



TRIAL COURT CASE NO:
4VY01172
APPELLATE DIVISION CASE NO:
BR051834

LA APP ADM 011 (New)
LASC Revised 09/13
For Optional Use

Cal. Rules of Court, rules 8.832, 8.838,
8.861, 8.862, 8.867, 8.912, 8.913, 8.920,
and 8.144

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,
OR 04/03/2014 Bkg no. 3887156
Plaintiff,

vs.

02/04/1988 M
V23152a/no prior
V23152b

Defendant(s).

MISDEMEANOR COMPLAINT

Case number: 4VY01172

FILED
SHERRI R. CARTER
Executive Officer/Clerk

By Superior Court of California
County of Los Angeles
Deputy Clerk

MAR 20 2014

Issued by
MICHAEL N. FEUER, Executive Officer/Clerk
City Attorney By Deputy
B.J. McFarland

By KATHLEEN FORD (LT)
Deputy City Attorney

Comes now the undersigned and states that he is informed and believes, and upon such information and belief declares: That on or about 03/07/2014 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (a) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did willfully and unlawfully drive a vehicle while being under the influence of an alcoholic beverage.

MCI 23152(A)/29

000001

COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 03/07/2014 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (b) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did willfully and unlawfully drive a vehicle with 0.08 percent or more, by weight, of alcohol in his or her blood.

The allegations of prior convictions listed in Count I of this complaint are hereby incorporated by reference as allegations of prior convictions for the purposes of this Count of the complaint.

MCI 23152(B)/29

All of which is contrary to the law and against the peace and dignity of the People of the State of California. Declarant and complainant therefore prays that a warrant may be issued for the arrest of said defendant(s) and that he may be dealt with according to law.

Attached hereto and incorporated by reference as though fully set forth are written statements and reports, consisting of pages, which constitute the basis upon which I make the within allegations.

A declaration in Support of the Issuance of Such Warrant is Submitted.

Executed at Los Angeles, California, on 03/19/2014.

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


Declarant and Complainant

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INFORMAL DISCOVERY NOTICE

TO THE ABOVE-NAMED DEFENDANT(S) AND/OR ATTORNEY(S) FOR DEFENDANT(S) :

Plaintiff, the People of the State of California, hereby requests discovery/disclosure from the defendant(s) and his or her attorney(s) in this case pursuant to Penal Code Sections 1054.3 and 1054.5.

YOU ARE HEREBY NOTIFIED that if complete disclosure is not made within 15 days of this request, plaintiff will seek -- on or before the next court date, or as soon as practicable thereafter -- a court order enforcing the provisions of Penal Code Section 1054.1, subdivisions (b) and (c). This is an ongoing request for any of the listed items which become known to the defendant(s) and his or her attorney(s) after the date of compliance.

The written statements and reports attached hereto constitute discoverable materials designated in Penal Code Section 1054.1. Any additional material discoverable pursuant to Penal Code Section 1054.1 that becomes known to plaintiff will be provided to the defense.

If, prior to or during trial, as a result of this request plaintiff obtains additional evidence or material subject to disclosure under a previous defense request or court order pursuant to Penal Code Section 1054.1, plaintiff will disclose the existence of that evidence or material within a reasonable time.

DISCOVERY MATERIALS SHOULD BE DELIVERED TO A DEPUTY CITY ATTORNEY IN MASTER CALENDAR COURT ON THE FIRST TRIAL DATE.

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MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD

COUNT 02: 23152(B) VC MISD

ON 04/03/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 103

CASE CALLED FOR ARRAIGNMENT

PARTIES: ALVIN NIERENBERG (TEMPORARY JUDGE) ERIKA BROWN (CLERK)
ELAINE ALAAGLU (REP) ROBERT A. ORLICH (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

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

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF
CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 23152(A) VC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 23152(B) VC.

COURT ORDERS AND FINDINGS:

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

COUNSEL STIPULATES IN OPEN COURT THAT THE ABOVE ENTITLED CASE

PAGE NO. 1

ARRAIGNMENT
HEARING DATE: 04/03/14

000004

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

MAY BE HEARD BY COMMISSIONER MULCAHY FOR ALL PURPOSES.
WRITTEN STIPULATION IS FILED.

MATTER IS SET IN DEPARTMENT 115 FOR ALL PURPOSES.
LAST DAY FOR TRIAL: 05/19/14.

MINUTE ORDER PREPARED BY M. GUZMAN.

NEXT SCHEDULED EVENT:
04/21/14 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 115

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD
COUNT 02: 23152(B) VC MISD

ON 04/21/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR PRETRIAL HEARING

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHYAN (CLERK)
PATRICIA WHITE (REP) JOSHUA M. GELLER (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

STIPULATED THAT A TEMPORARY JUDGE MAY HEAR THE CASE

THE MATTER IS CONTINUED TO 05/12/14 AT 8:30 A.M. IN DEPARTMENT
115 FOR A STATUS CONFERENCE.

THE MATTER IS FURTHER SET FOR TRIAL SETTING ON 05/20/14 AT
8:30 A.M. IN DEPARTMENT 115, AT THE REQUEST OF THE DEFENDANT.

THERE IS A STIPULATION TO A PEOPLE'S REASONABLE CONTINUANCE.

COURT ORDERS AND FINDINGS:

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

PAGE NO. 1

PRETRIAL HEARING
HEARING DATE: 04/21/14

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CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

NEXT SCHEDULED EVENT:
05/12/14 830 AM FURTHER PROCEEDINGS DIST VAN NUYS COURTHOUSE DEPT 115

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
05/20/14 830 AM PRETRIAL CONF/TRIAL SETTING DIST VAN NUYS COURTHOUSE DEPT
115

DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14..

