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2 SUPERIOR COURT OF CALIFORNIA
3 COUNTY OF KERN - METROPOLITAN DIVISION

FILED
SUPERIOR COURT, METROPOLITAN DIVISION
COUNTY OF KERN

MAR 15 2013

TERRY MANNALLY, CLERK
BY [Signature] DEPUTY

4 THE PEOPLE OF THE STATE OF CALIFORNIA,) No.: BF 141700 A, B, C, D,
5 Plaintiff,) E, F & G
6 vs.) AMENDED
7) INDICTMENT
8) DA No. 809249
9 JOHN BRENT ARAKELIAN,)
10 MARIA CECILIA RIOS CABANGANGAN,)
11 CHARLES ORLANDO LEWIS,)
12 CATHY AGUILAR PIERCE)
13 DOLPHUS DWAYNE PIERCE, II,)
14 TOMAS BALLESTEROS RIOS,)
15 and)
16 CHI HONG YANG; Defendants.

17 JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN,
18 CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE
19 PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG and/ or other
20 unnamed or unknown co-conspirators are accused by the Grand Jury of said County of
21 Kern, State of California by this indictment of the following crimes:

22 **COUNT ONE**

23 On or about and between November 5, 2003 and April 30, 2012, targets JOHN
24 BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES
25 ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II,
26 TOMAS BALLESTEROS RIOS and CHI HONG YANG and other unknown/or
unnamed co-conspirators did willfully and unlawfully conspire together or with another
person or persons whose identity is unknown to commit the crimes of Insurance Fraud
pursuant to Penal Code Section 550(A)(1) that is knowingly presenting a false or

1 fraudulent claim; Insurance Fraud pursuant to Penal Code Section 550(A)(2), that is
2 knowingly presenting multiple claims for the same loss or injury with intent to defraud;
3 Insurance Fraud pursuant to Penal Code Section 550(A)(5), that is knowingly preparing a
4 writing with the intent to present in support of a false or fraudulent claim; Insurance
5 Fraud pursuant to Penal Code Section 550(A)(7), that is knowingly present a claim for
6 health care benefit not used by, or on behalf of the claimant; Insurance Fraud pursuant to
7 Penal Code Section 550(A)(8), that is knowingly presenting multiple claims for payment
8 of the same health care benefit with intent to defraud; Insurance Fraud pursuant to
9 Insurance Code Section 1871.4(A)(2), that is knowingly presenting or causing to be
10 presented any false or fraudulent material statement in support of a claim for Workers'
11 Compensation Benefits; and/or did willfully and unlawfully conspire together or with
12 another person or persons whose identity is unknown to cheat and defraud Berkshire
13 Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation
14 Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith of money, by
15 any means which are in themselves criminal, in violation of Penal Code Sections
16 182(a)(1), a felony.

17 It is further alleged that pursuant to and for the purposes of the aforesaid
18 conspiracy, the said conspirators committed the following overt acts:

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20 **OVERT ACT NO. 1**

21 On or about and between November 1, 2003 and April 15, 2008, John Arakelian,
22 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
23 Chi Yang paid compensation in the form of direct payment and discounted services to
24 chiropractors for patient referrals. These payments were called "rent," but were
25 ultimately tied to time permitted direct access to the patients and the income earned by
26 the targets for dispensing medications.

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OVERT ACT NO. 2

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On or about and between November 1, 2003 and April 15, 2008, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce and/or Tomas Rios directed persons unknown or unnamed to prepare reports in support of billing for services allegedly provided at chiropractic clinics by their employees and/or contracted personnel that contained material misrepresentations in support of bills they directed to be sent to insurance companies. These misrepresentations included electronically scanned signatures of the employees and/or contract physicians affixed to declarations under penalty of perjury when the employee and/or contract personnel had not reviewed or authorized the report.

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OVERT ACT NO. 3

On or about and between November 1, 2003 and April 15, 2008, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce and/or Tomas Rios directed persons unknown or unnamed to prepare reports in support of billing for services allegedly provided at chiropractic clinics by their employees and/or contracted physicians that contained material misrepresentations in support of bills they directed to be sent to insurance companies. These misrepresentations included alleged statements regarding services that were never rendered by the employees and/or contract personnel.

OVERT ACT NO. 4

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that were rendered pursuant to a referral payment and/or rebate be presented to Berkshire Hathaway Homestate

1 Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm
2 Insurance, Traveler's Insurance and/or Zenith.

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4 **OVERT ACT NO. 5**

5 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
6 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
7 Chi Yang directed that bills demanding payment for services that were not rendered be
8 presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State
9 Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith.

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11 **OVERT ACT NO. 6**

12 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
13 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
14 Chi Yang directed that bills demanding payment for services that were medically
15 unnecessary be presented to Berkshire Hathaway Homestate Companies, Liberty Mutual
16 Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's
17 Insurance and/or Zenith.

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19 **OVERT ACT NO. 7**

20 On or about and between November 1, 2003 and April 30, 2012, John Arakelian,
21 Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or
22 Chi Yang directed that bills demanding payment for services that were previously
23 presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State
24 Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith
25 be represented without indicating credit for previous payment on the claim.

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OVERT ACT NO. 8

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that misrepresented who provided the alleged services be presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith

OVERT ACT NO. 9

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith that contained alterations to the named treating physician.

OVERT ACT NO. 10

On or about and between November 1, 2003 and April 30, 2012, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce Tomas Rios and/or Chi Yang directed that bills demanding payment for services that were previously presented to Berkshire Hathaway Homestate Companies, Liberty Mutual Insurance, State Compensation Insurance Fund, State Farm Insurance, Traveler's Insurance and/or Zenith that contained alterations to the date the bill was allegedly signed by the treating physician.

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OVERT ACT NO. 11

On or about November 5, 2003, Dolphus Pierce, or other persons unknown or unnamed executed the Articles of Incorporation for P & R Med-Legal Medical Corporation.

OVERT ACT NO. 12

On or about November 5, 2003, Dolphus Pierce executed and signed the Articles of Incorporation of Pierce & Rios Medical Corporation.

OVERT ACT NO. 13

On or about and between November 1, 2003 and June 17, 2005, Tomas Rios and/or Dolphus Pierce employed Monica Murphy to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 14

On or about November 5, 2003, Dolphus Pierce executed and signed the Articles of Incorporation of Rios & Pierce Medical Corporation.

OVERT ACT NO. 15

On or about November 10, 2003, Tomas Rios signed check number 6851 on the EMSI account at San Joaquin Bank payable to James Property for the rental of 2005 Eye Street, suite 7, Bakersfield, CA for the benefit of Premier Interpreting and Support Services as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

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OVERT ACT NO. 16

On or about November 14, 2003, Maria Cecilia Rios Cabangangan signed the Articles of Incorporation for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 17

On or about November 19, 2003, Dolphus Pierce, or other persons unknown or unnamed caused to be filed with California Secretary of State the Articles of Incorporation of Pierce & Rios Medical Corporation.

OVERT ACT NO. 18

On or about November 19, 2003, Dolphus Pierce, or other persons unknown or unnamed caused to be filed with California Secretary of State the Articles of Incorporation of Rios & Pierce Medical Corporation.

OVERT ACT NO. 19

On or about November 20, 2003, Tomas Rios signed San Joaquin Bank check number 6908 on behalf of EMSI Physicians Group for rent and security deposit 2005 Eye St. suite 7, Bakersfield, CA for the benefit of Premier Interpreting and by Premier Interpreting as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

OVERT ACT NO. 20

On or about December 4, 2003, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed caused the Articles of Incorporation for Premier Interpreting and Support Services, Inc. to be filed with the California Secretary of State.

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OVERT ACT NO. 21

On or about December 23, 2003, Maria Rios Cecilia Cabangangan rented post box number 297 located at 8200 Stockdale Highway, suite M-10 for the use of "P&R Medical Management Corp."

OVERT ACT NO. 22

On or about December 31, 2003, Dolphus Pierce signed the California Secretary of State Articles of Incorporation of P & R Med-Legal Corporation.

OVERT ACT NO. 23

On or about and between January 1, 2003 and December 31, 2003, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Traveler's Insurance Group for billed services in the amount of \$1,025.52.

OVERT ACT NO. 24

On or about January 9, 2004, Dolphus Pierce, or other person unknown or unnamed caused to be filed with the California Secretary of State the Articles of Incorporation of P & R Med-Legal Medical Corporation.

OVERT ACT NO. 25

On or about February 3, 2004, Dolphus Pierce, or other persons unknown or unnamed opened Union Bank account number 4410689419 in the name of P&R Med Legal Medical Corporation dba P&R Medical Consultation.

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OVERT ACT NO. 26

On or about and between June 1, 2004 and April 7, 2009, Tomas Rios and/or Dolphus Pierce employed Kevin Noonan to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 27

On or about and between July 10, 2004 and February 28, 2009, Dolphus Pierce or Cathy Pierce, or other persons unknown or unnamed rented post office box number 398, Lemoore, CA in the name Strathmore Medical Group.

OVERT ACT NO. 28

On or about August 1, 2004, Tomas Rios and/or Dolphus Pierce hired Chi Yang to provide medical consultations at chiropractic offices on behalf of P&R Medical and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 29

On or about, and between October 1 and October 31, 2004, Tomas Rios signed an application for fictitious name permit from the California Medical Board for P & R Med-Legal, Medical Corporation.

OVERT ACT NO. 30

On or about and between November 22, 2004 and June 30, 2007, Tomas Rios and/or Dolphus Pierce employed Arthur Sakamoto to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

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OVERT ACT NO. 31

On or about December 7, 2004, Tomas Rios, or other persons unknown or unnamed caused to be filed a fictitious name permit with the California Medical Board for P & R Med-Legal, Medical Corporation.

OVERT ACT NO. 32

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for billed services in the amount of \$1,554.10.

OVERT ACT NO. 33

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$74,428.87.

OVERT ACT NO. 34

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$412,511.06.

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OVERT ACT NO. 35

On or about and between January 1, 2004 and December 31, 2004, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for billed services in the amount of \$11,523.28.

OVERT ACT NO. 36

On or about and between January 24, 2005 and March 15, 2012, Dolphus Pierce, or Cathy Pierce, or other persons unknown or unnamed rented post office box number 189, Lemoore, CA 93245 in the name of Pierce Rios Medical Corporation.

OVERT ACT NO. 37

On or about and between March 5, 2005 and March 15, 2012, Dolphus Pierce rented post office box number 530, Lemoore, CA in the name Rios Pierce Medical Corporation.

