

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 G. Marcoida Reporter: Sworn Interpreter: [INT]  
Deputy D.A.: KCS Clerk: Eva Osborn [112] Interpreter needed next date  
PEOPLE VS. HE [DE 1] MY

Agency # SON-13 6 DDL: CA D9 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 **WARRANT** [15] RECALLED [18] remains out  
[3] forfeited [4] reinstated [5] exonerated [7] reinstated and exon [19] Bail set \$ \_\_\_\_\_ [A] as set [20] NO BAIL  
[8] Bench warrant to issue per \_\_\_\_\_ Bail \$ \_\_\_\_\_ Bail [21] increased to \$ \_\_\_\_\_ [22] reduced to \$ \_\_\_\_\_  
Do not [9] cite out/release on OR [10] recalendar Mtn. for [24] OR [25] Sup. OR [A] granted [B] denied [C] conditions attached  
[11] Bail may be forfeited in lieu of appearance [12] EXECUTION STAYED [26] OR [27] Sup. OR [A] reinstated [B] revoked [C] terminated [D] continued  
Declaration & warrant to be prepared by [13] DA [14] City Attorney [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 **DEFENDANT** [10] waives each right [11] waives time  
[4] against self-incrimination [5] to jury/court trial [6] to VOP hearing [12] does not waive time [13] withdraws time waiver  
[7] possible assessment of P.D. fees [8] alien advisement per 1016.5PC [14] waives VOP hearing [15] waives jury trial [16] People waive jury trial  
[9] Faretta advisement given re: counsel & waived [17] Declaration, Notice, & Order re: Vio. of Conditional Sentence filed

**D DEFENDANT PLEADS**

[1] Not Guilty [A] NGI [2] Not guilty plea w/drawn **Enters** [28] Arbuckle [29] Harvey waiver  
[3] Absentia plea filed [4] Priors denied [5] Enhancements/allegations denied [30] Referred to [31] Accepted in [A] 1210 PC Court [B] Drug Court  
Advised of [6] max. penalties [7] future consequences [8] understands & [C] DV Court [D] FACT Court [E] DUI Court [K] Compliance Court  
waives each right [9] Defense Csl. joins in waiver [10] TAHL waiver filed **CRIMINAL PROCEEDINGS** [32] suspended [33] reinstated  
[11] GUILTY [12] NO CONTEST Refer to [34] CAD [35] ESP [35A] SCRAM for \_\_\_\_\_  
Admits [13] priors [14] enhancement [15] enhancement stricken [36] CAD [37] ESP [38] NBRC on ct(s) [A] accepted [B] denied [C]  
[16] Violation of Probation [A] denied [B] admitted [C] dropped Terminate [39] successfully [40] unsuccessfully [A] CAD [B] NBRC  
[17] Priors found constitutionally [A] valid [B] invalid [41] GUILTY plea for deferred entry of judgment on ct(s) \_\_\_\_\_  
[18] Stipulates to [A] factual basis for plea [B] probable cause for arrest Deferred entry completed [41A] successfully [41B] unsuccessfully  
[C] Commissioner [19] Report/memo filed [A] Bail [B] CAD [42] Dr. \_\_\_\_\_  
**COURT FINDS** [20] factual basis for plea [21] admission [22] Def. knowingly [43] Report due \_\_\_\_\_, appointed per  
intelligently, freely, voluntarily waives rights [23] Def guilty [24] in Viol. Prob. **DEFENDANT** [44] found mentally [A] competent [B] incompetent  
[25] People's motion to dismiss remaining counts at time of sentencing granted [45] committed to Sonoma County Jail [A] contested [B] uncontested  
**DEFENDANT** waives time for [26] sentencing [27] referral to Probation [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  
[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 \_\_\_\_\_  
Judge \_\_\_\_\_



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA**

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 as directed including  residential treatment at \_\_\_\_\_ 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  MODDP re-referral  DL-104 2<sup>nd</sup> offender re-referral  
**Do not**  harm, harass, or annoy victim  molest, attack, strike, stalk, threaten, sexually assault, batter, & do not disturb victim's peace  Referred to Orenda Center Alcohol/Other Drug Assessment Program w/in 30 days & pay \$100 assessment fee  
 Do not contact victim directly or indirectly \_\_\_\_\_ License  suspended per DMV regulations  surrendered to Court  
 Do not congregate/frequent locations or associate with gang members, wear gang attire or colors, or possess gang paraphernalia  Court orders DMV not to issue a restricted license  
 **Be of good conduct & obey all laws**  Abide by any protective orders  **Interlock**  advisement given  to be installed for \_\_\_\_\_ mo.  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

J	AMOUNT	FINE AND/OR FEE	DUE DATE	
[1]	\$	Court Costs	[B] _____ [A] Susp.	[17] \$ _____ Diversion Rest. Fee per 1001.90 PC
[2]	\$	FTA Fine	[B] _____ [A] Susp.	[18] Fine \$ 2242- (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	<b>Payable</b> <input checked="" type="checkbox"/> [A] by _____ <input checked="" type="checkbox"/> [B] at \$ 75 mo. beg 7-1-13
[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]	\$ 140-	Restitution fine per 1202.4(b)PC	[B] _____ [A] Waived	<input type="checkbox"/> Contact the collection unit re: payment of delinquent fine.
[15]	\$ 140-	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 10 158 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 \_\_\_\_\_