

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TONY RACKAUCKAS, DISTRICT ATTORNEY  
COUNTY OF ORANGE, STATE OF CALIFORNIA  
BY: Alexander Harrison  
Deputy District Attorney  
State Bar Number 285537  
1275 N. Berkeley Ave.,  
Fullerton, California 92832  
Telephone: (714) 773-4480

Attorneys for Plaintiff

**RECEIVED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

~~JUN 17 2015~~

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
NORTH JUSTICE CENTER

JUN 17 2015

ALAN CARLSON, Clerk of the Court

**M. Dantic**

BY: \_\_\_\_\_, DEPUTY

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE, NORTH JUSTICE CENTER**

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 ) Plaintiff, )  
 )  
 ) vs. )  
 )  
 ) ROBERT ALVA ROSE )  
 )  
 ) Defendant. )

Case No: 14NM02811

**PEOPLE'S NOTICE OF MOTION  
AND MOTION TO AMEND  
COMPLAINT TO CHANGE  
LANGUAGE IN COUNT 1**

**Date: April 27, 2015  
Time: 8:30 a.m.  
Dept.: N7**

**TO THE ABOVE-ENTITLED COURT, THE DEFENDANT AND HIS ATTORNEY:**

PLEASE TAKE NOTICE that on June 29, 2015, or as soon thereafter as may be heard,  
the People of the State of California hereby move pursuant to Penal Code section 1009 for an  
order allowing amendment of the Complaint against Defendant. This motion is based on the  
attached Motion and any information presented at the hearing.

1 SUPERIOR COURT OF CALIFORNIA  
2 COUNTY OF ORANGE, NORTH JUSTICE CENTER

ELECTRONICALLY FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

03/05/2014  
12:16 PM

ALAN CARLSON, Clerk of the Court  
14NM02811

6 THE PEOPLE OF THE STATE OF CALIFORNIA, ) COMPLAINT

7 )  
8 Plaintiff, )

9 )  
10 vs. )

No.

) CSF 13-1410

11 ROBERT ALVA ROSE 04/25/39 )

12 N0524033 )

13 AKA ROBERT A ROSE )

14 ROBERT ALVA MD ROSE )

15 ROBERT ALVA MD ROSE )

)  
Defendant(s))

16 The Orange County District Attorney charges that in Orange  
17 County, California, the law was violated as follows:

18 COUNT 1: On or about November 15, 2013, in violation of Section  
19 647(a) of the Penal Code (SOLICITING ANOTHER TO ENGAGE IN LEWD  
20 CONDUCT), a MISDEMEANOR, ROBERT ALVA ROSE did unlawfully solicit  
21 OFFICER HOLLYFIELD to engage in lewd and dissolute conduct in a  
22 public place and in a place open to the public and exposed to  
23 public view.

24 COUNT 2: On or about November 15, 2013, in violation of Section  
25 148(a)(1) of the Penal Code (RESIST AND OBSTRUCT OFFICER),  
26 MISDEMEANOR, ROBERT ALVA ROSE did willfully and unlawfully  
27 resist, delay, and obstruct OFFICER HOLLYFIELD, who was a peace  
28 officer discharging and attempting to discharge the duty of his/  
her office and employment.

COMPLAINT SUPERSEDES CITATION NUMBER(S) CFU46004.

1  
2 I declare under penalty of perjury, on information and belief,  
3 that the foregoing is true and correct.

4 Dated 03-05-2014 at Orange County, California.  
5 HC/MRO 14N02028

6 TONY RACKAUCKAS, DISTRICT ATTORNEY

7  
8 by: /s/ HOON CHANG  
9 HOON CHANG, Deputy District Attorney

10 RESTITUTION CLAIMED

11 [ X ] None  
12 [ ] \$ \_\_\_\_\_  
13 [ ] To be determined

14 PROP36/PC1000 ELIGIBILITY:

15 ROBERT ALVA ROSE - Prop36 INELIGIBLE/PC1000 INELIGIBLE

16 NOTICES:

17 The People request that defendant and counsel disclose, within  
18 15 days, all of the materials and information described in Penal  
19 Code section 1054.3, and continue to provide any later-acquired  
20 materials and information subject to disclosure, and without  
21 further request or order.  
22  
23  
24  
25  
26  
27  
28