OVERT ACT NO. 38

On or about April 14, 2005, Maria Cecilia Rios Cabangangan sign Wells Fargo Bank check number 1153 in the name of Premier Interpreting & Support Services for "April Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 39

On or about and between April 20, 2005 and 12/04/2006, Tomas Rios and/or Dolphus Pierce employed Cynthia Jones to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal and other corporations owned and/or controlled by Tomas Rios and/or Dolphus Pierce.

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OVERT ACT NO. 40

On or about May 2, 2005, Maria Cecilia Rios Cabangangan signed Wells Fargo Bank check number 1170 in the name of Premier Interpreting & Support Services for "May Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 41

On or about June 6, 2005, Maria Cecilia Rios Cabangangan signed Wells Fargo Bank check number 1187 in the name of Premier Interpreting & Support Services for "June Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

OVERT ACT NO. 42

On or about June 15, 2005, Tomas Rios signed the Articles of Incorporation for San Joaquin Accident & Medical Group, Inc.

OVERT ACT NO. 43

On or about June 29, 2005, Tomas Rios, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation for San Joaquin Accident & Medical Group, Inc. with the California Secretary of State.

OVERT ACT NO. 44

On or about July 5, 2005, Maria Cecilia Rios Cabangangan sign Wells Fargo Bank check number 1214 in the name of Premier Interpreting & Support Services for "July Rent" on 2005 Eye St. suite 7, Bakersfield, CA.

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OVERT ACT NO. 45

On or about July 21, 2005, Tomas Rios signed an application to obtain a fictitious name permit from the California Medical Board for San Joaquin Accident & Medical Group.

OVERT ACT NO. 46

On or about September 7, 2005, Cathy Pierce signed a California Secretary of State Statement of Information of Pierce & Rios Medical Corporation.

OVERT ACT NO. 47

On or about September 7, 2005, Cathy Pierce signed a California Secretary of State Statement of Information of Rios & Pierce Medical Corporation.

OVERT ACT NO. 48

On or about October 14, 2005, Cathy Pierce, or other persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information of Rios & Pierce Medical Corporation.

OVERT ACT NO. 49

On or about December 9, 2005, Tomas Rios, or other persons unknown or unnamed obtained a fictitious name permit from the California Medical Board for San Joaquin Accident & Medical Group, Inc.

OVERT ACT NO. 50

On or about and between January 1, 2005 and December 31, 2005, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med

1 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway
2 Homestate Companies for services in the amount of \$10,155.66.

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4 **OVERT ACT NO. 51**

5 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
6 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
7 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual
8 Insurance Group for billed services in the amount of \$174,652.14.

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10 **OVERT ACT NO. 52**

11 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
12 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
13 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation
14 Insurance Fund for billed services in the amount of \$740,676.34.

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16 **OVERT ACT NO. 53**

17 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
18 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical
19 Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers
20 Indemnity Company for services in the amount of \$12,653.20.

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22 **OVERT ACT NO. 54**

23 On or about and between January 1, 2005 and December 31, 2005, Tomas Rios
24 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
25 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance
26 Company for services in the amount of \$12,028.87.

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OVERT ACT NO. 55

On or about February 13, 2006, Tomas Rios signed an application for fictitious name permit from the California Medical Board for Westside Medical Group of Mendota, Inc.

OVERT ACT NO. 56

On or about February, 14, 2006, Cathy Pierce, or other persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information of Pierce & Rios Medical Corporation.

OVERT ACT NO. 57

On or about March 2, 2006, Cecilia Cabangangan signed a lease for rental of 2920 F Street, suite A-3, Bakersfield, CA for use by Premier Interpreting as well as other corporations owned and/or controlled by targets John Arakelian, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios and/or Chi Yang.

OVERT ACT NO. 58

On or about June 16, 2006, Tomas Rios, or other persons unknown or unnamed obtained a fictitious name permit from the California Medical Board for Westside Medical Group of Mendota, Inc.

OVERT ACT NO. 59

On or about September 8, 2006, Dolphus Pierce executed and signed the Articles of Incorporation for Central California Sportsmedicine.

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OVERT ACT NO. 60

On or about September 20, 2006, Dolphus Pierce, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation for Central California Sportsmedicine & Orthopaedics Medical Corporation with the California Secretary of State.

OVERT ACT NO. 61

On or about September 26, 2006, Maria Cecilia Rios Cabangangan signed a California Secretary of State Statement of Information form for Premier Interpreting.

OVERT ACT NO. 62

On or about September 27, 2006, Dolphus Pierce completed an application for Employer Identification Number for Central California Sportsmedicine.

OVERT ACT NO. 63

On or about October 2, 2006, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Premier Interpreting and Support Services, Inc. to be filed with the Secretary of State.

OVERT ACT NO. 64

On or about October 16, 2006, Dolphus Pierce, signed a California Secretary of State Statement of Information Form for Central California Sportsmedicine & Orthopaedics.

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OVERT ACT NO. 65

On or about and between November 22, 2006 and April 7, 2008, Charles Lewis, Tomas Rios and/or Dolphus Pierce employed Ming Hsu to allegedly perform medical services and to dispense medications at chiropractic offices on behalf of P&R Med-Legal, Central California Sportsmedicine & Orthopaedic and/or other corporations owned by Charles Lewis, Tomas Rios and/or Dolphus Pierce.

OVERT ACT NO. 66

On or about November 13, 2006, Dolphus Pierce, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Central California Sportsmedicine & Orthopaedics to be filed with the Secretary of State.

OVERT ACT NO. 67

On or about December 19, 2006, Charles Lewis or other persons, unknown or unnamed, obtained a fictitious name permit from the California Medical Board for Central California Sportsmedicine & Othopaedics Medical Corp.

OVERT ACT NO. 68

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$44,077.46.

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OVERT ACT NO. 69

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$64,038.52.

OVERT ACT NO. 70

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$593,065.85.

OVERT ACT NO. 71

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$4,974.74.

OVERT ACT NO. 72

On or about and between January 1, 2006 and December 31, 2006, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$15,408.39.

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OVERT ACT NO. 73

On or about July 31, 2007, Dolphus Pierce and Tomas Rios signed a California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Pierce & Rios Medical Corporation.

OVERT ACT NO. 74

On or about August 20, 2007, Dolphus Pierce, Tomas Rios or other persons unknown and unnamed caused to be filed with the California Secretary of State a California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Pierce & Rios Medical Corporation.

OVERT ACT NO. 75

On or about October 22, 2007, Dolphus Pierce and Charles Lewis, as the only directors of P & R Med-Legal, Medical Corporation, signed a Waiver of Notice of the Board of Director's Meeting of P&R Med-Legal, Medical Corporation.

OVERT ACT NO. 76

On or about October 22, 2007, Dolphus Pierce and Charles Lewis signed the minutes of the shareholder meeting for Central California Sports Medicine.

OVERT ACT NO. 77

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$40,156.70.

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OVERT ACT NO. 78

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$45,458.18.

OVERT ACT NO. 79

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$444,990.50.

OVERT ACT NO. 80

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$7,508.47.

OVERT ACT NO. 81

On or about and between January 1, 2007 and December 31, 2007, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$12,365.88.

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OVERT ACT NO. 82

On or about January 1, 2008, Chi Yang signed the Articles of Incorporation for California Consultation Medical Corporation.

OVERT ACT NO. 83

On or about January 2, 2008, Dolphus Pierce signed an application for Employer Identification Number for California Consultation Medical Corporation.

OVERT ACT NO. 84

On or about January 9, 2008, Chi Yang, or other persons unknown or unnamed, caused to be filed the Articles of Incorporation of California Consultation Medical Corporation with the California Secretary of State.

OVERT ACT NO. 85

On or about January 14, 2008, Chi Yang signed an application of a fictitious name permit from the California Medical Board for California Consultation Medical Corporation.

OVERT ACT NO. 86

On or about February 29, 2008, Chi Yang or other persons, unknown or unnamed, obtained a fictitious name permit from the California Medical Board for California Consultation Medical Corporation.

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OVERT ACT NO. 87

On or about March 7, 2008, Maria Cecilia Rios Cabangangan signed the 2008 California Secretary of State Statement of Information for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 88

On or about March 11, 2008, John Arakelian, Cecilia Cabangangan, Charles Lewis, Cathy Pierce, Dolphus Pierce, Tomas Rios or Chi Yang directed Veronica Aguayo to draft a letter on behalf of California Consultation Medical Corporation informing "Dr. Chau & Staff" that "[W]e are no longer P&R Medical. We have started a new company and would like for your office to ensure that when you are completing your PR-2 that it reflects our new company name. This is to ensure we will not have any problems in the future with the insurance companies."

OVERT ACT NO. 89

On or about March 14, 2008, Cecilia Cabangangan, or other persons unknown or unnamed, caused a California Secretary of State Statement of Information Form for Premier Interpreting and Support Services, Inc. to be filed with the Secretary of State.

OVERT ACT NO. 90

On or about November 19, 2008, Cathy Pierce, Dolphus Pierce, or other persons unknown or unnamed opened Union Bank account number 4731709079 in the name of P&R Med Legal Medical Corporation, having an address of P.O. Box 189, Lemoore, CA.

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OVERT ACT NO. 91

On or about December 17, 2008, Maria Cecilia Rios Cabangangan signed the California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Premier Interpreting and Support Services, Inc.

OVERT ACT NO. 92

On or about December 18, 2008, Dolphus Pierce signed the California Secretary of State Statement of Information for P & R Med-Legal Corporation.

OVERT ACT NO. 93

On or about December 26, 2008, Maria Cecilia Rios Cabangangan, or other persons unknown or unnamed caused to be filed the California Secretary of State Domestic Stock Corporation Certificate of Dissolution for Premier Interpreting and Support Services, Inc. with the Secretary of State.

OVERT ACT NO. 94

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$618.97.

OVERT ACT NO. 95

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$30,606.79.

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OVERT ACT NO. 96

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$138,155.87.

OVERT ACT NO. 97

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medical Consultation Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$7,059.08.

OVERT ACT NO. 98

On or about and between January 1, 2008 and December 31, 2008, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$500.00.

OVERT ACT NO. 99

On or about January 22, 2009, Dolphus Pierce, or persons unknown or unnamed caused to be filed a California Secretary of State Statement of Information for P & R Med-Legal Corporation with the Secretary of State.

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OVERT ACT NO. 100

On or about March 15, 2009, Dolphus Pierce, on behalf of P&R Med-Legal Corp, signed a contract with Edith Cuartas of Alpha-Billing.

