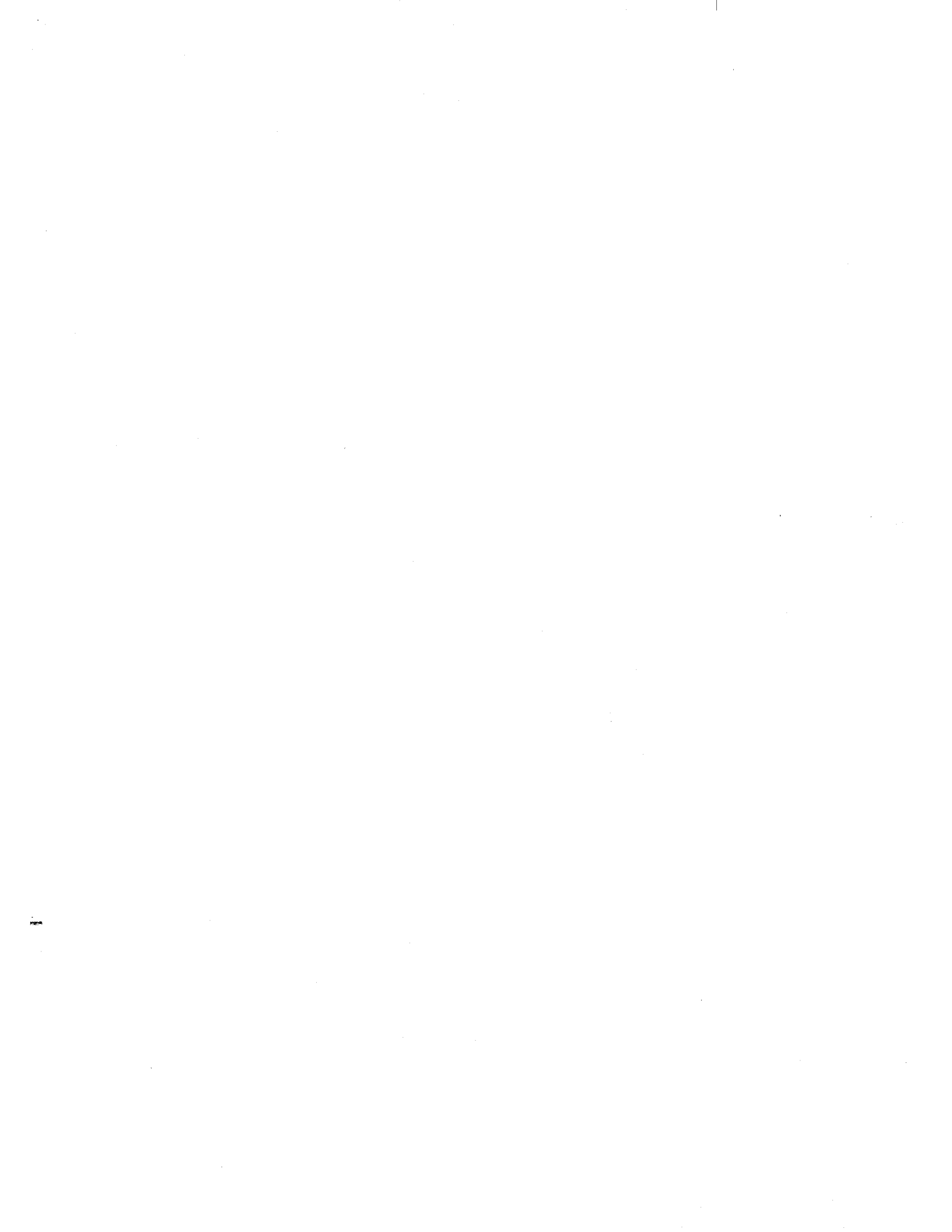
THE TRIAL IS SET FOR 10-7-10 AT 8:30 A.M., IN THIS DEPARTMENT
ON DAY 50 OF 60.

FINGERPRINT CARD IS FILED.

THE PEOPLE'S OFFER IS 2 YEARS IN STATE PRISON.

THE DEFENDANT REMAINS REMANDED.