1 **MOTION TO AMEND THE COMPLAINT**

2 The People respectfully move for this Court to allow amendment of the Misdemeanor  
3 Complaint against Defendant to change the language of Count 1, a violation of section 647(a) of  
4 the Penal Code, lewd conduct in public. The people move to change the language from  
5 "soliciting another to engage in lewd conduct" to "engaging in lewd conduct". A copy of the  
6 proposed complaint is attached hereto as Exhibit 1.  
7

8 **BRIEF STATEMENT OF PROCEDURAL BACKGROUND**

9 The current complaint was filed on March 5, 2014 and alleges in Count 1, a violation of  
10 647(a) of the Penal Code, Soliciting Another to Engage in Lewd Conduct.

11 647(a) PC can be prosecuted under two theories: either that the Defendant engaged in  
12 lewd conduct or the Defendant solicited another to engage in lewd conduct. The language in the  
13 original complaint alleges that the Defendant solicited another to engage in lewd conduct. This  
14 was a clerical error and the language of the complaint was intended to be engaged in lewd  
15 conduct. All of the statements in the police reports show that the Defendant engaged in lewd  
16 conduct. There are not allegations by any of the complaining witnesses that the Defendant  
17 solicited another. The allegations by the complaining witnesses are that the Defendant engaged  
18 in lewd conduct. The complaint was intended to allege that the Defendant engaged in lewd  
19 conduct.  
20

21 **LEGAL AUTHORITY**

22 **I. PERMITTING AMENDMENT OF THE COMPLAINT WOULD SERVE**  
23 **THE INTERESTS OF JUSTICE**

24 California Penal Code section 1009 provides that the trial court has discretion to permit  
25 an amendment of the complaint at any time. Section 1009 states, in part:

26 The court in which an action is pending may order or permit an amendment of an  
27 indictment, accusation or information, or the filing of an amended complaint, for any  
28 defect or insufficiency, at any stage of the proceedings. ... A complaint cannot be  
amended to charge an offense not attempted to be charged by the original complaint.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

except that separate counts may be added which might properly have been joined in the original complaint.

Cal. Penal Code section 1009.

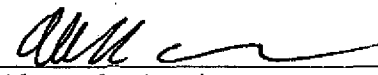
Amendments are allowed at any time, including *after* a trial has concluded. *See e.g., People v. Baca* (1961) 197 Cal.App.2d 362, 371 (finding no prejudice to the defendant when the trial court allowed amendment of the complaint to add additional drug names to a count *after* all the evidence was presented at trial and both sides had rested).

Here, it would serve the interests of justice to grant the People's amendment. From the discovery provided to the Defendant, it has been clear that intent of the prosecution was to allege that the Defendant engaged in lewd conduct. On April 27, 2015 the prosecution informed the attorney who specially appeared for the Defendant at the trial date, Lisa Foutch, about the clerical error and that the complaint would be amended. The prosecution also has already told the attorney of record for the Defendant, Kay Rackauckas, that the complaint would be amended because of the clerical error.

**II. CONCLUSION**

For at least the foregoing reasons, the People respectfully request that the amended complaint be filed against the Defendant.

Respectfully submitted,  
TONY RACKAUCKAS, DISTRICT ATTORNEY  
COUNTY OF ORANGE, STATE OF CALIFORNIA

BY:   
Alexander Harrison  
Deputy District Attorney



Addressee	Start Time	Time	Prints	Result	Note
919494760900	06-17 09:29	00:02:36	004/004	OK	

Note TMR:Timer TX, PPL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, PPS:Page Separation TX, MRO:Mixed Original TX, CALL:Manual TX, CBR:CR, FFD:Forward, PFC:Fax, BND:Double-Sided Binding Direction, SO:Special Original, FCODE:Code, RTX:RTX, RLV:Relay, MB:Confidential, BUL:Bulletin, SIP:SIP Fax, IPAD:IP Address Fax, I-FA:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL:RX from TEL, NS: Other Error, Conti: Continue, No Ans: No Answer, Refuse: Receipts Refused, Busy: Busy, M-Full:Memory Full, LDR:Receiving length Over, RDR:Receiving page Over, FIL:File Error, DC:DCcode Error, MDN:MDN Response Error, BDN:BDN Response Error, PRINT:Compulsory Memory Document Print, DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document send.