OVERT ACT NO. 101

On or about March 23, 2009, Tomas Rios, on behalf of P&R Med-Legal Corp, signed a contract with Edith Cuartas of Alpha-Billing.

OVERT ACT NO. 102

On or about December 21, 2009, Tomas Rios signed a fictitious name permit application from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 103

On or about December 21, 2009, Tomas Rios signed a fictitious name permit application from the California State Medical Board for Medicos Unidos De Avenal.

OVERT ACT NO. 104

On or about and between January 1, 2009 and December 31, 2009, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$1,460.00.

OVERT ACT NO. 105

On or about and between January 1, 2009 and December 31, 2009, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of Pierce &

1 Rios; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for
2 billed services in the amount of \$63,595.87.

3
4 **OVERT ACT NO. 106**

5 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
6 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
7 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation
8 Insurance Fund for billed services in the amount of \$66,479.97.

9
10 **OVERT ACT NO. 107**

11 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
12 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R
13 Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers
14 Indemnity Company for services in the amount of \$18,115.63.

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16 **OVERT ACT NO. 108**

17 On or about and between January 1, 2009 and December 31, 2009, Tomas Rios
18 and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med
19 Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance
20 Company for services in the amount of \$2,305.67.

21
22 **OVERT ACT NO. 109**

23 On or about and between January 1, 2010 and March 1, 2011, Tomas Rios rented post
24 office box number 290 at 8200 Stockdale Highway, suite M-10 in the name "P&R Med
25 Legal."
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OVERT ACT NO. 110

On or about and between January 1, 2010 and March 1, 2011, Tomas Rios, Cecelia Cabangangan and/or other persons unknown or unnamed picked up the mail from post office box number 290 at 8200 Stockdale Highway, suite M-10 in the name "P&R Med Legal."

OVERT ACT NO. 111

On or about January 7, 2010, Tomas Rios, or other person unknown or unnamed, filed an application for a fictitious name permit from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 112

On or about January 7, 2010, Tomas Rios, or other person unknown or unnamed, filed an application for a fictitious name permit from the California State Medical Board for Medicos Unidos De Avenal.

OVERT ACT NO. 113

On or about March 8, 2010, Tomas Rios, or other person unknown or unnamed, obtained a fictitious name permit from the California State Medical Board for Rios & Pierce Medical Corporation.

OVERT ACT NO. 114

On or about March 8, 2010, Tomas Rios, or other person unknown or unnamed, obtained a fictitious name permit from the California State Medical Board for Medicos Unidos De Avenal.

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OVERT ACT NO. 115

On or about September 12, 2010, Dolphus Pierce, or persons unknown or unnamed, caused to be filed a California Secretary of State Statement of Information of Rios & Pierce Medical Corporation with the Secretary of State.

OVERT ACT NO. 116

On or about December 14, 2010, Dolphus Pierce, or other person unknown or unnamed caused to be filed a California Secretary of State Statement of Information of P&R Med-Legal, Medical Corp with the Secretary of State.

OVERT ACT NO. 117

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$4,959.17.

OVERT ACT NO. 118

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$37,091.07.

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OVERT ACT NO. 119

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$240,596.36.

OVERT ACT NO. 120

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$18,136.66.

OVERT ACT NO. 121

On or about and between January 1, 2010 and December 31, 2010, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$34,210.52.

OVERT ACT NO. 122

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Berkshire Hathaway Homestate Companies for services in the amount of \$5,124.35.

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OVERT ACT NO. 123

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Liberty Mutual Insurance Group for billed services in the amount of \$6,354.69.

OVERT ACT NO. 124

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from State Compensation Insurance Fund for billed services in the amount of \$86,883.52.

OVERT ACT NO. 125

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Medlegal Medical Corp; Tax ID # 20-0515258; accepted payment from The Travelers Indemnity Company for services in the amount of \$5,000.00.

OVERT ACT NO. 126

On or about and between January 1, 2011 and December 31, 2011, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; accepted payment from Zenith Insurance Company for services in the amount of \$1,650.00.

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OVERT ACT NO. 127

On or about and between January 1, 2012 and April 30, 2012, Tomas Rios and/or Dolphus Pierce, or other persons unknown or unnamed on behalf of P&R Med Legal Medical Corp; Tax ID # 20-0515258; submitted demands for payment from Berkshire Hathaway Homestate Companies for services in the amount of \$1,517.00.

ENHANCEMENT – PC 12022.6(A)(1)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$65,000, within the meaning of Penal Code Section 12022.6(A)(1).

ENHANCEMENT – PC 12022.6(A)(2)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$200,000; within the meaning of Penal Code Section 12022.6(A)(2).

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ENHANCEMENT – PC 12022.6(A)(3)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$1,300,000, within the meaning of Penal Code Section 12022.6(A)(3).

ENHANCEMENT – PC 12022.6(A)(4)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG that in the commission or attempted commission of the above offense that he/she, with the intent to do so, took, damaged or destroyed property of a value of in excess of \$3,200,000, within the meaning of Penal Code Section 12022.6(A)(4).

ENHANCEMENT – PC 186.11(A)(1)

It is further alleged as to targets JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG committed two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct which resulted in the taking of more than one hundred thousand dollars, within the meaning of Penal Code Section 186.11(A)(1).

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COUNT TWO

On or about March 24, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTBROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for payment of the same health care benefit to Liberty Mutual Insurance for Jesus C. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

COUNT THREE

On or about March 24, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be presented any knowingly false or fraudulent written or oral material statement in support of, or in opposition to, any claim for compensation for the purpose of obtaining or denying any workers' compensation benefits, as defined in Section 3207 of the Labor Code to Liberty Mutual Insurance for Jesus C. in violation of Insurance Code Section 1871.4(A)(2), a felony.

COUNT FOUR

On or about April 2, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for

1 payment of the same health care benefit to State Compensation Insurance Fund for Jesus
2 L. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

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COUNT FIVE

5 On or about April 2, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully and unlawfully present or cause to be presented any
9 knowingly false or fraudulent written or oral material statement in support of, or in
10 opposition to, any claim for compensation for the purpose of obtaining or denying any
11 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
12 Compensation Insurance Fund for Jesus L. in violation of Insurance Code Section
13 1871.4(A)(2), a felony.

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COUNT SIX

16 On or about March 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
17 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
18 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
19 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
20 or did aid, abet, solicit or conspire with any person to present multiple claims for
21 payment of the same health care benefit to State Farm for Maria R. with an intent to
22 defraud, in violation of Penal Code Section 550(A)(8), a felony.

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COUNT SEVEN

25 On or about March 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
26 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR

1 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
2 HONG YANG did willfully and unlawfully present or cause to be presented any
3 knowingly false or fraudulent written or oral material statement in support of, or in
4 opposition to, any claim for compensation for the purpose of obtaining or denying any
5 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
6 Farm for Maria R. in violation of Insurance Code Section 1871.4(A)(2), a felony.

7
8 **COUNT EIGHT**

9 On or about July 13, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
10 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
11 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
12 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
13 or did aid, abet, solicit or conspire with any person to present multiple claims for
14 payment of the same health care benefit to State Farm for Luz H. with an intent to
15 defraud, in violation of Penal Code Section 550(A)(8), a felony.

16
17 **COUNT NINE**

18 On or about July 13, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
19 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
20 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
21 HONG YANG did willfully and unlawfully present or cause to be presented any
22 knowingly false or fraudulent written or oral material statement in support of, or in
23 opposition to, any claim for compensation for the purpose of obtaining or denying any
24 workers' compensation benefits, as defined in Section 3207 of the Labor Code to State
25 Farm for Luz H. in violation of Insurance Code Section 1871.4(A)(2), a felony.
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COUNT TEN

On or about June 26, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for payment of the same health care benefit to State Farm for Abel L. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

COUNT ELEVEN

On or about June 26, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be presented any knowingly false or fraudulent written or oral material statement in support of, or in opposition to, any claim for compensation for the purpose of obtaining or denying any workers' compensation benefits, as defined in Section 3207 of the Labor Code to State Farm for Abel L. in violation of Insurance Code Section 1871.4(A)(2), a felony.

COUNT TWELVE

On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause to be presented or did aid, abet, solicit or conspire with any person to present multiple claims for

1 payment of the same health care benefit to Traveler's Insurance for Anthony G. with an
2 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

3
4 **COUNT THIRTEEN**

5 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully and unlawfully present or cause to be presented any
9 knowingly false or fraudulent written or oral material statement in support of, or in
10 opposition to, any claim for compensation for the purpose of obtaining or denying any
11 workers' compensation benefits, as defined in Section 3207 of the Labor Code to
12 Traveler's Insurance for Anthony G. in violation of Insurance Code Section
13 1871.4(A)(2), a felony.

14
15 **COUNT FOURTEEN**

16 On or about November 15, 2009, JOHN BRENT ARAKELIAN, MARIA
17 CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY
18 AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS
19 RIOS and CHI HONG YANG did willfully, unlawfully and knowingly present or cause
20 to be presented or did aid, abet, solicit or conspire with any person to present multiple
21 claims for payment of the same health care benefit to Traveler's Insurance for Anthony
22 G. with an intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

23
24 **COUNT FIFTEEN**

25 On or about November 15, 2009, JOHN BRENT ARAKELIAN, MARIA
26 CECILIA RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY

1 AGUILAR PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS
2 RIOS and CHI HONG YANG did willfully and unlawfully present or cause to be
3 presented any knowingly false or fraudulent written or oral material statement in support
4 of, or in opposition to, any claim for compensation for the purpose of obtaining or
5 denying any workers' compensation benefits, as defined in Section 3207 of the Labor
6 Code to Traveler's Insurance for Anthony G. in violation of Insurance Code Section
7 1871.4(A)(2), a felony

8
9 **COUNT SIXTEEN**

10 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
11 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
12 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
13 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
14 or did aid, abet, solicit or conspire with any person to present multiple claims for
15 payment of the same health care benefit to Traveler's Insurance for Margaret E. with an
16 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

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19 **COUNT SEVENTEEN**

20 On or about April 15, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
21 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
22 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
23 HONG YANG did willfully and unlawfully present or cause to be presented any
24 knowingly false or fraudulent written or oral material statement in support of, or in
25 opposition to, any claim for compensation for the purpose of obtaining or denying any
26 workers' compensation benefits, as defined in Section 3207 of the Labor Code to

1 Traveler's Insurance for Margaret E. in violation of Insurance Code Section
2 1871.4(A)(2), a felony

3
4 **COUNT EIGHTEEN**

5 On or about April 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
6 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
7 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
8 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
9 or did aid, abet, solicit or conspire with any person to present multiple claims for
10 payment of the same health care benefit to Traveler's Insurance for Oscar S. with an
11 intent to defraud, in violation of Penal Code Section 550(A)(8), a felony.