NEXT SCHEDULED EVENT:



CASE NO. VA115966
NO. 01

PAGE NO. 2
DATE PRINTED 06/11/15

06/17/10 830 AM PRETRIAL CONFERENCE DIST SOUTHEAST DISTRICT DEPT SES
NEXT SCHEDULED EVENT :
10/07/10 830 AM JURY TRIAL DIST SOUTHEAST DISTRICT DEPT SES

09/17/10 AT 830 AM IN SOUTHEAST DISTRICT DEPT SES

CASE CALLED FOR PRETRIAL CONFERENCE
ATTORNEYS: ROGER ITO (JUDGE) MARY ESTACIO (CLERK)
KELLY WINTERS (REP) REBECCA A. NOBLIN (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DONALD R PRIGO DEPUTY PUBLIC
DEFENDER
DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.
DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:
WRITTEN ADVISEMENT OF RIGHTS AND WAIVERS FILED, INCORPORATED BY REFERENCE
REIN
TRIAL BY COURT AND TRIAL BY JURY

CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;
SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;
RIGHT AGAINST SELF-INCRIMINATION;
DEFENDANT ADVISED OF THE FOLLOWING:
THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENT OF THE OFFENSE IN THE
FORMATION AND POSSIBLE DEFENSES TO SUCH CHARGES;
THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING
THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL
EFFECTS AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE
SAME OR SIMILAR OFFENSES;
THE EFFECTS OF PROBATION;
IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE
OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF
DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF
NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.
COUNSEL FOR THE DEFENDANT JOINS IN THE WAIVERS AND CONCURS IN THE PLEA.
COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND EXPLICITLY
MADE;
THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 01 AND PLEADS
NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION 459
PC IN COUNT 01. THE COURT FINDS THE DEFENDANT GUILTY.

COUNT (01) : DISPOSITION: CONVICTED
THE COURT FINDS THE OFFENSE IN COUNT 01 TO BE IN THE FIRST DEGREE.
COURT ORDERS AND FINDINGS:
STAHN WAIVER IS ORDERED FILED.
COURT FINDS THAT THERE IS A FACTUAL BASIS FOR DEFENDANT'S PLEA, AND COURT
ACCEPTS PLEA.
PRETRIAL CONFERENCE IS HELD. THE TRIAL DATE OF 10-7-10 IS
ADVANCED TO THIS DATE AND VACATED.

THE DEFENDANT IS REFERRED TO THE DEPARTMENT OF CORRECTIONS
PURSUANT TO PENAL CODE SECTION 1203.03 FOR A 90 DAY DIAGNOSTIC
STUDY.

PROBATION AND SENTENCING/DIAGNOSTIC STUDY IS CONTINUED TO
12-15-10 AT 8:30 A.M., IN THIS DEPARTMENT.

CASE NO. VA115966
FILE NO. 01

PAGE NO. 3
DATE PRINTED 06/11/15

ARREST SET AT NO BAIL.
SERVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
06/15/10 830 AM P & S/1203.03 PC RETURN DIST SOUTHEAST DISTRICT DEPT SES

CUSTODY STATUS: REMANDED TO CUSTODY

09/28/10 AT 830 AM :

1203.03 PACKET SENT TO IRC (TB).

06/12/15/10 AT 830 AM IN SOUTHEAST DISTRICT DEPT SES

PHONE CALLED FOR P & S/1203.03 PC RETURN
ATTORNEYS: ROGER ITO (JUDGE) MARY ESTACIO (CLERK)

DEFENDANT KELLY WINTERS (REP) REBECCA A. NOBLIN (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DONALD R PRIGO DEPUTY PUBLIC
DEFENDER
DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE
WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING
JUDGMENT:

TO COUNT (01):
POSITION OF SENTENCE SUSPENDED
DEFENDANT PLACED ON FORMAL PROBATION
FOR A PERIOD OF 003 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:
SERVE 365 DAYS IN LOS ANGELES COUNTY JAIL
DEFENDANT GIVEN TOTAL CREDIT FOR 242 DAYS IN CUSTODY 162 DAYS ACTUAL CUSTODY
AND 80 DAYS GOOD TIME/WORK TIME

FORTHWITH
PLUS \$40.00 COURT SECURITY ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)
\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)
15 DAYS CONSECUTIVE TO ANY TERM SERVING

COMMITMENT ISSUED
TOTAL DUE: \$70.00

IN ADDITION:
THE DEFENDANT IS TO PAY A RESTITUTION FINE PURSUANT TO SECTION

1202.4(B) PENAL CODE IN THE AMOUNT OF \$ 200.00.
DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION
FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF
\$ 200.00; THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION
OF PROBATION.

NOT OWN, USE OR POSSESS ANY DANGEROUS OR DEADLY WEAPONS,
INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS.

SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS APPROVED
BY THE PROBATION OFFICER.

KEEP PROBATION OFFICER ADVISED OF YOUR RESIDENCE AND WORK AND
HOME TELEPHONE NUMBERS AT ALL TIMES.