TONY RACKAUCKAS  
DISTRICT ATTORNEY

# FAX TRANSMISSION

## Orange County District Attorney

To: KAY RACKAUCKAS From: ALEXANDER HARRISON

Fax: 949-476-0900 Pages: 4 INCLUDING COVER SHEET

Phone: 949-476-8700 Date: 6/17/2015 (Re-faxed with DA signature)

PEOPLE'S NOTICE OF MOTION AND  
MOTION TO AMEND COMPLAINT TO

Re: CHANGE LANGUAGE IN COUNT 1 CCI

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**PROOF OF SERVICE BY FAX**

STATE OF CALIFORNIA    }  
COUNTY OF ORANGE    } vs. ROBERT ALVA ROSE

I, Felecia Weaver, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 1275 N. Berkeley Ave., #376, Fullerton, CA 92832.

On 6/17/2015, I faxed the within People's Notice of Motion and Motion to Amend Complaint to Change Language in Count 1 on party served, at: Keller Rackauckas LLP, 18300 Von Karman Ave., Ste. 930, Irvine, CA 92612.

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on 6/17/2015, at: 1275 N. Berkeley Ave., #376, Fullerton, CA 92832.

**IF THERE ARE ANY QUESTIONS OR PROBLEMS, AND YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL, 714-773-4460.**



# FAX TRANSMISSION

## Orange County District Attorney

TONY RACKAUCKAS  
DISTRICT ATTORNEY

**To:** KAY RACKAUCKAS

**From:** ALEXANDER HARRISON

**Fax:** 949-476-0900

**Pages:** 4 INCLUDING COVER SHEET

**Phone:** 949-476-8700

**Date:** 6/17/2015

PEOPLE'S NOTICE OF MOTION AND

MOTION TO AMEND COMPLAINT TO

**Re:** CHANGE LANGUAGE IN COUNT 1

**CC:**

**Urgent**

**For Review**

**Please Comment**

**Please Reply**

**Please Recycle**

### PROOF OF SERVICE BY FAX

STATE OF CALIFORNIA )

) vs. ROBERT ALVA ROSE

COUNTY OF ORANGE )

I, Felecia Weaver, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 1275 N. Berkeley Ave., #375, Fullerton, CA 92832.

On 6/17/2015, I faxed the within People's Notice of Motion and Motion to Amend Complaint to Change Language in Count 1 on party served, at: Keller Rackauckas LLP, 18300 Von Karman Ave., Ste. 930, Irvine, CA 92612.

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on 6/17/2015, at: 1275 N. Berkeley Ave., #375, Fullerton, CA 92832.

**IF THERE ARE ANY QUESTIONS OR PROBLEMS, AND YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL, 714-773-4480.**



Addressee	Start Time	Time	Prints	Result	Note
919494760900	06-17 09:11	00:02:09	004/004	OK	

Note TXB:Timer TX, POL:Polling, DMS:Original Size Setting, FME:Frame Erase TX, DGS:Page Separation TX, HX:Mixed Original TX, CAL:Manual TX, CSC:CSRC, FPD:Forward, PRFC-FAX, BND:Double-Sided Binding Direction, SPS:Special Original, ECODE:IF-code, RTX:RTX, RLV:Relay, MEX:Confidential, BOL:Bulletin, SIP:SIP Fax, IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: TX from TEL, NS: Other Error, CONT: Continue, No Ans: No answer, REFUS: Receipt Refused, BUSY: Busy, M-Full: Memory Full, LOVR: Receiving length over, POUVR: Receiving page over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DEN: MDN Response Error, PRINT: Compulsory Memory Document Print, DEL: Compulsory Memory Document Delete, SEND: Compulsory Memory Document Send.