12
13 **COUNT NINETEEN**

14 On or about April 17, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
15 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
16 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
17 HONG YANG did willfully and unlawfully present or cause to be presented any
18 knowingly false or fraudulent written or oral material statement in support of, or in
19 opposition to, any claim for compensation for the purpose of obtaining or denying any
20 workers' compensation benefits, as defined in Section 3207 of the Labor Code to
21 Traveler's Insurance for Oscar S in violation of Insurance Code Section 1871.4(A)(2), a
22 felony.

23
24 **COUNT TWENTY**

25 On or about April 20, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
26 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR

1 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
2 HONG YANG did willfully, unlawfully and knowingly present or cause to be presented
3 or did aid, abet, solicit or conspire with any person to present multiple claims for
4 payment of the same health care benefit to Zenith Insurance for Pedro R. with an intent to
5 defraud, in violation of Penal Code Section 550(A)(8), a felony.
6

7
8 **COUNT TWENTY ONE**

8 On or about April 20, 2009, JOHN BRENT ARAKELIAN, MARIA CECILIA
9 RIOS CABANGANGAN, CHARLES ORLANDO LEWIS, CATHY AGUILAR
10 PIERCE, DOLPHUS DWAYNE PIERCE, II, TOMAS BALLESTEROS RIOS and CHI
11 HONG YANG did willfully and unlawfully present or cause to be presented any
12 knowingly false or fraudulent written or oral material statement in support of, or in
13 opposition to, any claim for compensation for the purpose of obtaining or denying any
14 workers' compensation benefits, as defined in Section 3207 of the Labor Code to Zenith
15 Insurance for Pedro R. in violation of Insurance Code Section 1871.4(A)(2), a felony.
16

17 Dated: March 15, 2013

18 Lisa S Green
19 District Attorney

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21 Kate Zimmermann
22 Deputy District Attorney
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PROOF OF SERVICE

I declare that I am employed in the County of Kern, State of California; that I am over the age of eighteen years; that I am not a party to this action; and that my business address is 1215 Truxtun Avenue, Bakersfield, California 93301.

I served a copy of the attached **AMENDED INDICTMENT, POINTS & AUTHORITIES IN SUPPORT OF THE AMENDED INDICTMENT**, in the case of *People v. JOHN ARAKELIAN, MARIA CABANGANGAN, CHARLES LEWIS, CATHY PIERCE, DOLPHUS PIERCE, TOMAS RIOS, CHI YANG*, Case No. BF 141700 A-E, on defendants' attorney as follows, and in the manner described below, marked :

W. Scott Quinlan
2333 Merced Street
Fresno, CA. 93721
freesnan@yahoo.com

FAX NUMBER – I served the above-described document on defendants in the above-numbered action by sending a true and correct copy by a facsimile machine to the name and telephone number indicated above, and that said transmission was reported as complete and without error;

PERSONAL DELIVERY – I personally served the above-described document on defendants in the above-numbered action by leaving it with the receptionist for the attorney's office named above;

U.S. MAIL –

(1) Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

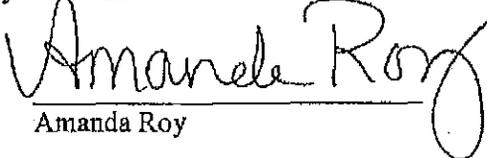
(2) Pursuant to C.C.P. section 1013(a), placed the envelope for collection and mailing, following ordinary business practices. I am readily familiar with this business's practice of collecting and processing documents for mailing. On the same day that document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

OVERNIGHT MAIL – pursuant to C.C.P. section 1013(c)(d), I caused such envelope with delivery fees fully prepared to be sent by **FEDERAL EXPRESS**.

ELECTRONIC MAIL – by transmitting the document(s) listed above, electronically, via the e-mail address(es) set forth above on

On: March 15, 2013

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Amanda Roy

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L. Richard Walton
4640 Admiralty Way, 5th Flr.
Marina del Rey, CA. 90292
rwalton@taxtriallawyers.com

FAX NUMBER – I served the above-described document on defendants in the above-numbered action by sending a true and correct copy by a facsimile machine to the name and telephone number indicated above, and that said transmission was reported as complete and without error;

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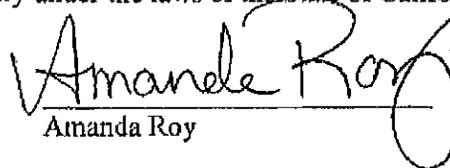
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Daniel Bacon
5200 N. Palm Avenue, Ste. 408
Fresno, CA. 93704
dmbaconlaw@aol.com

FAX NUMBER -- I served the above-described document on defendants in the above-numbered action by sending a true and correct copy by a facsimile machine to the name and telephone number indicated above, and that said transmission was reported as complete and without error;

PERSONAL DELIVERY -- I personally served the above-described document on defendants in the above-numbered action by leaving it with the receptionist for the attorney's office named above;

U.S. MAIL

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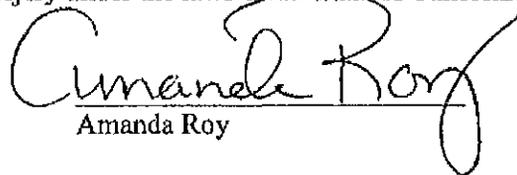
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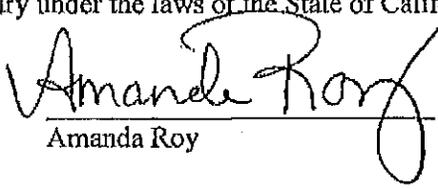
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Rhys Boyd-Farrell
108 W. Center Avenue
Fresno, CA, 93721
rboyd-farrell@farleylawfirm.com

- FAX NUMBER – I served the above-described document on defendants in the above-numbered action by sending a true and correct copy by a facsimile machine to the name and telephone number indicated above, and that said transmission was reported as complete and without error;
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- OVERNIGHT MAIL – pursuant to C.C.P. section 1013(c)(d), I caused such envelope with delivery fees fully prepared to be sent by FEDERAL EXPRESS.
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David Torres
1318 K Street
Bakersfield, CA. 93301
lawtorres@aol.com

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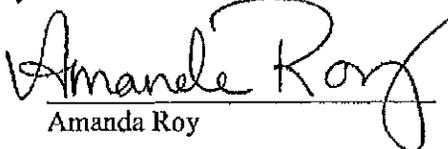
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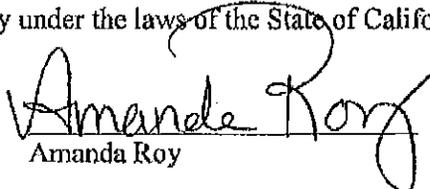
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Carl Faller
P.O. Box 912
Fresno, CA. 93714
carl.faller@fallerdefense.com

- FAX NUMBER** – I served the above-described document on defendants in the above-numbered action by sending a true and correct copy by a facsimile machine to the name and telephone number indicated above, and that said transmission was reported as complete and without error;
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Kyle Humphrey
2211 17th Street
Bakersfield, CA. 93301
kyle@kylejhumphrey.com

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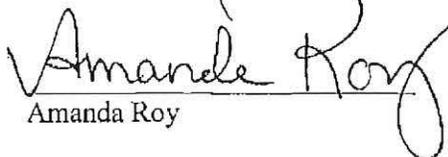
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Amanda Roy

--- REGISTER OF ACTIONS/DOCKET ---

CASE NO. BF141700F STATUS: CLOSED

PEOPLE V. RIOS, TOMAS BALLESTEROS

9807 LIGHTNER WY
BAKERSFIELD, CA 93311

D.O.B.: 12/04/57

ATTORNEYS OF RECORD:

PROSECUTION: KATE ZIMMERMANN
DEFENSE: LEWIS WALTON
(PRIVATELY RETAINED)
CO-COUNSEL: CRAIG PULSKAMP

CHARGES, PLEAS AND DISPOSITIONS:

COUNT NO.	CODE/SECTION	PRS	TYPE	LATEST PLEA	DISPOSITION
1	PC 182 (A) (1) >UNK		F	GUILTY	PLED GUILTY
2	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
3	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
4	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
5	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
6	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
7	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
8	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
9	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
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12	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
13	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
14	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
15	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
16	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
17	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
18	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
19	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE
20	PC 550 (A) (8)		F	NOT G	DISM - FURTH. OF JUSTICE
21	IC 1871.4 (A) (2)		F	NOT G	DISM - FURTH. OF JUSTICE

CASE SYNOPSIS:

06/04/12 COMPLAINT - GROUP D FILED
06/04/12 HEARING HELD IN D- 1, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. MICHAEL G BUSH, JUDGE.
NATURE OF PROCEEDINGS: GRAND JURY PROCEEDINGS.
CUSTODY STATUS: INDICTMENT WARRANT OPEN.
06/04/12 WARRANT OF ARREST INDICTMENT ISSUED
07/29/12 ARRESTED BY STAGY
07/29/12 BOOKED - BOOKING NO.: SO 1993197 00
07/29/12 WARRANT OF ARREST INDICTMENT SERVED -- DEFDT. ARRESTED
07/31/12 HEARING HELD IN D- CC, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. MICHAEL B LEWIS, JUDGE.
NATURE OF PROCEEDINGS: ARRAIGNMENT ON INDICTMENT.
CUSTODY STATUS: IN CUSTODY.
08/02/12 HEARING HELD IN D- CC, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. COLETTE M. HUMPHREY, JUDGE.
NATURE OF PROCEEDINGS: ARRAIGNMENT ON INDICTMENT.
AND BAIL REVIEW
CUSTODY STATUS: IN CUSTODY.
08/09/12 HEARING HELD IN D- CC, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. MICHAEL B LEWIS, JUDGE.
NATURE OF PROCEEDINGS: BAIL REVIEW.
CUSTODY STATUS: IN CUSTODY.
08/16/12 HEARING HELD IN D- CC, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. MICHAEL E DELLOSTRITTO, JUDGE.
NATURE OF PROCEEDINGS: HEARING ON DEMURRER.
CUSTODY STATUS: IN CUSTODY.
08/21/12 RULING IN D- RL, SUPERIOR COURT, METROPOLITAN DIVISION,
HON. MICHAEL B LEWIS, JUDGE.
CUSTODY STATUS: IN CUSTODY.
11/28/12 HEARING HELD IN D- 1, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. MICHAEL G BUSH, JUDGE.
NATURE OF PROCEEDINGS: HEARING ON DEMURRER.
AND MOTION
CUSTODY STATUS: FREE ON SURETY BOND.
02/22/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: HEARING ON DEMURRER.
CUSTODY STATUS: FREE ON SURETY BOND.
03/04/13 RULING IN D- RL, SUPERIOR COURT, METROPOLITAN DIVISION,
HON. THOMAS S. CLARK, JUDGE.
CUSTODY STATUS: FREE ON SURETY BOND.
03/15/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: STATUS CONFERENCE.
CUSTODY STATUS: FREE ON SURETY BOND.
05/03/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.
AND STATUS CONFERENCE
AND MOTION TO DISMISS
AND MOTION FOR DISCOVERY - DEFENSE
AND MOTION TO DISMISS