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD

COUNT 02: 23152(B) VC MISD

ON 05/12/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR FURTHER PROCEEDINGS

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHYAN (CLERK)
PATRICIA WHITE (REP) JOSHUA M. GELLER (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

THIS MATTER IS CONTINUED TO 06/03/14 AT 8:30 A.M. IN DEPARTMENT
115 FOR TRIAL SETTING, AT THE REQUEST OF THE DEFENDANT.

THERE IS A STIPULATION TO A PEOPLE'S REASONABLE CONTINUANCE.

TRIAL SETTING PREVIOUSLY SET FOR 5/20/14, IS ADVANCED TO THIS
DATE AND VACATED.

COURT ORDERS AND FINDINGS:

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

WAIVES STATUTORY TIME.

PAGE NO. 1

FURTHER PROCEEDINGS
HEARING DATE: 05/12/14

000008

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

NEXT SCHEDULED EVENT:
06/03/14 830 AM PRETRIAL CONF/TRIAL SETTING DIST VAN NUYS COURTHOUSE DEPT
115

DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

PAGE NO. 2

FURTHER PROCEEDINGS
HEARING DATE: 05/12/14

000009

FILED
Superior Court of California
County of Los Angeles

JUN 03 2014

Sherri R. Carter, Executive Officer/Clerk
By Saak Guladzhyan Deputy

1 Mark Rosenfeld (SBN: 201841)
2 Anton H. Labrentz (SBN 270247)
3 LAW OFFICE OF MARK ROSENFELD
4 8200 Wilshire Blvd. Suite 200
5 Beverly Hills, CA 90211
6 T 800-970-0384
7 T 310-424-3145
8 F 310-425-3312
9 Attorney for Defendant,
10 [REDACTED]

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

10 PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: 4VY01172
11)
12 Plaintiff,) NOTICE AND MOTION TO SUPPRESS
13 vs.) EVIDENCE (Pen. C. §1538.5)
14 [REDACTED])
15 Defendant)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

16 TO THE ABOVE-ENTITLED COURT, AND;

17 TO THE CITY ATTORNEY OF LOS ANGELES:

18 PLEASE TAKE NOTICE that, at the time of the Penal Code §1538.5 hearing, to be set at
19 a date and time or as soon thereafter as the matter may be heard in Division 115, the Defendant,
20 [REDACTED] will move to suppress evidence obtained by the Los Angeles Police
21 Department.

22 **SUMMARY**

23 The Los Angeles Police Department in the above-entitled matter lacked sufficient cause
24 to conduct a warrantless stop, detention, prolonged and excessive detention, search and arrest of
25 the Defendant without the requisite cause.

1 The Defendant contends that the stop, detention and arrest in question was illegal because
2 there was no warrant and it was not being based on sufficient specific articulable facts, which
3 would give rise to the reasonable suspicion that a crime was afoot.

4 **DESCRIPTION OF EVIDENCE TO BE SUPPRESSED**

5 The evidence sought to be suppress is, but is not limited to, all physical and intangible
6 evidence seized or obtained as a result of the deprivations of the defendant's liberty and right to
7 privacy, including those resulting from defendant's stop, detention, search and arrest.

8 **CONSTITUTIONAL AND STATUTORY GROUNDS**

9 This motion is based on violation of the defendant's rights as guaranteed by the Fourth,
10 Fifth, and Fourteenth Amendments to the United States Constitution, and Article I, §§1, 10 and
11 13 of the California Constitution. It is based also on the following particular grounds:

- 12 1. The police action was without a warrant and lacked sufficient cause to justify the
13 invasion of liberty complained of;
- 14 2. The police action violated some or all of the following sections: Penal Code
15 §§836, 840, 841, 842 and 1531; Vehicle Code §§23612, 23614, 40300.5, and
16 40800 et. Seq.; and,
- 17 3. The detention and/or search were unreasonable or excessive in its scope.
- 18 4. The arrest was without probable cause.
- 19 5. The checkpoint was improper.

20 **STANDING**

21 The defendant has standing to suppress the evidence as requested herein, in that the
22 complained of search and seizure violated defendant's own Fourth Amendment rights under the
23 United States Constitution. A defendant may challenge the propriety of a search or seizure
24 which violates the defendant's own reasonable expectation of privacy in the area search or the
25 item seized. (Rakas v. Illinois (1978) 439 U.S. 128, 99 S.Ct. 421.)

1 ///

2 **THEORY OF FOURTH AMENDED VIOLATION**

3 This statement of grounds and evidences is not intended to be exclusive and is based upon
4 such discovery as was available on this date. Though Defendant has received some discovery
5 herein, Defendant has no way of knowing the entire body of evidence available to the
6 prosecution and no way of knowing what theory the prosecution may put forth as justification for
7 the warrantless search and seizure in this case. Therefore, it is hereby alleged that there is
8 insufficient evidence to establish that any exception to the warrant requirement is applicable.

9 **POINTS AND AUTHORITIES**

10 **STATEMENT OF FACTS:**

11 The pertinent facts for this pleading are that the search and seizure was conducted without
12 a warrant and that the defendant has a reasonable expectation of privacy in the area searched and
13 the items seized.

14 **ARGUMENT:**

15 **THE PROSECUTION HAS THE BURDEN OF JUSTIFYING**

16 **A WARRANTLESS SEARCH OR SEIZURE**

17 The burden of justifying a warrantless search, seizure, arrest or detention falls upon the
18 prosecution. (People v. Williams)(1999) 20 C4th 119, 83 CR2d 275; Wilder v. Superior Court
19 (1979) 92 Cal.App.3d 90.) Williams says, at page 136:

20 "Consistent with section 1538.5, subdivision (a)(2), we hold that when defendants move
21 to suppress evidence, they must set forth the factual and legal bases for the motion, but
22 they satisfy that obligation, at least in the first instance, by making a prima facie showing
23 that the police acted without a warrant. The prosecution then has the burden of proving
24 some justification for the warrantless search or seizure, after which, defendants can
25 respond by pointing out any inadequacies in that justification. (Wilder, supra, 92
Cal.App.3d at pp. 96-97.)"