TORY RADKAUCKAS  
DISTRICT ATTORNEY

# FAX TRANSMISSION

Orange County District Attorney

To:	KAY RADKAUCKAS	From:	ALEXANDER HARRISON
Fax:	949-478-0900	Pages:	4 INCLUDING COVER SHEET
Phone:	949-478-8700	Date:	6/17/2015
PEOPLE'S NOTICE OF MOTION AND MOTION TO AMEND COMPLAINT TO			
Re:	CHANGE LANGUAGE IN COUNT 1	CC:	
<input checked="" type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

**PROOF OF SERVICE BY FAX**

STATE OF CALIFORNIA    )  
                                  )    vs. ROBERT ALVA ROSE  
COUNTY OF ORANGE    )

I, Felecia Weaver, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is: 1276 N. Berkeley Ave., #376, Fullerton, CA 92832.

On 6/17/2015, I faxed the within People's Notice of Motion and Motion to Amend Complaint to Change Language in Count 1 on party served, at Keller Radkauckas LLP, 18300 Von Karman Ave., Ste. 930, Irvine, CA 92612.

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on 6/17/2015, at 1276 N. Berkeley Ave., #376, Fullerton, CA 92832.

**IF THERE ARE ANY QUESTIONS OR PROBLEMS, AND YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL, 714-773-4460.**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
GENERAL MISDEMEANOR GUILTY PLEA FORM**

Court Use Only

**FILED**  
ORANGE COUNTY SUPERIOR COURT

SEP 15 2015

ALAN CARLSON, EXECUTIVE OFFICER/CLERK  
BY: C. Garcia DEPUTY

CASE NO. 14NM02811 PEOPLE vs. ROBERT ROSE

1. My true full name is ROBERT ALVA ROSE

2. I understand that I am pleading  **GUILTY**  **NOLO CONTENDERE** and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES
1	647(a) PC			6 months \$2,000
2	148(a)(1) PC		<del>PC</del>	1 yr 42000

3. I understand I am also charged with a violation of probation in Case No. \_\_\_\_\_  3. M

**RIGHTS AND WAIVERS**

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation:  4. M

4a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.)  4a. M

4b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right.  4b. M

4c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right.  4c. M

4d. I have the right to testify on my own behalf but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right.  4d. M

4e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right.  4e. M

4f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion.  4f. M

5. I understand I have the right to appeal an adverse ruling on a Penal Code section 1538.5 suppression motion. I waive and give up this right.  5. M 1

6. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time.  6. M

7. **Arbuckle waiver:** I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right.  7. X

8. I understand I have the right to be present for the entry of the plea of guilty or nolo contendere, and I hereby waive and give up that right.  8. X

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
GENERAL MISDEMEANOR GUILTY PLEA FORM

CASE NO.

14NM02811

PEOPLE vs.

ROBERT ROSE

9. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions  as imposed by the court, or  as contained in the attached Sentence Recommendation form.

9. M

9a. If the judge does not wish to follow the Prosecutor's sentence recommendation, I may withdraw my plea.

9a. X

9b. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in 2 above.

9b. M

CONSEQUENCES:

10. I understand that some possible consequences of my plea and admissions are as follows:

10a. There will be state penalty assessments added to any fines imposed by the court.

10a. M

10b. I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine.

10b. M

10c. I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 probation revocation restitution fine pursuant to Penal Code section 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation.

10c. M

10d. If I am not a citizen of the United States the conviction for the offense(s) charged may or, with certain offenses, will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

10d. M

10e. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense.

10e. M

10f. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment.

10f. M

10g. There may be additional consequences to my plea, as follows:

10g. X

I may be required to register as a sex offender as required by Penal Code section 290.