CASE SYNOPSIS:

- 05/03/13 - CONTIUNED
AND HEARING ON DEMURRER
CUSTODY STATUS: FREE ON SURETY BOND.
- 06/11/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.
CUSTODY STATUS: FREE ON SURETY BOND.
- 07/29/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: HEARING ON DEMURRER.
AND MOTION
AND MOTION FOR BAIL REDUCTION
AND FELONY ARRAIGNMENT
CUSTODY STATUS: FREE ON SURETY BOND.
- 12/06/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: MOTION.
AND STATUS CONFERENCE
AND MOTION TO SET ASIDE INFORMATION-PC995
AND MOTION TO DISMISS
CUSTODY STATUS: FREE ON SURETY BOND.
- 12/13/13 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: STATUS CONFERENCE.
AND MOTION
AND MOTION TO DISMISS
AND MOTION TO SET ASIDE INFORMATION-PC995
CUSTODY STATUS: FREE ON SURETY BOND.
- 02/04/14 RULING IN D- RL, SUPERIOR COURT, METROPOLITAN DIVISION,
HON. THOMAS S. CLARK, JUDGE.
CUSTODY STATUS: FREE ON SURETY BOND.
- 02/05/14 RULING IN D- RL, SUPERIOR COURT, METROPOLITAN DIVISION,
HON. THOMAS S. CLARK, JUDGE.
CUSTODY STATUS: FREE ON SURETY BOND.
- 09/15/14 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: IN CAMERA HEARING.
CUSTODY STATUS: FREE ON SURETY BOND.
- 10/17/14 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: MOTION TO COMPEL PRETRIAL DISCOVERY.
CUSTODY STATUS: FREE ON SURETY BOND.
- 11/05/14 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: READINESS.
AND MOTION TO COMPEL PRETRIAL DISCOVERY
AND CHANGE OF PLEA
CUSTODY STATUS: FREE ON OWN RECOGNIZANCE.
- 05/01/15 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: SENTENCING.
CUSTODY STATUS: FREE ON OWN RECOGNIZANCE.

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CASE SYNOPSIS:

01/22/16 HEARING HELD IN D- 7, SUPERIOR COURT, METROPOLITAN DIVISION,
BEFORE HON. THOMAS S CLARK, JUDGE.
NATURE OF PROCEEDINGS: SENTENCING.
BAIL: NO BAIL
CURRENT BAIL: NO BAIL
CUSTODY STATUS: NOT IN CUSTODY.

RECORD OF CASE EVENTS:

06/04/12 14:00 ** HEARING HELD ON 06/04/12 AT 2:00 P.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 1. HON. MICHAEL G BUSH, JUDGE
PRESIDING. CLERK: SHANNON DOTY. REPORTER: PAM CARDONA.
BAILIFF: KENNETH MULLER
NATURE OF PROCEEDINGS: GRAND JURY PROCEEDINGS
GRAND JURY #95.
DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
GRAND JURY FOREMAN: DWIGHT REYNOLDS.
COURT MET AT THIS TIME TODAY AT THE REQUEST OF DWIGHT
REYNOLDS, FOREMAN OF THE GRAND JURY.
IT IS BY THE COURT ORDERED THAT THE GRAND JURY BE
POLLED. THE COURT FINDS THAT A QUORUM OF THE GRAND JURY
IS PRESENT.
THE COURT INQUIRES OF THE GRAND JURY IF AN INDICTMENT
HAS BEEN RETURNED. DWIGHT REYNOLDS, FOREMAN, PRESENTS TO
THE COURT AN INDICTMENT CHARGING TOMAS BALLESTEROS RIOS,
WITH FELONY IN 21 COUNTS, TO WIT: PC 182(A)(1) >UNK, PC
550(A)(8), IC 1871.4(A)(2), PC 550(A)(8), IC
1871.4(A)(2), PC 550(A)(8), IC 1871.4(A)(2), PC
550(A)(8) IC 1871.4(A)(2), PC 550(A)(8), IC
1871.4(A)(2), PC 550(A)(8), IC 1871.4(A)(2), PC
550(A)(8), IC 1871.4(A)(2), PC 550(A)(8) IC
1871.4(A)(2), PC 550(A)(8), IC 1871.4(A)(2), PC
550(A)(8), IC 1871.4(A)(2).
THE COURT INQUIRES OF THE FOREMAN IF A QUORUM WAS
PRESENT AT THE TIME OF TAKING OF THE TESTIMONY AND IF AT
LEAST TWELVE OF THE GRAND JURORS PRESENT AT THE TAKING
OF THE TESTIMONY CONCURRED IN THE FINDING AND RETURNING
OF THE INDICTMENT AND IF THE NAMES OF ALL THE WITNESSES
EXAMINED BEFORE THE GRAND JURY ARE ENDORSED ON THE
INDICTMENT AND IF THE FOREMAN PERSONALLY SIGNED THE
INDICTMENT AND ENDORSED THEREON "A TRUE BILL" TO EACH OF
WHICH THE FOREMAN ANSWERS IN THE AFFIRMATIVE.
UPON ASCERTAINING FROM THE FOREMAN THAT THE INDICTMENT
IS A TRUE BILL, THE COURT ORDERS BAIL SET IN THE AMOUNT
OF \$3,500,000.00 AND INSTRUCTS THE CLERK TO ISSUE A
WARRANT OF ARREST FOR THE DEFENDANT, TOMAS BALLESTEROS
RIOS.
WARRANT OF ARREST ON INDICTMENT ISSUED. BAIL SET IN THE
AMOUNT OF \$3,500,000.00.
PC 1275 ORDER ISSUED AND SIGNED THIS DATE BY MICHAEL G.
BUSH TO REMAIN IN FULL FORCE AND EFFECT
THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COURT
AT THIS TIME, THE COURT ORDERS AN ADJOURNMENT.
ENTERED ON CJIS BY SHANNON DOTY-WMBAK, ON 06/04/2012.
INDICTMENT FILED.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 06/04/2012.

16:00

RECORD OF CASE EVENTS:

06/04/12 - CONTINUED

17:01 MOTION FOR ORDER SHOWING SOURCE OF BAIL PURSUANT TO
PENAL CODE SECTION PC 1275.1 FILED.
ORDER REQUIRING REVIEW OF SOURCE OF BAIL FILED.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 06/04/2012.

06/12/12 17:01

REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/14/2012 FILED.
VOLUME 1.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/15/2012 FILED.
VOLUME 2.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/16/2012 FILED.
VOLUME 3.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/17/2012 FILED.
VOLUME 4.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/18/2012 FILED.
VOLUME 5.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/21/2012 FILED.
VOLUME 6.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/22/2012 FILED.
VOLUME 7.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/23/2012 FILED.
VOLUME 8.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/24/2012 FILED.
VOLUME 9.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/29/2012 FILED.
VOLUME 10.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/30/2012 FILED.
VOLUME 11.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
05/31/2012 FILED.
VOLUME 12.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
06/01/2012 FILED.
REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED
06/04/2012 FILED.
VOLUME 13.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 06/25/2012.

06/20/12 16:20

REDACTED INDICTMENT IMAGED FROM CASE UNDER THE "A" DEF.

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ENTERED ON CJIS BY M. DELEON-SCMET ON 06/25/2012.

07/30/12 08:26

VACATE ARRAIGNMENT ON INDICTMENT THAT WAS SET ON
07/31/2012 AT 8:00 A.M. AND RESET TO 07/31/2012 AT 8:30
A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- CC.
ENTERED ON CJIS BY L. SANDOVAL-SCMET ON 07/30/2012.

07/31/12 08:30 **

HEARING HELD ON 07/31/12 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- CC. HON. MICHAEL B LEWIS,
JUDGE, PRESIDING. CLERK: MERSEDES ROJAS. REPORTER:
KATHY SMITH. BAILIFF: SHERIFF DEPUTY
NATURE OF PROCEEDINGS: ARRAIGNMENT ON INDICTMENT
DEPUTY DISTRICT ATTORNEY KATE ZIMMERMAN APPEARED.
DEFENDANT ANSWERS TO TRUE NAME AS CHARGED.
ATTORNEY L. RICHARD WALTON RETAINED TO REPRESENT
DEFENDANT.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
DEFENSE COUNSEL'S MOTION FOR CONTINUANCE IS GRANTED.
HEARING SET ON 08/02/2012 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- CC FOR ARRAIGNMENT ON
INDICTMENT.

DEFENSE COUNSEL'S MOTION FOR CONTINUANCE IS GRANTED.
HEARING SET ON 08/02/2012 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- CC FOR BAIL REVIEW.
DEFENSE COUNSEL TO FILE A WRITTEN MOTION FOR BAIL REVIEW

REFERRED TO PROBATION DEPARTMENT FOR BAIL REVIEW AND
O.R. RECOMMENDATION. COUNSEL TO BE NOTIFIED OF RESULTS.
DEFENDANT WAIVES TIME FOR ARRAIGNMENT.
REASON FOR CONTINUANCE: DEFENSE COUNSEL TO REVIEW
INDICTMENT.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$3,500,000.00.

PC 1275 HOLD TO REMAIN IN FULL FORCE
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.
DEFENDANT ORDERED TO APPEAR.