1 The defendant's only burden is to show, by competent evidence presented or stipulation entered
2 into at the hearing, that the search or seizure occurred without a search or arrest warrant, and that
3 the evidence sought to be suppressed is a fruit of that act.

4 If the people object to the defendant's standing to complain of the illegal act the
5 defendant then must present evidence at the hearing of a reasonable expectation of privacy in the
6 area search and/or the items seized. (In re Lane w. (1985) 172 Cal.App.3d 774, 218 Cal.Rptr.
7 182; Rakas v. Illinois (1978) 439 U.S. 128, 99 S.Ct.421.)

8 The defendant has the burden of raising the issue, which is "generally satisfied, in the
9 first instance, if the defendants simply assert the absence of a warrant and make a prima facie
10 showing to support that assertion." (Williams, supra.)


11 In the present case, the defendant has averred and is prepared to prove at the hearing on
12 this motion that the police acted without benefit of arrest or search warrant, and that certain fruits
13 were obtained as a result of that warrantless act. In addition, if challenged, defendant is prepared
14 to prove that a reasonable expectation of privacy existed in the items seized and/or the area
15 searched at the time of the search. By this motion, the defendant states the grounds upon which
16 the challenge is made. At that point, the burden will then shift to the prosecution to justify the
17 warrantless act.

18 CONCLUSION

19 Defendant respectfully requests that if the People do not plead its justification in
20 accordance with the statute, cases, and rules interpreting it, that this Court grant the defendant's
21 motion to suppress.

22 Respectfully submitted,

23 Dated: 6-3-14

24 
25 Mark Rosenfeld
The Law Office of Mark Rosenfeld
Attorney for Defendant,
PATRICK DUNCAN

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD

COUNT 02: 23152(B) VC MISD

ON 06/03/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR PRETRIAL CONF/TRIAL SETTING

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHYAN (CLERK)
TERESA BAEZ (REP) JOSHUA M. GELLER (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

THIS MATTER IS CONTINUED TO 06/27/14 AT 8:30 A.M. IN DEPARTMENT
115 FOR TRIAL SETTING, AT THE REQUEST OF THE DEFENDANT.

THERE IS A STIPULATION TO A PEOPLE'S REASONABLE CONTINUANCE.

COURT ORDERS AND FINDINGS:

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

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

06/27/14 830 AM PRETRIAL CONF/TRIAL SETTING DIST VAN NUYS COURTHOUSE DEPT

PAGE NO. 1

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 06/03/14

000014

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

115

DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

PAGE NO. 2

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 06/03/14

000015

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD
COUNT 02: 23152(B) VC MISD

ON 06/27/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR PRETRIAL CONF/TRIAL SETTING

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHYAN (CLERK)
TROYETTE SCOTT (REP) JOSHUA M. GELLER (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

THIS MATTER IS CONTINUED TO 07/03/14 AT 8:30 A.M. IN DEPARTMENT
115 FOR TRIAL SETTING, AT THE REQUEST OF THE DEFENDANT.

THERE IS A STIPULATION TO A PEOPLE'S REASONABLE CONTINUANCE.

COURT ORDERS AND FINDINGS:

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

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/03/14 830 AM PRETRIAL CONF/TRIAL SETTING DIST VAN NUYS COURTHOUSE DEPT

PAGE NO. 1

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 06/27/14

000016

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

115

DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

PAGE NO. 2

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 06/27/14

000017

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD
COUNT 02: 23152(B) VC MISD

ON 07/03/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR PRETRIAL CONF/TRIAL SETTING

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHYAN (CLERK)
BROOKE BRUBAKER (REP) PATRICIA C. ROSMAN (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE PURSUANT TO
SECTION 1538.5 OF THE PENAL CODE IS CALLED FOR HEARING.

COUNSEL STIPULATE THAT THERE HAS BEEN NO SEARCH OR ARREST
WARRANT ISSUED IN THIS CASE.

MOTION TO EXCLUDE WITNESSES IS GRANTED.

JAPHET HOM AND PETER ARGUETA ARE SWORN AND TESTIFY ON
BEHALF OF THE PEOPLE.

PEOPLE'S EXHIBITS 1 (COMPSTAT DATED 2/2/14 TO 3/1/14 - 2
PAGES), 2 (COMPSTAT DATED 2/2/14 TO 3/1/14 - 1 PAGE),

PAGE NO. 1

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 07/03/14

000018

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

3 (MAP - 1 PAGE), 4 (NEWS ADVISORY - 3 PAGES),
5A TO 5G (EACH A COLOR PHOTOGRAPH) AND 6 (CD-ROM DISC
OF VIDEO) ARE MARKED FOR IDENTIFICATION AND ADMITTED IN
EVIDENCE.

BOTH SIDES REST.

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE IS ARGUED AND DENIED.

THIS MATTER IS CONTINUED TO 7/17/14, AT 8:30 A.M. IN DEPARTMENT
115 FOR TRIAL SETTING, AT THE REQUEST OF THE DEFENDANT.

THERE IS A STIPULATION TO A PEOPLE'S REASONABLE CONTINUANCE.

NOTICE OF INTENT TO DISPOSE OF EXHIBITS IS FILED THIS DATE.

EXHIBIT RECEIPT NUMBER 1684573 IS ISSUED THIS DATE.

COURT ORDERS AND FINDINGS:

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

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/17/14 830 AM PRETRIAL CONF/TRIAL SETTING DIST VAN NUYS COURTHOUSE DEPT
115

DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

Surrender for jail: <input type="checkbox"/> Cruz waiver taken:	5/21/2015	POE/Proof of Completion of Alcohol Program:	Other:	Complete jailwork/e by:	Understand, accept, and will comply with the foregoing conditional sentence and consequences and will return to Court as ordered.	Defendant's Signature:	Attorney's Signature/Noting:
Pay fines/fees in full by: <input type="checkbox"/> Installments allowed							
Restitution Hearing in Dept. _____ at 8:30 a.m.							