I may be required to register as a drug offender as required by Health and Safety section 11590.

10h. The Department of Motor Vehicles may take action and may suspend my driver's license for specified drug, alcohol offenses and vandalism, including the following:

EVERYONE convicted of Penal Code section(s) 594, 594.3, or 594.4 (Vandalism): 1 year suspension.

UNDER 21 years of age – Suspended for 1 year for violation of Penal Code section(s) 647f, 192.5; Health and Safety Code sections involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code section(s) 25658, 25658.5, 25661, 25662; Vehicle Code section(s) 23222, 23224.

10h. X

11. I understand I have the right to enter my plea before, and be sentenced by, a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge:

11. X

(enter name of Commissioner or Temporary Judge).

PLEA

12. I offer my plea and admit the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form.

13. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded  GUILTY /  ~~NOLO CONTENDERE~~ to the charges set forth.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
GENERAL MISDEMEANOR GUILTY PLEA FORM

CASE NO. 14NM02811 PEOPLE vs. ROBERT ROSE

14. Discussion with my attorney (Leave this box blank if you are not represented by an attorney). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case.

14.

15. I offer the following as a factual basis for my plea: on or about 11/15/13 in Orange County, I committed a blood act in public. I also willfully delayed a police officer.

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

DATED: 9-15-15

SIGNED: [Signature]  
(Defendant)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: 9-15-15

SIGNED: [Signature]  
(Attorney of Record)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the \_\_\_\_\_ language. The defendant stated that (s)he understood the contents of this form and then (s)he initialed and signed the form.

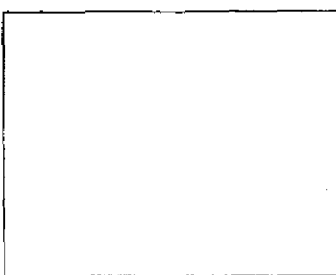
DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Court Interpreter)

FOR THE PEOPLE:

DATED: \_\_\_\_\_

SIGNED: Plea to Court



Right Thumb Print

\_\_\_\_\_  
(Bailliff's Signature and Badge #)

SUPERIOR COURT CALIFORNIA, COUNTY OF ORANGE  
MISDEMEANOR SENTENCE RECOMMENDATION

Court Use Only

CASE NUMBER 14NM02811 PEOPLE VS ROBERT ROSE

- Count(s) \_\_\_\_\_ dismissed on motion of People.
- Count(s) \_\_\_\_\_ sentence suspended.
- Count(s) \_\_\_\_\_ stayed pursuant to PC 654.

**TERMS**

- Imposition  Execution of sentence is suspended. 3 years
- Formal  Informal PROBATION as to Count(s) 1, 2
- Violate no laws  Obey all orders and rules of Court, Probation Department & Jail.
- Submit to search and seizure.
- Consume no alcoholic beverages and do not be present in any establishment where alcohol is primary item of sale.
- Do not drive with a measurable amount of alcohol in blood system.
- Submit to a chemical test of blood on demand of any peace officer or probation officer.
- Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.
- Cooperate with Probation Department in any plan for counseling or treatment.
- Seek training, schooling, employment and maintain residence as approved by the Probation Department.
- Do not associate with anyone disapproved of by your probation officer.
- Do not knowingly own, use or possess any type of dangerous or deadly weapon  Term of 10 years.
  - Court orders weapon destroyed.
  - Do not drive without a valid driver's license in your possession.
  - Do not drive without valid insurance.
- Use TRUE NAME and Date of Birth at all times.
- Carry valid government issued identification card at all times.
- Provide the Court with your current address, telephone number, employer's name, address and telephone number. Immediately notify the Court of any changes.
- Disclose probation terms upon request of Probation or Law Enforcement Officer.