ENTERED ON CJIS BY MERSEDES ROJAS - WMLAK, ON 07/31/2012

16:00

REQUEST FOR MEDIA COVERAGE - KGET-17, FILED.
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED.
ENTERED ON CJIS BY MERSEDES ROJAS - WMLAK, ON 08/01/2012

08/02/12 08:30 **

HEARING HELD ON 08/02/12 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- CC. HON. COLETTE M. HUMPHREY,
JUDGE, PRESIDING. CLERK: STEPHANIE GREEN. REPORTER:
JIM ORTIZ. BAILIFF: SHERIFF DEPUTY
NATURE OF PROCEEDINGS: ARRAIGNMENT ON INDICTMENT
NATURE OF PROCEEDINGS: BAIL REVIEW.

RECORD OF CASE EVENTS:

08/02/12 - CONTINUED

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.
DEFENDANT WAIVES TIME FOR ARRAIGNMENT.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
DEFENSE COUNSEL'S MOTION FOR CONTINUANCE IS GRANTED.
HEARING SET ON 08/16/2012 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- CC FOR HEARING ON
DEMURRER.
HEARING SET ON 08/16/2012 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- CC FOR ARRAIGNMENT ON
INDICTMENT.
////////////////////////////////////
PROBATION'S MOTION FOR CONTINUANCE IS GRANTED. HEARING
SET ON 08/09/2012 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- CC FOR BAIL REVIEW.
DEFENDANT ORDERED TO RETURN.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$3,500,000.00.
THE PC 1275 ORDER SHALL REMAIN IN FULL FORCE AND EFFECT
DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.
ENTERED ON CJIS BY STEPHANIE GREEN - SCMET ON 08/02/2012

- 09:20 MOTION TO REDUCE DEFENDANT'S BAIL RECEIVED FILED.
DEFENDANT TO APPEAR ON 08/02/2012 AT 8:30 A.M. D- CC.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 08/02/2012.
- 09:30 RESPONSE TO MOTION FOR BAIL REDUCTION FILED.
ENTERED ON CJIS BY STEPHANIE GREEN - SCMET ON 08/02/2012
- 17:00 DEMURRER AND REQUEST FOR EVIDENTIARY HEARING ON STATUTE
OF LIMITATIONS (PEO V. ZAMORA); DECLARATION OF L.
RICHARD WALTON AND SELECTED GRAND JURY TRANSCRIPTS
FILED.
DEFENDANT TO APPEAR ON 08/16/2012 AT 8:30 A.M. D- CC.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 08/03/2012.

08/09/12 08:30 ** HEARING HELD ON 08/09/12 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- CC. HON. MICHAEL B LEWIS,
JUDGE, PRESIDING. CLERK: ANGELICA M QUINTERO.
REPORTER: KATHY SMITH. BAILIFF: DEAN HENDERSON
NATURE OF PROCEEDINGS: BAIL REVIEW.
DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
PROBATION OFFICER NICOLE CABRAL APPEARED.
DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.
MOTION FOR BAIL REVIEW IS RECEIVED AND CONSIDERED BY
THE COURT.
ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT
FOR RULING.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:

RECORD OF CASE EVENTS:

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MOTION FOR BAIL REVIEW HERETOFORE SUBMITTED: MOTION GRANTED. BAIL REDUCED TO \$1,000,000.00. PC 1275 ORDER REMAINS IN FULL FORCE AND EFFECT AS A CONDITION OF ANY BAIL, DEFENDANT IS TO WEAR A GPS AND SURRENDER ANY PASSPORT ARRAIGNMENT ON INDICTMENT REMAINS AS PREVIOUSLY SET ON 08/16/2012.

DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF. ENTERED ON CJIS BY ANGELICA QUINTERO - SCMET ON 08/09/2012.

11:05 SUBSTITUTION OF ATTORNEY FILED. ATTORNEY L RICHARD WALTON RETAINED TO REPRESENT DEFENDANT.

11:06 ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/09/2012. NOTICE OF FILING OF PROOF OF SERVICE FOR MOTION TO REDUCE DEFENDANT'S BAIL FILED. ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/09/2012.

08/13/12 14:35 PEOPLE'S MOTION TO MAINTAIN JOINDER PURSUANT TO PENAL CODE SECTION 1050.1 FILED.

HEARING SET ON 08/16/2012 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- CC FOR MOTION. ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/13/2012.

16:30 OPPOSITION TO DEFENDANT TOMAS RIOS' DEMURRER TO INDICMENT AND REQUEST FOR EVIDENTIARY HEARING FILED. ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/16/2012.

08/16/12 08:30 ** HEARING HELD ON 08/16/12 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- CC. HON. MICHAEL E DELLOSTRITTO, JUDGE, PRESIDING. CLERK: ANABEL BALL. REPORTER: CINDY BOWDEN. BAILIFF: DEPUTY SHERIFF NATURE OF PROCEEDINGS: DEMURRER. DEPUTY DISTRICT ATTORNEY KATE ZIMMERMAN APPEARED. DEFENDANT APPEARED WITH ATTORNEY L RICHARD WALTON. DEMURRER(PC 1004) AND REQUEST FOR EVIDENTIARY HEARING ON STATUTE OF LIMITATIONS (PEO VS ZAMORA) DECLARATION OF L. RICHARD WALTON AND SELECTED GRAND JURY TRANSCRIPTS IS RECEIVED AND CONSIDERED BY THE COURT. PEOPLE'S OPPOSITION TO DEFENDANT TOMAS RIOS' DEMURRER TO THE INDICTMENT AND REQUEST FOR EVIDENTIARY HEARING IS RECEIVED AND CONSIDERED BY THE COURT. PEOPLE'S MOTION TO MAINTAIN JOINDER PURSUANT TO PENAL CODE SECTION 1050.1 IS RECEIVED AND CONSIDERED BY THE COURT. THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS: COUNSEL STIPULATE TO CONTINUANCE OF HEARING ON DEMURRER. HEARING SET ON 11/28/2012 AT 10:00 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- CC.

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HEARING SET ON 11/28/2012 AT 10:00 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- CC FOR MOTION. IF FILED, ALL PRETRIAL MOTIONS SHALL BE HEARD ON 11/28/2012 AT 10:00 A.M.. MOTIONS DATE PREVIOUSLY SCHEDULED FOR 02/13/13 TO REMAIN

DEFENDANT WAIVES TIME FOR ARRAIGNMENT ON INDICTMENT. DEFENDANT ALLOWED TO POST BAIL WITH THE FOLLOWING STIPULATIONS: DEFENDANT TO SATISFY THE CURRENT PC 1275 ORDER, THE DEFENDANT IS SUBJECT TO GPS MONITORING, THE DEFENDANT MUST SURRENDER HIS PASSPORT, THE DEFENDANT BE ALLOWED TO RESIDE IN KERN COUNTY OR LOS ANGELES, BUT MUST CHECK IN WITH BONDSMAN AS TO TRAVEL PLANS AND ON A WEEKLY BASIS.

THE PC 1275 ORDER TO REMAIN IN FULL FORCE AND EFFECT DEFENDANT ORDERED TO RETURN.

BAIL REDUCED TO \$575,000.00.

DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF.

08:45

ENTERED ON CJIS BY ANABEL BALL-WMBAK, ON 08/16/2012. OPPOSITION TO MOTION FOR JOINDER, DECLARATION OF L RICHARD WALTON FILED.

17:00

ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/16/2012. REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS DATED 06/04/2012 FILED.

CORRECTED PAGES 2439-TO END.

VOLUME 13-A.

ENTERED ON CJIS BY L. BRAVO-SCMET ON 08/29/2012.

08/21/12 16:30 ** RULING ON 08/21/12 AT 4:30 P.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- RL. HON. MICHAEL B LEWIS, JUDGE. CLERK SHANNON DOTY

NATURE OF PROCEEDINGS: RULING

STIPULATION REGARDING PENAL CODE SECTION 1275.1 IS RECEIVED AND CONSIDERED BY THE COURT.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:

DEFENDANT HAS MET THE CONDITIONS OF BAIL AS SET FORTH IN THE STIPULATION FILED ON 8/21/12.

THE PC 1275 ORDER IS HEREBY DISCHARGED AND IS NO LONGER IN FORCE AND EFFECT

DEFENDANT TO POST A SURETY BOND IN THE AMOUNT OF \$575,000 AND SHALL BE RELEASED INTO THE CUSTODY OF HIS BAIL BONDSMAN FOR THE AFFIXING OF THE ORDERED GPS MONITORING DEVICE

PASSPORT HAS BEEN SURRENDERED TO THE COURT.

17:00

ENTERED ON CJIS BY SHANNON DOTY-WMBAK, ON 08/21/2012. UNITED STATES PASSPORT # 500179804 RECEIVED IN THE NAME OF TOMAS BALLESTEROS.

PASSPORT PLACED IN THE FELONY CRIMINAL DIVISION SAFE.

ENTERED ON CJIS BY L. BRAVO-SCMET ON 08/24/2012.

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08/22/12 17:00 STIPULATION RE / AND PROTECTIVE ORDER BETWEEN THE PEOPLE
AND DEFENSE ATTORNEYS (SIGNED BY JUDGE MICHAEL BE LEWIS)
FILED.
ENTERED ON CJIS BY L. GARCIA-SCMET ON 08/23/2012.

08/24/12 09:44 BAIL BOND # A1000-00579746 IN THE AMOUNT OF \$575,000.00
FILED. AGENT/AGENCY: ACCREDITED/GOTTA GO BAIL BONDS.
DEFENDANT TO APPEAR ON 11/28/2012 AT 10:00 A.M. D- CC.
ENTERED ON CJIS BY BARBARA HERRERA - WMBAK, ON
08/24/2012.

08/31/12 11:11 COPY ORDER REQUEST FROM STATE COMPENSATION INSURANCE
FUND PROCESSED ON 08/31/2012 BY S.CASON, CLERK.
ENTERED ON CJIS BY STACY CASON-METROPOLITIAN, ON
08/31/2012.

09/04/12 13:33 OFFENSE REPORT REDACTED AND PLACED IN FILE. ORIGINAL
SEALED.
COPY ORDER REQUEST FROM MEDICAL BOARD OF CALIFORNIA
PROCESSED ON 09/04/2012 BY S.CASON, CLERK.
ENTERED ON CJIS BY STACY CASON-METROPOLITIAN, ON
09/04/2012.