22. I obey all laws and orders of the Court (541) [redacted] and rules and regulations of the Probation Department. (542)
 Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)
 Defendant ordered to pay attorney fees [redacted] in the amount of \$ [redacted] in the amount determined by the Financial Evaluator.
 Court Allegations [redacted] are dismissed/stricken on [redacted] (539) (540) (541) (542) (543) (544) (545) (546) (547) (548) (549) (550) (551) (552) (553) (554) (555) (556) (557) (558) (559) (560) (561) (562) (563) (564) (565) (566) (567) (568) (569) (570) (571) (572) (573) (574) (575) (576) (577) (578) (579) (580) (581) (582) (583) (584) (585) (586) (587) (588) (589) (590) (591) (592) (593) (594) (595) (596) (597) (598) (599) (600) (601) (602) (603) (604) (605) (606) (607) (608) (609) (610) (611) (612) (613) (614) (615) (616) (617) (618) (619) (620) (621) (622) (623) (624) (625) (626) (627) (628) (629) (630) (631) (632) (633) (634) (635) (636) (637) (638) (639) (640) (641) (642) (643) (644) (645) (646) (647) (648) (649) (650) (651) (652) (653) (654) (655) (656) (657) (658) (659) (660) (661) (662) (663) (664) (665) (666) (667) (668) (669) (670) (671) (672) (673) (674) (675) (676) (677) (678) (679) (680) (681) (682) (683) (684) (685) (686) (687) (688) (689) (690) (691) (692) (693) (694) (695) (696) (697) (698) (699) (700) (701) (702) (703) (704) (705) (706) (707) (708) (709) (710) (711) (712) (713) (714) (715) (716) (717) (718) (719) (720) (721) (722) (723) (724) (725) (726) (727) (728) (729) (730) (731) (732) (733) (734) (735) (736) (737) (738) (739) (740) (741) (742) (743) (744) (745) (746) (747) (748) (749) (750) (751) (752) (753) (754) (755) (756) (757) (758) (759) (760) (761) (762) (763) (764) (765) (766) (767) (768) (769) (770) (771) (772) (773) (774) (775) (776) (777) (778) (779) (780) (781) (782) (783) (784) (785) (786) (787) (788) (789) (790) (791) (792) (793) (794) (795) (796) (797) (798) (799) (800) (801) (802) (803) (804) (805) (806) (807) (808) (809) (810) (811) (812) (813) (814) (815) (816) (817) (818) (819) (820) (821) (822) (823) (824) (825) (826) (827) (828) (829) (830) (831) (832) (833) (834) (835) (836) (837) (838) (839) (840) (841) (842) (843) (844) (845) (846) (847) (848) (849) (850) (851) (852) (853) (854) (855) (856) (857) (858) (859) (860) (861) (862) (863) (864) (865) (866) (867) (868) (869) (870) (871) (872) (873) (874) (875) (876) (877) (878) (879) (880) (881) (882) (883) (884) (885) (886) (887) (888) (889) (890) (891) (892) (893) (894) (895) (896) (897) (898) (899) (900) (901) (902) (903) (904) (905) (906) (907) (908) (909) (910) (911) (912) (913) (914) (915) (916) (917) (918) (919) (920) (921) (922) (923) (924) (925) (926) (927) (928) (929) (930) (931) (932) (933) (934) (935) (936) (937) (938) (939) (940) (941) (942) (943) (944) (945) (946) (947) (948) (949) (950) (951) (952) (953) (954) (955) (956) (957) (958) (959) (960) (961) (962) (963) (964) (965) (966) (967) (968) (969) (970) (971) (972) (973) (974) (975) (976) (977) (978) (979) (980) (981) (982) (983) (984) (985) (986) (987) (988) (989) (990) (991) (992) (993) (994) (995) (996) (997) (998) (999) (1000) (1001) (1002) (1003) (1004) (1005) (1006) (1007) (1008) (1009) (1010) (1011) (1012) (1013) (1014) (1015) (1016) (1017) (1018) (1019) (1020) (1021) (1022) (1023) (1024) (1025) (1026) (1027) (1028) (1029) (1030) (1031) (1032) (1033) (1034) (1035) (1036) (1037) (1038) (1039) (1040) (1041) (1042) (1043) (1044) (1045) (1046) (1047) (1048) (1049) (1050) (1051) (1052) (1053) (1054) (1055) (1056) (1057) (1058) (1059) (1060) (1061) (1062) (1063) (1064) (1065) (1066) (1067) (1068) (1069) (1070) (1071) (1072) (1073) (1074) (1075) (1076) (1077) (1078) (1079) (1080) (1081) (1082) (1083) (1084) (1085) (1086) (1087) (1088) (1089) (1090) (1091) (1092) (1093) (1094) (1095) (1096) (1097) (1098) (1099) (1100) (1101) (1102) (1103) (1104) (1105) (1106) (1107) (1108) (1109) (1110) (1111) (1112) (1113) (1114) (1115) (1116) (1117) (1118) (1119) (1120) (1121) (1122) (1123) (1124) (1125) (1126) (1127) (1128) (1129) (1130) (1131) (1132) (1133) (1134) (1135) (1136) (1137) (1138) (1139) (1140) (1141) (1142) (1143) (1144) (1145) (1146) (1147) (1148) (1149) (1150) (1151) (1152) (1153) (1154) (1155) (1156) (1157) (1158) (1159) (1160) (1161) (1162) (1163) (1164) (1165) (1166) (1167) (1168) (1169) (1170) (1171) (1172) (1173) (1174) (1175) (1176) (1177) (1178) (1179) (1180) (1181) (1182) (1183) (1184) (1185) (1186) (1187) (1188) (1189) (1190) (1191) (1192) (1193) (1194) (1195) (1196) (1197) (1198) (1199) (1200) (1201) (1202) (1203) (1204) (1205) (1206) (1207) (1208) (1209) (1210) (1211) (1212) (1213) (1214) (1215) (1216) (1217) (1218) (1219) (1220) (1221) (1222) (1223) (1224) (1225) (1226) (1227) (1228) (1229) (1230) (1231) (1232) (1233) (1234) (1235) (1236) (1237) (1238) (1239) (1240) (1241) (1242) (1243) (1244) (1245) (1246) (1247) (1248) (1249) (1250) (1251) (1252) (1253) (1254) (1255) (1256) (1257) (1258) (1259) (1260) (1261) (1262) (1263) (1264) (1265) (1266) (1267) (1268) (1269) (1270) (1271) (1272) (1273) (1274) (1275) (1276) (1277) (1278) (