(optional)

**THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:**

- Pay \$ 5150 State Restitution Fine (minimum of \$100.00) on count(s) 1, 2. (PC 1202.4(b)(1))
  - Pay \$ 150 Probation Revocation Restitution Fine (minimum of \$100.00). Restitution fine stayed. Effective upon revocation of probation. (PC 1202.44)
  - Pay the following fees:
    - Criminal Conviction Assessment Fee(s) \$30/misdemeanor; \$35/infraction (per convicted count). (GC 70373(a)(1))
    - \$40.00 Court Operations Fee (per convicted count) (PC 1465.8)
    - Additional fees as required by law
  - \$10 Local Crime Prevention Fund (PC 1202.5)
  - Pay Booking Fees as ordered by the Court.
  - Pay costs of formal probation as directed by Probation Officer.
  - Fines/Fees to be paid forthwith.
  - Fines/Fees to be paid through Court Collections  forthwith  by \_\_\_\_\_.
  - Fines/Fees to be paid through Probation.
- Additional program fees may be applicable and paid through the program.

**JAIL**

- Serve \_\_\_\_\_ days Orange County Jail on Count \_\_\_\_\_.
- Serve \_\_\_\_\_ days Orange County Jail on Count \_\_\_\_\_.
- Jail to be served through the City of \_\_\_\_\_.
- Credit for \_\_\_\_\_ actual + \_\_\_\_\_ = total \_\_\_\_\_.
- Work release denied  Electronic Confinement denied
- County Work Program denied
- JAIL STAYED to \_\_\_\_\_ at \_\_\_\_\_ am/pm. Report to  Theo Lacy  Orange County Jail-Intake Release Center.
- May be released to an authorized representative of the \_\_\_\_\_ program to serve remainder of jail sentence.
- Serve \_\_\_\_\_ weekends at \_\_\_\_\_ Jail (no good time or work time to be applied to original sentence).
- Sentence(s) to run consecutive / concurrent to each other / any other sentence / Case No: \_\_\_\_\_.
- Jail stayed to \_\_\_\_\_ pending successful completion of
  - DUI Court (except any statutory minimum term which may be served on SEC during the term of DUI Court as imposed by the Court.)
  - Probation  Community Service  Cal Trans
  - Cal Trans/Physical Labor by \_\_\_\_\_.
- Receive day for day credit. If program not completed, full jail sentence to be imposed with no credit for time served.
- To be served in State Prison concurrently.
- Book and release and show proof by \_\_\_\_\_.

**FINES AND FEES**

- Pay a fine of \$ \_\_\_\_\_ + Penalty Assessment on count \_\_\_\_\_.
- Pay a fine of \$ \_\_\_\_\_ + Penalty Assessment on count \_\_\_\_\_.
- Commit on fine(s) on count(s) \_\_\_\_\_ for \_\_\_\_\_ days.
- Pay \$ \_\_\_\_\_ Court Costs on count(s) \_\_\_\_\_.
- Pay \$50 Alcohol Abuse Education Fee. (VC 23645)
- Pay \$50 Alcohol Testing Penalty (PC 1463.14)
- Pay \$100 Alcohol Assessment Fee. (VC 23649)
- Pay \$50 Lab fee + Penalty Assessment (PC 1463.14/HS 11372.5)
- Pay \$150 Drug Program Fee + Penalty Assessment (HS 11372.7)
- Pay \$ \_\_\_\_\_ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (PC 1203.097)
- Pay \$ \_\_\_\_\_ Domestic Violence Prevention Fund. (PC 1203.097(a)(5))

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ANGE  
MISDEMEANOR SENTENCE RECOMMENDATION

CASE NUMBER 14NM02811

PEOPLE VS Rose

**COMMUNITY SERVICE / OTHER PROGRAMS**

- Complete \_\_\_\_\_  hours  days of  Comm. Service
  - Cal Trans  Cal Trans/Physical Labor
  - In lieu of fines  in lieu of jail
- Complete Graffiti Removal as to count(s) \_\_\_\_\_
- Proof of completion due to the Clerk's Office by \_\_\_\_\_

**ALCOHOL & DRUG/PROGRAMS/DRIVERS LICENSE**

Complete 1<sup>st</sup> Offender Program:

- 3 month program  6 month  9 month
- Complete Multiple Offender - 18 month
- 12 hour program
- Attend Victim Impact Counseling. Proof of completion due to the Clerk's Office by \_\_\_\_\_
- Attend and complete \_\_\_\_\_  self help and/or Alcoholics Anonymous meetings  self help and/or Narcotics Anonymous meetings  per day  per week  per month. Proof due by \_\_\_\_\_
- Court designates defendant a Habitual Offender. (VC 13350(b))
- Driving privilege suspended for 1 year pursuant to:
  - VC 13202 (Vehicle conviction related to controlled substances)
  - VC 13202.5 (Alcohol / Drugs under the age of 21)
  - VC 13202.6 (Vandalism)
- Driving privilege suspended for \_\_\_\_\_ year(s) pursuant to VC 13352(a)(3) (2<sup>nd</sup> DUI conviction w/in 10 years)
- Driving privilege revoked for \_\_\_\_\_ years pursuant to VC 13352(a)(5)
- Complete Youthful Alcohol & Drug Deterrence Program and show proof to the Clerk's Office by \_\_\_\_\_
- Enroll and complete PC 1210 program. Proof of enrollment due by \_\_\_\_\_. Refer to PC 1210 Addendum
- Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
  - HS 11590 (narcotics offense)
  - PC 186.30 (gang related offense)
  - PC 457.1 (arson offense) - Lifetime registration
  - PC 290 (sex offense) - Lifetime registration
- Submit to AIDS testing. Proof due to Department \_\_\_\_\_ by \_\_\_\_\_
- Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by \_\_\_\_\_

**DOMESTIC VIOLENCE**

- Complete Batterers' Treatment Program. (52 weeks active participation required)
  - Alcohol/Drug Component
  - Total abstinence from alcohol and drugs
  - Test alcohol and drugs (blood or urine only)
  - Parenting component
- One year Child Abuser's Program.
- Health Care Agency Perinatal Program.

**DOMESTIC VIOLENCE, continued**

- Other program(s) \_\_\_\_\_  weeks
  - months  years active participation required.
- Proof of enrollment due to the Court by \_\_\_\_\_
- Comply with Court protective order.
- Defendant owns/possesses firearm(s). Relinquishment hearing set on \_\_\_\_\_
- Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.

**RESTITUTION**

- Make Restitution in the amount of \$ \_\_\_\_\_ or as determined through  Victim Witness  Probation, with interest at the rate of 10%  from the date of sentencing  from the date of loss.
- Pay \$ \_\_\_\_\_ to Victim Witness Emergency Fund by \_\_\_\_\_. (PC 1203.1(j))
- Pay cost of counseling to the victim and/or children in the amount of \$ \_\_\_\_\_
- Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
- Complete and return Statement of Assets form by \_\_\_\_\_

**ADDITIONAL TERMS & CONDITIONS**

- Have no contact with \_\_\_\_\_
- Stay \_\_\_\_\_  miles  yards away from \_\_\_\_\_
- Obey all rules of Court ordered program. Do not leave the program without Court approval.
- Probation to  terminate  be modified to Informal status upon \_\_\_\_\_

**ADDENDUMS**

- PC 1210 with Disclosure  Gang  Graffiti  DUI Court
- Sex offender terms addendum
- \_\_\_\_\_

**DEFERRED ENTRY OF JUDGMENT (PC1000)**

- All checked terms and conditions will be imposed, if terminated from the PC1000 Program.

- REPORT  forthwith  by stay date to:
- Collections  Clerk's Office  Probation
  - OneOC  Alcohol Liaison  \_\_\_\_\_
  - District Attorney  Victim Witness

**OTHER** Comply with sex offender conditions on addendum

**NOTICE TO DEFENDANT:** After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code Section 1203.4. This notice does not apply to any protective orders.

Date: 9-11-15

Defendant's Signature: [Signature] D.A. / C.A. Signature: [Signature]

Defense Counsel Signature: [Signature]

*People object to court offer not requiring 290 registration based on prior conduct*

*Plea to Court*