SUBMIT PERSON AND PROPERTY TO A SEARCH AT ANY TIME OF THE DAY
OR NIGHT BY ANY LAW ENFORCEMENT OFFICER OR PROBATION OFFICER
WITH OR WITHOUT A WARRANT OR PROBABLE CAUSE.



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-OBEY ALL LAWS AND ORDERS OF THE COURT.
-DEFENDANT TO REPORT TO THE PROBATION OFFICER WITHIN
48 HOURS OF RELEASE FROM CUSTODY TO THE RIO HONDO AREA PROBATION
LOCATED AT:
8240 SOUTH BROADWAY AVENUE, WHITTIER, CALIFORNIA 90606.
TELEPHONE: (562) 908-3119.

COURT ORDERS AND FINDINGS:

-PURSUANT TO PC SECTION 296, THE DEFENDANT IS ORDERED TO PROVIDE
BUCCAL SWAB SAMPLES, A RIGHT THUMB PRINT, A FULL PALM PRINT
IMPRESSION OF EACH HAND, ANY BLOOD SPECIMENS OR OTHER BIOLOGICAL
SAMPLES AS REQUIRED BY THIS SECTION FOR LAW ENFORCEMENT
IDENTIFICATION.

-DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT
UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND
DEFENDANT AGREES TO ABIDE BY SAME.

THE COURT STATES THAT IT HAS READ AND CONSIDERED THE DIAGNOSTIC
STUDY AND PROBATION REPORT.

UNT (01): DISPOSITION: CONVICTED

MAINING COUNTS DISMISSED.

COUNT (02): DISMISSED DUE TO PLEA NEGOTIATION

/ ABSTRACT NOT REQUIRED

XT SCHEDULED EVENT:

PROBATION IN EFFECT/REMANDED

STUDY STATUS: ON PROBATION/REMANDED

09/23/10 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF
JUSTICE

09/09/13 AT 830 AM :

NOTICE TO PROBATIONER/REQUEST FOR CALENDAR DATE IS RECEIVED ON
09-06-13. MATTER IS CALENDARED AS INDICATED BELOW. THE DEFENDANT
IS NOTIFIED VIA U.S. MAIL THIS DATE. (ENTRY BY M. TRASVINA)

XT SCHEDULED EVENT:

09/25/13 830 AM POSSIBLE VIOL. OF PROBATION DIST SOUTHEAST DISTRICT DEPT
SES

09/25/13 AT 830 AM IN SOUTHEAST DISTRICT DEPT SES

SE CALLED FOR POSSIBLE VIOL. OF PROBATION

RTIES: ROGER ITO (JUDGE) MARY ESTACIO (CLERK)

KELLY WINTERS (REP) FRANCO BARATTA (DDA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY VALENTIN C. RADA DEPUTY
PUBLIC DEFENDER

THE COURT HAS READ AND CONSIDERED THE PROBATION OFFICER'S
REPORT, SEQUENCE NUMBER 2, WITH NO ATTACHED FINANCIAL
AGREEMENT, FILED ON THIS DATE.

THE DEFENDANT IS ADMONISHED TO CONTINUE MAKING PAYMENTS TO
PROBATION TOWARDS FINANCIAL OBLIGATION. THE DEFENDANT IS
ADVISED THAT ANY BALANCE AT THE END OF THE PROBATIONARY PERIOD
MAY BECOME A CIVIL JUDGMENT.

COURT ORDERS AND FINDINGS:

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-ORIGINAL TERMS AND CONDITIONS OF PROBATION TO REMAIN IN FULL
FORCE AND EFFECT.
NEXT SCHEDULED EVENT:
PROBATION IN EFFECT

STUDY STATUS: ON PROBATION

12/05/13 AT 830 AM IN COMPTON COURTHOUSE DEPT 009

SE CALLED FOR POSSIBLE VIOL. OF PROBATION
ATTORNEYS: LYNN D. OLSON (JUDGE) BEVERLY WARD (CLERK)
LISA RODRIGUEZ (REP) MARLENE M. MARTINEZ (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JAMIE A. MARCUS DEPUTY PUBLIC
DEFENDER
PROBATION REVOKED
TO COUNT (01):
COURT ORDERS AND FINDINGS:

THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
/ ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:
12/19/13 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCQ

STUDY STATUS: RELEASED ON OWN RECOGNIZANCE

12/19/13 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

SE CALLED FOR SETTING OF VIOLATION HEARING
ATTORNEYS: ALLEN J. WEBSTER JR. (JUDGE) CRISTINA ALVAREZ (CLERK)
SONIA FEAGIN (REP) GEORGIA S. HUERTA (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JAMIE A. MARCUS DEPUTY PUBLIC
DEFENDER
PROBATION TO REMAIN REVOKED
TO COUNT (01):
TRAILING TA130219-01
/ ABSTRACT NOT REQUIRED
NEXT SCHEDULED EVENT:

01/22/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCQ

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

01/22/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

SE CALLED FOR SETTING OF VIOLATION HEARING
ATTORNEYS: LAURA R. WALTON (JUDGE) CRISTINA ALVAREZ (CLERK)
YESENIA MONTALVO (REP) CYNTHIA L. WALLACE (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JAMIE A. MARCUS DEPUTY PUBLIC
DEFENDER
PROBATION TO REMAIN REVOKED
TO COUNT (01):
TRAILING TA130219-01
/ ABSTRACT NOT REQUIRED
NEXT SCHEDULED EVENT:

02/25/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT



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DEPT SCQ

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

02/18/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

CASE CALLED FOR POST SENTENCING

PARTIES: LAURA R. WALTON (JUDGE) CRISTINA ALVAREZ (CLERK)

YESENIA MONTALVO (REP) LINDA PUENTES (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY VANESSA ROWNAGHI ALTERNATE

PUBLIC DEFENDER

PROBATION TO REMAIN REVOKED

TO COUNT (01):

TRAILING TA130219

ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

03/04/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT

DEPT SCQ

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

03/04/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

CASE CALLED FOR SETTING OF VIOLATION HEARING

PARTIES: LAURA R. WALTON (JUDGE) CRISTINA ALVAREZ (CLERK)

SHAWN BIVENS (REP) SAMANTHA BORGHI (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MALIKA DJAFAR ALTERNATE

PUBLIC DEFENDER

PROBATION TO REMAIN REVOKED

TO COUNT (01):

TRAILING TA131841

ABSTRACT NOT REQUIRED

NEXT SCHEDULED EVENT:

04/01/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT

DEPT SCQ

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

04/01/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

CASE CALLED FOR SETTING OF VIOLATION HEARING

PARTIES: LAURA R. WALTON (JUDGE) CRISTINA ALVAREZ (CLERK)

YESENIA MONTALVO (REP) SAMANTHA BORGHI (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MALIKA DJAFAR ALTERNATE

PUBLIC DEFENDER

PROBATION TO REMAIN REVOKED

TO COUNT (01):

TRAILING TA131841-01 AND TA130219

ON DEFENSE COUNSEL'S ORAL MOTION THE MATTER IS CONTINUED TO
APRIL 28, 2014 AT 8:30 A.M. IN DEPARTMENT SCQ.

THE COURT ORDERS THE DEFENDANT TO RETURN ON THE NEXT HEARING
DATE.

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ABSTRACT NOT REQUIRED

KT SCHEDULED EVENT:

04/28/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCQ

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

04/28/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCQ

SE CALLED FOR SETTING OF VIOLATION HEARING

RTIES: LAURA R. WALTON (JUDGE) CRISTINA ALVAREZ (CLERK)
YESENIA MONTALVO (REP) SAMANTHA BORGHI (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MALIKA DJAFAR ALTERNATE

PUBLIC DEFENDER

OBATION TO REMAIN REVOKED

TO COUNT (01):

TRAILING TA130219-01 AND TA131841-01

ABSTRACT NOT REQUIRED

KT SCHEDULED EVENT:

06/02/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCD

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

06/02/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCD

SE CALLED FOR SETTING OF VIOLATION HEARING

RTIES: JOHN J. CHEROSKE (JUDGE) MICHAEL DEBOSE (CLERK)
ALEX LEE (REP) SAMANTHA BORGHI (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MALIKA DJAFAR ALTERNATE

PUBLIC DEFENDER

MATTER IS CONTINUED TO THE NEXT COURT DATE.

COURT ORDERS AND FINDINGS:

THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

KT SCHEDULED EVENT:

06/03/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCD

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

06/03/14 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCD

SE CALLED FOR SETTING OF VIOLATION HEARING

RTIES: JOHN J. CHEROSKE (JUDGE) MICHAEL DEBOSE (CLERK)
ALEX LEE (REP) SAMANTHA BORGHI (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MALIKA DJAFAR ALTERNATE

PUBLIC DEFENDER

MATTER IS CONTINUED TO THE NEXT COURT DATE.

COURT ORDERS AND FINDINGS:

THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

KT SCHEDULED EVENT:

06/04/14 830 AM SETTING OF VIOLATION HEARING DIST SOUTH CENTRAL DISTRICT
DEPT SCD

STUDY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