1	restoration time or fee of \$1,172 per PC §1202.4(b) through (e), (298)	
2	A court security fee of \$40.00 per PC §1465.8(a)(1), (per court) (SA-C4)	
3	A criminal conviction/rearrest assessment of \$33.00 per Govt Code §07373(a), (SA-C5)	
4	A probation revocation/restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	
5	A criminal fine surcharge of \$_____ per Penal Code §14657.7 (20% of base fine), (SA-A8)	
6	A criminal justice administration fee of \$_____ payable to the local arresting agency, per Govt Code §§ 26550(a), 26550.1, or 26550.2 (agency's actual cost),	
7	Cost of probation services per PC 1203.1b, [as determined by the Probation Officer, subject to a hearing if requested] in the amount of \$_____ per month.	
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6.6	Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (5f)
7.7	The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23554(a). (703)
8.8	If you are deported from or otherwise leave the United States, notify the Court (and Probation) in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court (and to Probation) while outside the United States. (474)

11. The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (248)

12. Your driver's license is hereby suspended [] suspended [] revoked for a period of _____ months _____ years. [] "I" service given in open court. (253)

13. You may not drive a motor vehicle without a valid license and until your driving privileges are restored. [] Defendant under age 21 at time of offense.

14. [] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (252)

15. [] Comply with the "Supplemental Terms of Probation" – Ignition Interlock Device regarding installation of an Ignition Interlock. (245) [] as ordered by the DMV

16. [] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (255)

1. The DMV will not restore your driving privileges until you successfully complete a licensed alcohol education program. times per week. IN ADDITION to those required as part of the alcohol education program. (246)

2. Attend Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of times per week. IN ADDITION to those required as part of the alcohol education program. (246)

3. Do not drive with any measurable amount of alcohol or drugs in your blood, or refuse to take and complete any blood alcohol/chemical test. Any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)

4. Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (324)

5. Absorb from the use of all alcoholic beverages and stay out of all places where there are a chief item of sale. (300) [Watson advisement given. (710)

6. Enroll in and complete the [] Hospital and Morgue (H&M) Program. (471) [CHADD Victim Impact Program (472) []

☐ Perform days of work for Community Labor or perform days/hours of approved Community Service, with credit for days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. This work or Community Service is in addition to that done in lieu of fine.

☐ Make restitution to victim per PC §1202.4(f). (049) \$ in an amount to be determined at a hearing. (067) Harvey waiver taken.

☐ In the stipulated sum of \$ (049) per Any final judgment against you. (100) Liability is admitted but amount is disputed.

☐ Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved Defendant's BAC. % Refusal.

12 hour (SB 1178) 15 mo. (AB541/1327) 18 mo. (AB 768) 19 mo. (AB1353) 18 mo. (SB303/222) 13 mo. alcohol education program.

Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (013)

(124) If defendant has or is discharged from the program prior to completion, defendant is to report to court on the next court day. (013)

(1) Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

(1) Pay a fine of \$ 300 plus penalty assessments or in default thereof serve 13 additional days in County Jail, consecutive or perform _____ days of Community Labor or _____ days/hours of approved Community Service with credit for _____ days actual or \$ _____ toward fine for _____ days of _____.

(1) Fine may be paid in monthly installments of \$ _____.

(1) Defendant elects jail in lieu of time, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GMT.

(1) Defendant to report to financial evaluator to work out a payment plan.

Imposition of sentence is suspended (SS) [] With supervision by county probation officer (formal probation) []
 For a period of 36 months upon the following terms and conditions:
 [] Serve _____ day(s) in the Los Angeles County Jail [] consecutive [] concurrent with _____ day(s) in any penal institution.
 Defendant to receive credit of _____ day(s) actual plus _____ day(s) VT. [] Time may be served in any penal institution. (772)
 [] Time may be served on consecutive weekends of two days each, beginning _____
 [] Time may be served in any city jail having actual confinement, at defendant's expense. (021)
 Defendant may not participate in Sheriff's home detention/EHM per PC 1203.018(e). (771) []
 [] Last _____ day(s) of jail time to be served in: [] Antelope Valley Rehabilitation Center []
 [] Work furlough / early release not allowed. []
 Program. (002)

☐ Probation is denied. Defendant is to serve _____ day/hours in the Los Angeles County Jail, forthwith. () consecutive () concurrent with _____ day/hours (credit _____ day/hours) plus all applicable penalty assessments and enhancements. Pay a fine of \$ _____ per day/hours. Pay all fines and assessments as set forth in Paragraph 20 below. Execution of the foregoing sentence is suspended, on the following terms and conditions.

Conditional Sentence (PC §12030b) Order of Probation (PC §12030a)

Case No:	44Y010172	Prosecutor:	CELLE	Date:	7/18/14	Judge:	MULCAHY
Defender:		Reporter:	P. WHITE	Dept:	1/5	Clk:	S. G. [illegible]
Defendant:	ROSENFIELD	Interpreter:	Language:	Vehicle Code § 1423152(a)(6)	23103 per 23103.5	14601	12500(a) 1
with	admitted prior.						