11/28/12 10:00 ** HEARING HELD ON 11/28/12 AT 10:00 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 1. HON. MICHAEL G
BUSH, JUDGE, PRESIDING. CLERK: SHANNON DOTY. REPORTER:

DAWN THOMPSON. BAILIFF: DEPUTY SHERIFF
NATURE OF PROCEEDINGS: DEMURRER.
NATURE OF PROCEEDINGS: MOTION.
AMENDED MINUTE ORDER.
DUE TO OMISSION THIS MINUTE ORDER AMENDED ON 11/29/2012
BY S. DOTY TO CORRECT /INCLUDE LIST OF ALL MOTIONS,
JOINDERS AND OPPOSITIONS.
DEPUTY DISTRICT ATTORNEY KATE ZIMMERMAN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
ALL MOTIONS ARE ASSIGNED TO BE HEARD BY JUDGE CLARK.
COUNSEL STIPULATE TO CONTINUANCE OF HEARING ON DEMURRER.
HEARING SET ON 02/22/2013 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7.
COUNSEL STIPULATE TO CONTINUANCE OF MOTION. HEARING SET
ON 02/22/2013 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7.
THE COURT VACATES THE 2/13/13 MOTIONS DATE.
MOTIONS INCLUDE:.

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TOMAS RIOS' DEMURRER AND REQUEST FOR EVIDENTIARY HEARING ON STATUTE OF LIMITATIONS (POEPL V ZAMORA), DECLARATION OF RICHARD WALTON AND SELECTED GRAND JURY TRANSCRIPTS DEFENDANT TOMAS RIOS' NOTICE OF JOINDER IN THE DEMURRER OF CHARLES LEWIS..

DOLPHUS PIERCE'S NOTICE OF JOINDER OF DOLPHUS PIERCE (IN ALL DEMURRER PLEADINGS) DEFENDANT CHARLES LEWIS NOTICE OF DEMURRER TO INDICTMENT DEFENDANT CHARLES LEWIS PS AND AS IN SUPPORT OF DEMURRER DECLARATION OF W. SCOTT QUINLAN IN SUPPORT OF DEFENDANT CHARLES LEWIS DEMURRER TO INDICTMENT. DEFENDANT CHARLES LEWIS SUPPLEMENTAL POINTS AND AUTHORITY IN SUPPORT OF DEMURRER FOR UNCERTAINTY AND LACK OF NOTICE TO COUNT ONE.

DEFENDANT CHARLES LEWIS REPLY TO THE GOVERNMENT'S OPPOSITION TO HIS DEMURRER NOTICE OF JOINDER OF CHARLES LEWIS , POINTS AND AUTHORITY AND DECLARATION OF SCOTT QUINLAN [JOINS RIOS] MARIA CABAGANGAN'S REQUEST TO WITHDRAW PLEA OF NOT GUILTY AND TO JOIN IN DEMURRER [JOINING DEMURRER OF TOMA NOTICE OF DEMURRER, DEMURRER PURSUANT TO PC 1004, MEMOR POINTS AND AUTHORITIES AND JOINDER.

CHI YANG'S NOTICE OF JOINDER IN CO-DEFENDANT'S DEMURRER TO THE INDICTMENT AND IN DEMURRERS FILED ON BEHALF OF ANY CO-DEFENDANTS. [JOINDER ALL] DECLARATION OF DAVID TORRES IN SUPPORT OF JOINDER OF CHI YANG.

CATHY PIERCE'S NOTICE OF JOINDER TO DEMURRER OF TOMAS RIOS AND REQUEST FOR RELIEF PURSUANT TO PC 1002-1004 NOTICE OF JOINDER TO DEMURRER OF CHARLES LEWIS AND REQUEST FOR RELIEF PURSUANT TO PC 1002-1004 NOTICE OF JOINDER TO DEMURRER OF CECILLA CABANGANGAN AND REQUEST FOR RELIEF PURSUANT TO PC 1002-1004 NOTICE OF MOTION TO DISMISS PURSUANT TO 995.

JOHN ARAKELIAN'S NOTICE OF JOINDER OF JOHN ARAKELIAN [TOMAS RIOS], NOTICE OF JOINDER OF JOHN ARAKELIAN IN CHARLES LEWIS'S DEMURRER AND IN DEMURRER'S OF ALL CO-DEFENDANT'S, SUPPLEMENTAL POINTS AND AUTHORITIES IN SUPPORT OF JOINDERS [ALL] PEOPLE'S OPPOSITION TO DEFENDANT DEMURRER TO THE INDICTMENT PEOPLE'S OPPOSITION TO 995 OF CATHY PIERCE.

READINESS REMAINS AS PREVIOUSLY SET ON 03/15/2013.
JURY TRIAL REMAINS AS PREVIOUSLY SET ON 03/25/2013.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746. ENTERED ON CJIS BY SHANNON DOTY-WMBAK, ON 11/28/2012.

02/21/13 14:06

REPLY TO THE PEOPLE'S OPPOSITIONS TO THE DEMURRERS OF RIOS, LEWIS & CABANGANGAN FILED.
ORDER SHORTENING TIME SIGNED BY JUDGE THOMAS CLARK AND FILED.

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ENTERED ON CJIS BY L. GARCIA-SCMET ON 02/21/2013.

02/22/13 08:30 ** HEARING HELD ON 02/22/13 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: DEMURRER.

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.
JUDGE CLARK HAS BEEN ASSIGNED FOR ALL FURTHER
PROCEEDINGS.

NO PLEA TAKEN AT THIS TIME.

TIME WAIVED BY COUNSEL.

TIME WAIVED FOR 30 DAYS BEYOND COURT'S RULING ON
DEMURRERS.

ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT
FOR RULING.

DEMURRER IS HEARD AND SUBMITTED.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:

THE COURT TAKES MATTER OF DEMURRERS UNDER SUBMISSION.

THE PEOPLE WITHDRAW THEIR MOTION TO MAINTAIN JOINDER AT
THIS TIME.

HEARING SET ON 03/15/2013 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7 FOR STATUS CONFERENCE

DEFENDANT ORDERED TO APPEAR.

NOTIFY DISTRICT ATTORNEY'S OFFICE.

NOTIFY DEFENSE ATTORNEY L. RICHARD WALTON.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/22/2013.

03/04/13 13:30 ** RULING ON 03/04/13 AT 1:30 P.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- RL. HON. THOMAS S. CLARK,
JUDGE. CLERK JENNIFER FARLEY

NATURE OF PROCEEDINGS: RULING

THE DEMURRERS ARGUED ON FEBRUARY 22, 2013 ARE SUSTAINED
IN PART AND OVERRULED IN LARGE PART. THE DEMURRERS BY
ALL DEFENDANTS TO COUNTS 2-21, INCLUSIVE, FOR
UNCERTAINTY ARE SUSTAINED. SEE ATTACHED OPINION (WHICH
IS INCORPORATED HEREIN IN ITS ENTIRETY BY REFERENCE) FOR
CLARIFICATION AND EXPLANATION. ALL OTHER DEMURRERS ARE
OVERRULED.

RECORD OF CASE EVENTS:

03/04/13 - CONTINUED

PEOPLE ARE GRANTED LEAVE TO AMEND BY APRIL 15, 2013. ALL PARTIES SHOULD BE PREPARED TO DISCUSS THE PEOPLE'S ANTICIPATED REQUEST FOR AN EXTENSION OF TIME TO FILE AN AMENDED INDICTMENT AT THE MARCH 15, 2013 STATUS CONFERENCE.

SEE RULING ATTACHED HERETO AND MADE A PART HEREOF. STATUS CONFERENCE REMAINS AS PREVIOUSLY SET ON 03/15/2013.

NOTIFY DISTRICT ATTORNEY'S OFFICE.

NOTIFY DEFENSE ATTORNEY L. RICHARD WALTON.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 03/05/2013.

03/11/13 08:00

REQUEST FOR MEDIA COVERAGE - CHANNEL 17, KGET-TV, FILED. ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 03/11/2013.

03/15/13 08:30

** HEARING HELD ON 03/15/13 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.

BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: STATUS CONFERENCE.

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.

DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.

ALL CO-DEFENDANT'S AND COUNSEL AS STATED APPEARED.

COURT AND COUNSEL DISCUSS FILING OF A NEW INDICTMENT BY THE PEOPLE, SCHEDULING AND SEALED SEARCH WARRANTS.

COUNSEL FOR THE PEOPLE STIPULATE TO EMAIL PARTIES WITH A COPY OF THE NEW INDICTMENT TO BE FILED.

THE COURT ORDERS ANY CURRENT SEALED SEARCH WARRANTS ARE UNSEALED.

THE COURT ORDERS PRESERVATION OF ANY AND ALL QUESTIONS SUBMITTED TO PROSECUTION FROM THE GRAND JURY DURING THE INDICTMENT PROCESS TO THE EXTENT THAT THEY PRESENTLY EXIST.

ESTIMATED LENGTH OF TRIAL IS 4 MONTHS.

HEARING SET ON 05/03/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR FELONY ARRAIGNMENT.

HEARING SET ON 05/03/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR STATUS CONFERENCE

DEFENDANT ORDERED TO APPEAR.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

RECORD OF CASE EVENTS:

03/15/13 - CONTINUED

09:00 ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 03/15/2013.
STIPULATION TO UNSEAL SEARCH WARRANTS AND SEARCH WARRANT
AFFIDAVITS; AND ORDER THEREON FILED.
17:00 ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 03/15/2013.
AMENDED INDICTMENT FILED.
POINTS AND AUTHORITIES IN SUPPORT OF AMENDED INDICTMENT
FILED.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 04/03/2013.

04/17/13 17:00 NOTICE OF MOTION, MOTION TO DISMISS, AND RENEWED
OBJECTION TO, FIRST AMENDED INDICTMENT; JOINDER IN
MOTION TO DISMISS AND CERTAIN FILINGS BY CHARLES LEWIS
FILED.
REQUEST FOR JUDICIAL NOTICE BY TOMAS RIOS, M.D. FILED.
HEARING SET ON 05/03/2013 AT 8:30 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION TO DISMISS
ENTERED ON CJIS BY L. BRAVO-SCMET ON 04/18/2013.

04/26/13 17:00 OPPOSITION TO DEFENDANT TOMAS RIOS' MOTION TO DISMISS
AND RENEWED OBJECTION TO, FIRST AMENDED INDICTMENT
POINTS AND AUTHORITIES THEREOF FILED.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 04/30/2013.

04/30/13 08:30 REQUEST FOR MEDIA COVERAGE - KGET-TV CHANNEL 17, FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/01/2013.

05/01/13 08:30 ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/01/2013.

05/02/13 17:00 REJECTED DOCUMENT: REPLY TO PEOPLE'S OPPOSITION RETURNED
TO: ATTY. WALTON ON 05/03/2013 BY L.BRAVO FOR THE
FOLLOWING REASON COURT DATE MISSING.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 05/03/2013.