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD

COUNT 02: 23152(B) VC MISD

ON 07/17/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR PRETRIAL CONF/TRIAL SETTING

PARTIES: ALAN SCHNEIDER (JUDGE) SAAK GULADZHYAN (CLERK)
PATRICIA WHITE (REP) ANDREW SAID (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
MARK ROSENFELD PRIVATE COUNSEL

THIS MATTER IS TRAILED AS INDICATED BELOW FOR TRIAL READINESS
HEARING.

THERE IS A STIPULATION A PEOPLE'S REASONABLE CONTINUANCE.

COURT ORDERS AND FINDINGS:

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

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/28/14 830 AM READINESS HEARING DIST VAN NUYS COURTHOUSE DEPT 115

PAGE NO. 1

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 07/17/14

000021

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

DAY 07 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

PAGE NO. 2

PRETRIAL CONF/TRIAL SETTING
HEARING DATE: 07/17/14

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FILED
Superior Court of California
County of Los Angeles
Reserved for Clerk's Office Stamp

SUPERIOR COURT OF CALIFORNIA		JUL 28 2014 Sherri R. Carter, Executive Officer/Clerk By <u>Saak Guladzhyan</u> Deputy	
COUNTY:	COUNTY OF LOS ANGELES		
PLAINTIFF:	PEOPLE OF THE STATE OF CALIFORNIA		
<div style="background-color: black; width: 100px; height: 30px;"></div>			
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (First Offense Only - Vehicle Code § 23152)		CASE NUMBER: 4VY01172	DEPARTMENT: 115

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 4**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

- I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.....
- I give up my right to an attorney, and I choose to represent myself.
(Does not apply if you have an attorney.)

NATURE OF THE CHARGES (Initial all items you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

- 23152(a)** - Driving under the influence of alcohol or drugs, or both
- 23152(b)** - Driving when my blood-alcohol level was .08 percent or more.....
- 23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or more
- 23103, 23103.5** - Reckless driving involving alcohol or drugs, or both
- If applicable - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

- I understand the charge(s) against me, and the possible pleas and defenses

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

- RIGHT TO A JURY TRIAL** - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt
- I give up my right to a jury trial
- RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me
- I give up my right to confront and cross-examine witnesses.....

INITIALS ↓
1. <u>dd</u>
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CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS (Continued)

13. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself.....
14. I give up my right to remain silent and to not incriminate myself.....
15. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.....
16. I give up my right to produce evidence and witnesses on my own behalf.....

INITIALS ↓
13. <i>AD</i>
14. <i>AD</i>
15. <i>AD</i>
16. <i>AD</i>

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23152)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years	The Court may order a jail term of 48 hours to 6 months. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program. If my blood-alcohol content was .20% or more, or if I refused a chemical test upon my arrest, I must complete a 9-month treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will also impose a 2-year driver's license suspension.

SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5)

Offense	Minimum and Maximum Sentences	Other Consequences
Reckless driving reduced from driving under the influence (DUI)	<p>If probation is granted: A maximum of 90 days in jail, or \$1,000 fine, or both, plus attendance at treatment program.</p> <p>If probation is not granted: 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both.</p>	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

17. I have read and understood the above charts which list the minimum and maximum penalties for the offense(s) I am charged with. (See item No. 34 for the offenses not listed in the charts.)
18. I understand that in addition to the fine, the Court will add assessments which will significantly increase the amount I must pay. I will also be ordered to make restitution and to pay a restitution fine up to \$1,000 unless the Court finds compelling and extraordinary reasons not to do so
19. I understand that if I was under the age of 21 at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court.....
20. I understand that if my blood-alcohol level was .15 percent or more, or if I refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation
21. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder.....
22. I understand that the Court may order my vehicle impounded at my expense for up to 30 days. The Court may also require me to install and maintain an ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid license

INITIALS ↓
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18. <i>AD</i>
19. <i>AD</i>
20. <i>AD</i>
21. <i>AD</i>
22. <i>AD</i>

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

23. I understand that the DMV will notify me that I am required to install an ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply
24. I understand that the DMV may suspend my driver's license under a civil procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.....
25. I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of a first DUI violation, or willfully refused to submit to or complete a chemical test to determine my blood-alcohol level, which occurred in any vehicle
26. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of Vehicle Code § 23152 or 23153 or Penal Code § 191.5(b) or 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a) or 192.5(a).....
27. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, even if I am not ordered to attend such a program by the Court. I also understand that I must surrender my license to the Court
28. I understand that the DMV will not restore my driving privilege following a driver's license suspension unless I provide the DMV with proof of insurance for 3 years.....
29. I understand that the DMV may consider any of my other convictions for DUI or reckless driving, even those that are not charged in this proceeding, and may impose a more severe driver's license suspension, or revocation as a result.....
30. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....
31. I understand that a plea of no contest will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit
32. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.....
33. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or greater and my license will be suspended by the DMV for up to one year if I do so.....

PENALTIES FOR OTHER CHARGES

34. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on page 2, include the following:

•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				
•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				
•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				

INITIALS ↓
23. DD
24. DD
25. DD
26. DD
27. DD
28. DD
29. DD
30. DD
31. DD
32. DD
33. DD
34. X

PLEA(S)

35. I hereby freely and voluntarily plead No Contest to:

GUILTY OR NO CONTEST

VC § 23152(1)

LIST CHARGE(S)

36. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time.....

37. If applicable - I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

Mulcahy
TEMPORARY JUDGE'S NAME

INITIALS ↓

35. dd

36. dd

37. dd

****DEFENDANT'S SIGNATURE:** [Signature]

DATE: 7/29/2014

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

[Signature]
SIGNATURE OF DEFENDANT'S ATTORNEY

7-28-14
DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): _____

COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☐ Judge of the Superior Court

☐ Temporary Judge of the Superior Court

7/28/2014
DATE

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 11/07/14

CASE NO. 4VY01172

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: [REDACTED]

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
--------------------------	-------------------	----------------	------------------------	----------------	--------------------

CASE FILED ON 03/20/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED,
ON OR ABOUT 03/07/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S)
OF:

COUNT 01: 23152(A) VC MISD

COUNT 02: 23152(B) VC MISD

ON 07/28/14 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 115

CASE CALLED FOR READINESS HEARING

PARTIES: COMR. DENNIS E. MULCAHY (JUDGE) SAAK GULADZHIAN (CLERK)
PATRICIA WHITE (REP) JOSHUA M. GELLER (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MARK ROSENFELD PRIVATE
COUNSEL

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

WRITTEN ADVISEMENT OF RIGHTS AND WAIVERS FILED, INCORPORATED BY REFERENCE
HEREIN

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
READINESS HEARING

PAGE NO. 1 HEARING DATE: 07/28/14

000027

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

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
23152(B) 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.

WAIVES TIME FOR SENTENCE.

NEXT SCHEDULED EVENT:
SENTENCING

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 036 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PAY A FINE OF \$390.00

OR SERVE 13 DAYS IN LOS ANGELES COUNTY JAIL LESS CREDIT FOR 2 DAYS
TOTAL: 11 DAYS

PLUS A STATE PENALTY FUND ASSESSMENT OF \$957.00

PLUS \$1.00 NIGHT COURT.

PLUS \$66.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)

\$50.00 ALCOHOL ABUSE/PREVENTION ASSESSMENT (23645 V.C.)

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\$33.00 LABORATORY SERVICE FUND(PURSUANT TO 1463.14(B) P.C.)

\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

\$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

\$30.00 INSTALLMENT & ACCOUNTS RECEIVABLE FEE (PURSUANT TO 1205(D)PC)

DEFENDANT TO PAY FINE TO THE COURT CLERK

IN LIEU OF FINE, DEFENDANT MAY:

PERFORM 11 DAYS OF CAL TRANS

DEFENDANT TO PAY COURT COST OF \$4 .

THE DEFENDANT SHALL ENROLL AND PARTICIPATE IN AND SUCCESSFULLY COMPLETE, A
3-MONTH LICENSED FIRST-OFFENDER ALCOHOL AND OTHER DRUG EDUCATION AND COUNSELING
PROGRAM

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF \$150.00 TO THE COURT

TOTAL DUE: \$1,691.00

IN ADDITION:

-TAHL WAIVER IS ORDERED FILED.

-ENROLL WITHIN 21 DAYS IN AN AB-541 PROGRAM.

-DO NOT DRIVE ANY VEHICLE WITH ANY MEASURABLE AMOUNT OF ALCOHOL
OR DRUGS IN YOUR BLOOD OR REFUSE TO TAKE AND COMPLETE ANY BLOOD
ALCOHOL OR DRUG CHEMICAL TEST, ANY FIELD SOBRIETY TEST, AND ANY
PRELIMINARY ALCOHOL SCREENING TEST, WHEN REQUESTED BY ANY PEACE
OFFICER.

-DO NOT DRIVE A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE IN
YOUR POSSESSION OR WITHOUT LIABILITY INSURANCE IN AT LEAST THE
MINIMUM AMOUNTS REQUIRED BY LAW.

-COMPLETE THE VICTIM IMPACT PROGRAM (VIP) OF MOTHERS AGAINST
DRUNK DRIVING (MADD).

-THE DEFENDANT IS TO PAY A RESTITUTION FINE PURSUANT TO SECTION
1202.4(B) PENAL CODE IN THE AMOUNT OF \$ 150.00.

-OBEY ALL LAWS AND ORDERS OF THE COURT.

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

-THE DEFENDANT WAS ADVISED AND UNDERSTOOD THAT BEING UNDER THE

CASE NO. 4VY01172
DEF NO. 01

DATE PRINTED 11/07/14

INFLUENCE OF ALCOHOL OR DRUGS, OR BOTH, IMPAIRS HIS/HER ABILITY TO SAFELY OPERATE A MOTOR VEHICLE, AND IT IS EXTREMELY DANGEROUS TO HUMAN LIFE TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, OR BOTH. DEFENDANT WAS FURTHER ADVISED THAT IF HE/SHE CONTINUES TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, OR BOTH, AND AS A RESULT OF HIS/HER DRIVING, SOMEONE IS KILLED, THE DEFENDANT CAN BE CHARGED WITH MURDER.

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

ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT CONDITIONS OF PROBATION

DEFENDANT ELECTS TO PAY THE FINE.

THE DEFENDANT IS TO COMPLY WITH ANY AND ALL REQUIREMENTS IMPOSED BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING THE INSTALLATION OF AND USE OF IGNITION INTERLOCK DEVICES.

THIS MATTER IS SET AS INDICATED BELOW FOR PAYMENT OF FINE AND FEES OF \$1,691.00 AND FOR PROOF OF COMPLETION OF: THE ALCOHOL EDUCATION PROGRAM AND THE M.A.D.D. PROGRAM.

COUNT (02): DISPOSITION: CONVICTED

REMAINING COUNTS DISMISSED:

COUNT (01): DISMISSED DUE TO PLEA NEGOTIATION

BLOOD ALCOHOL CONTENT TEST SHOWED BAC OF .14 PERCENT.

ABSTRACT ISSUED ON 07/28/14 FOR COUNT 02

DMV JUDGMENT CODE QWGC

NEXT SCHEDULED EVENT:
05/21/15 900 AM PROOF OF COMPLETION/FINE DIST VAN NUYS COURTHOUSE DEPT CLK

CUSTODY STATUS: ON PROBATION

CR-132**Notice of Appeal
(Misdemeanor)****Instructions**

- This form is only for appealing in a **misdemeanor case**. You can get other forms for appealing in a civil or infraction case at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Misdemeanors* (form CR-131-INFO) to know your rights and responsibilities. You can get form CR-131-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- You must file this form no later than 30 days after the trial court issued the judgment or order you are appealing (see rule 8.853(b) of the California Rules of Court for very limited exceptions). If your notice of appeal is late, the court will not take your appeal.
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

1 Your Information**a. Name of Appellant (the party who is filing this appeal):**Name: [REDACTED]

Street address:

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

Phone: _____ E-mail (if available): _____

b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form is (check (1) or (2)):

(1) ☐ was the appellant's lawyer in the trial court. (2) ☒ is the appellant's lawyer for this appeal.Name: Edward J. BlumState Bar number: 185163Street address: 3699 Wilshire Blvd., Ste. 700

Los Angeles

CA

90010

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

Phone: 213-479-5322

E-mail (if available): _____

Fax (if available): 213-403-6373

Clerk stamps date when form is filed.

Superior Court Of California
County Of Los Angeles**AUG 25 2014**

Sherri R. Carter, Executive Officer/Clerk

By Shuk Mei Woo, Deputy

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of

LOS ANGELES

Van Nuys District

14400 Erwin St. Mall

Van Nuys, CA 91401

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:

4 VY 01172

Trial Court Case Name:

People v. Patrick DUNCAN

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

**000031**

Trial Court Case Name: People v. Patrick Duncan

Trial Court Case Number:
4 VY 01172

② Judgment or Order You Are Appealing

I am/My client is appealing (*check one*):

- a. ☐ The final judgment of conviction in this case (Penal Code section 1466(2)(A)).
☐ I am/My client is contesting only the conditions of the probation.
- b. ☐ The following order made after the judgment in this case that affects an important right of mine/my client (for example, an order after a probation violation) (Penal Code section 1466(2)(B)).
☐ An order modifying the conditions of probation.
☐ Other (*describe the action you are appealing and give the date the trial court took the action*):

- c. ☐ The trial court has not yet issued a final judgment in this case. I am appealing before final judgment an order that denied a motion to suppress evidence in this case (Penal Code section 1538.5(j)).
- d. ☒ Other action (*describe the action you are appealing and give the date the trial court took the action*):
Denial of Motion to Suppress only

③ Record on Appeal

See form CR-131-INFO for information about the record on appeal.

- a. ☒ The final judgment of conviction in this case (Penal Code section 1466(2)(A)).
- b. ☐ I have not attached a *Notice Regarding Record on Appeal (Misdemeanor)* (form CR-134). I understand that I must file this notice in the trial court within either: (1) 20 days after I file this notice of appeal; or, if it is later, (2) 10 days after the court appoints a lawyer for me (if I file a request for a court-appointed lawyer within 20 days after I file my notice of appeal). I also understand that if I do not file the notice on time, the court will not be able to consider what was said in the trial court in deciding whether an error was made in the trial court proceedings.

④ Court-Appointed Lawyer

- a. I/My client ☐ was ☒ was not represented by the public defender or another court-appointed lawyer in the trial court.
- b. I am/My client is (*check (1) or (2)*):
- (1) ☐ asking the court to appoint a lawyer to represent me/my client in this appeal. I have completed *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) and attached it to this notice of appeal.
- (2) ☒ not asking the court to appoint a lawyer to represent me/my client in this appeal.

REMINDER—Except in the very limited circumstances listed in rule 8.835(b), you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.

Date: August 21, 2014

Edward J. Blum

Type or print your name


Signature of appellant or attorney

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE: Central Criminal Appeals Unit Clara Shortridge Foltz Criminal Justice Center 210 W. Temple Street, Room M-3 Los Angeles, CA 90012 (213) 974-5260		FILED Superior Court of California County of Los Angeles NOV 12 2014 Sherri R. Carter, Executive Officer/Clerk By <u>[Signature]</u> Deputy Angelica Clayton
ORIGINAL TRIAL COURT: Van Nuys	NOTICE OF APPEAL FILED: 08/25/14	
PLAINTIFF AND RESPONDENT: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT AND APPELLANT: [REDACTED]		
CLERK'S CERTIFICATION OF RECORD ON APPEAL		TRIAL COURT CASE NO/LEA: 4VY01172 APPELLATE DIVISION CASE NO: BR051834

- ☒ I hereby **certify** that the Clerk's Transcript contains true and correct copies of the original documents on file in this action;
- ☒ I hereby **verify** that all volumes of the Reporter's Transcript have been certified by the official Court Reporter;
- ☐ I hereby **verify** that all volumes of the Official Electronic Recording Transcript have been certified by the official Electronic Recording Monitor;
- ☐ I hereby **verify** that the Statement on Appeal has been certified by the trial court judge;
- ☐ I hereby **verify** that the Agreed Statement includes copies of all items required by California Rules of Court, rule 8.832(a)(1), showing the dates required by rule 8.832(a)(2), and is signed by all parties in the limited civil appeal action;

I hereby **certify** that the record on appeal is complete. The original is transmitted forthwith via County Messenger service to the Appellate Division of the Los Angeles Superior Court, Stanley Mosk Courthouse, 111 North Hill Street, Room 607, Los Angeles, California 90012. Copies of the record on appeal are mailed as indicated below:

SHERRI R. CARTER, Executive Officer/Clerk

Dated: 11/12/14

BY: [Signature]
A. CLAYTON, Deputy Clerk

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date, I served the Record on Appeal and the CLERK'S CERTIFICATION OF RECORD ON APPEAL upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

LOS ANGELES CITY ATTORNEY
500 CITY HALL EAST
200 NORTH MAIN STREET
LOS ANGELES, CA 90012-4131
CRIMINAL APPELLATE DIVISION

EDWARD J. BLUM, ESQ.
3699 WILSHIRE BLVD.
SUITE 700
LOS ANGELES, CA 90010



Dated: 11/12/14

SHERRI R. CARTER, Executive Officer/Clerk

BY: [Signature]
A. CLAYTON, Deputy Clerk

000033