05/03/13 08:30 ** HEARING HELD ON 05/03/13 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.

BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.

NATURE OF PROCEEDINGS: STATUS CONFERENCE.

NATURE OF PROCEEDINGS: MOTION TO DISMISS NATURE OF

PROCEEDINGS: MOTION TO DISMISS THE FIRST AMENDED

INDICTMENT NEITHER FOUND OR ENDORSED BY GRAND JURY.

NATURE OF PROCEEDINGS: MOTION FOR DISCOVERY - DEFENSE

RECORD OF CASE EVENTS:

05/03/13 - CONTINUED

NATURE OF PROCEEDINGS: MOTION TO DISMISS NATURE OF PROCEEDINGS: MOTION TO DISMISS THE FIRST AMENDED INDICTMENT PURSUANT TO PENAL CODE 1007 AND PENAL CODE 1008.

NATURE OF PROCEEDINGS: DEMURRER.

DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMAN APPEARED.

DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.

CO-DEFENDANT JOHN B. ARAKELIAN AND HIS ATTORNEY, DANIEL BACON APPEARED.

CO-DEFENDANT MARIA CECILIA CABANGANGAN AND HER ATTORNEY, FALLER APPEARED.

CO-DEFENDANT CHARLES O. LEWIS AND HIS ATTORNEY, SCOTT QUILAN APPEARED.

CO-DEFENDANT CATHY A. PIERCE PRESENT PRESENT.

ATTORNEY ATTORNEY KYLE HUMPHREY APPEARED FOR ATTORNEY OF RECORD, RHYS BOYD-FARRELL.

CO-DEFENDANT DOLPHUS D. PIERCE II AND HIS ATTORNEY, KYLE HUMPHREY APPEARED.

ATTORNEY MONICA BERMUDEZ APPEARED FOR ATTORNEY OF RECORD, DAVID A. TORRES.

CO-DEFENDANT CHI HONG YANG NOT PRESENT.

AS TO MOTION TO DISMISS THE FIRST AMENDED INDICTMENT PURSUANT TO PENAL CODE 1007 AND PENAL CODE 1008:.

ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS: MOTION OF DEFENDANT FOR DISMISSAL PURSUANT TO PC 1007 AND PC 1008 IS DENIED.

COUNSEL FOR TOMAS B. RIOS MOTIONS THE COURT FOR A STAY OF FURTHER PROCEEDINGS FOR TWO WEEKS.

AS TO MOTION TO DISMISS THE FIRST AMENDED INDICTMENT NEITHER FOUND OR ENDORSED BY GRAND JURY:.

ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS: MOTION OF DEFENDANT FOR DISMISSAL IS DENIED.

AS TO DEMURRER TO FIRST AMENDED INDICTMENT:.

ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.

THE COURT OVERRULES THE DEMURRER IN ITS ENTIRETY AS STATED ON RECORD.

AS TO SUPPLEMENTAL DEMURRER TO FIRST AMENDED INDICTMENT:

ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.

THE COURT OVERRULES THE SUPPLEMENTAL DEMURRER TO AMENDED FIRST INDICTMENT.

AS TO THE MOTION FOR DISCOVERY OF GRAND JURY DISCOVERY:.

THE COURT FINDS REQUEST NUMBER 1 AND 2 TO BE MOOT.

RECORD OF CASE EVENTS:

05/03/13 - CONTINUED

AS TO REQUEST NUMBER 3 OF THE MOTION FOR DISCOVERY, THE COURT ORDERS THE PEOPLE TO MAKE EFFORT TO OBTAIN ANY WRITTEN QUESTIONS OF THE GRAND JURY AS STATED ON RECORD AND PROVIDE THEM TO THE DEFENSE.

AS TO REQUEST NUMBER 4 OF THE MOTION FOR DISCOVERY, IT IS DENIED AS STATED ON RECORD.

RECESS: 11:15 A.M. UNTIL 11:25 A.M..

COURT RECONVENES WITH PARTIES AS PREVIOUSLY STATED, MR. BACON NOW APPEARS FOR DAVID A. TORRES ATTORNEY FOR CHI HONG YANG.

DEFENDANT'S MOTION FOR CONTINUANCE IS GRANTED. HEARING SET ON 06/11/2013 AT 1:30 P.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR FELONY ARRAIGNMENT.

NO OBJECTION BY THE PEOPLE.

DEFENDANT WAIVES TIME FOR ARRAIGNMENT PLUS 10 COURT DAYS

COUNSEL JOINS IN TIME WAIVER.

DEFENDANT ORDERED TO RETURN.

ALL ORDERS MADE TODAY'S DATE, 5-3-2013 ARE EFFECTIVE AS OF TODAY 5-3-2013.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

09:00 ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/03/2013.
REPORTER'S TRANSCRIPT DATED 02/22/2013 FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/03/2013.

05/10/13 17:00 REPLY TO THE PEOPLE'S OPPOSITION TO DR. RIOS' MOTION TO DISMISS, AND RENEWED OBJECTION TO, FIRST AMENDED INDICTMENT RECEIVED.

(NOT FILED TIMELY).

ENTERED ON CJIS BY L. BRAVO-SCMET ON 05/10/2013.

06/04/13 13:30 REQUEST FOR MEDIA COVERAGE - KGET-TV CHANNEL 17, FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 06/05/2013.

06/05/13 13:30 ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 06/05/2013.

06/06/13 08:00 THE JOINDER IN PETITION FOR WRIT OF MANDAMUS...REQUEST BY JOHN ARAKELIAN TO JOIN IN THIS PETITION IS GRANTED. PETITIONER DID NOT OPPOSE THAT REQUEST. THE PETITION FOR WRIT OF MANDATE FILED 5/3/13 IS DENIED FILED. FORWARDED COPY TO JUDGE CLARK AND CLERK.
ENTERED ON CJIS BY S. RANEY-SCMET ON 06/06/2013.

06/07/13 16:20 STIPULATION RE TO CONTINUE AND ORDER THEREON FILED.
VACATE FELONY ARRAIGNMENT THAT WAS SET ON 06/11/2013 AT 1:30 P.M.

RECORD OF CASE EVENTS:

06/07/13 - CONTINUED

HEARING SET ON 06/11/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR FELONY ARRAIGNMENT.
ENTERED ON CJIS BY L. BRAVO-SCMET ON 06/07/2013.

06/11/13 08:30 ** HEARING HELD ON 06/11/13 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION; D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.
DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY L. RICHARD WALTON.
CO-DEFENDANT JOHN ARAKELIAN AND HIS ATTORNEY, DANIEL BACON APPEARED.

CO-DEFENDANT MARIA CABANGANGAN AND HER ATTORNEY, CARL FALLER APPEARED.

CO-DEFENDANT CHARLES LEWIS IS NOT PRESENT, ATTORNEY SCOTT QUILAN APPEARED.

CO-DEFENDANT CATHY PIERCE APPEARED.

ATTORNEY KYLE HUMPHREY APPEARED FOR ATTORNEY OF RECORD, RHYS BOYD-FARRELL.

CO-DEFENDANT DOLPHUS PIERCE AND HIS ATTORNEY, KYLE HUMPHREY APPEARED.

CO-DEFENDANT CHI YANG AND HIS ATTORNEY, DAVID A. TORRES APPEARED.

THE COURT ADVISES IT HAS RECIEVED AND REVIEWED DEFENDANT CHARLES LEWIS' REQUEST FOR STAY, CONTINUANCE OF ARRAIGNMENT AND MOTION FOR BAIL REDUCTION.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
DEFENSE COUNSEL'S MOTION FOR CONTINUANCE IS GRANTED.
HEARING SET ON 07/29/2013 AT 1:30 P.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR FELONY ARRAIGNMENT.

DEFENDANT ORDERED TO APPEAR.

NO OPPOSITIONS TO CONTINUANCE MADE.

TIME WAIVED BY COUNSEL.

TIME WAIVED FOR ARRAIGNMENT TO DATE.

TIME WAIVER IS WITHOUT PREJUDICE.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 06/11/2013.
DEMURRER TO FIRST AMENDED INDICTMENT; REQUEST FOR ZAMORA HEARING FILED.

10:30

HEARING SET ON 07/29/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR HEARING ON DEMURRER.

J241481
KERN CJIS
ORGANIZATION: SC

--- REGISTER OF ACTIONS/DOCKET ---
CASE NO. BF141700F

12/16/16
13:33
PAGE 19

RECORD OF CASE EVENTS:

06/11/13 - CONTINUED
HEARING SET ON 07/29/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION. ENTERED ON CJIS BY L. BRAVO-SCMET ON 06/11/2013.

07/10/13 08:00 REQUEST FOR MEDIA COVERAGE - KBAK/KBFX TV CHANNEL 29, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 07/15/2013.

07/12/13 08:00 ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 07/13/2013.

07/19/13 17:00 MOTION TO REDUCE DEFENDANT'S BAIL RECEIVED. HEARING SET ON 07/29/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION FOR BAIL REDUCTION. ENTERED ON CJIS BY D. DEAVILA-SCMET ON 07/24/2013.

07/22/13 17:00 OPPOSITION TO DEFENDANT TOMAS RIOS' DEMURRER TO FIRST AMENDED INDICTMENT POINTS AND AUTHORITIES THEREOF FILED. ENTERED ON CJIS BY D. DEAVILA-SCMET ON 07/24/2013.

07/25/13 16:35 RESPONSE TO MOTION FOR BAIL REDUCTION FILED. ENTERED ON CJIS BY D. DEAVILA-SCMET ON 07/25/2013.

07/26/13 09:00 MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST, FILED.
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 07/26/2013.

10:40 DEFENDANT TOMAS BALLESTEROS RIOS' REPLY TO PEOPLE'S OPPOSITION TO DEMURRER TO FIRST AMENDED INDICTMENT FILED.
ENTERED ON CJIS BY L. GARCIA-SCMET ON 07/26/2013.

17:29 RESPONSE TO DEFENDANT TOMAS BALLESTEROS RIOS' REPLY TO PEOPLE'S RESPONSE TO HIS MOTION FOR BAIL REDUCTION FILED.
ENTERED ON CJIS BY L. SANDOVAL-SCMET ON 07/26/2013.

07/29/13 08:30 ** HEARING HELD ON 07/29/13 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC
NATURE OF PROCEEDINGS: DEMURRER.
NATURE OF PROCEEDINGS: MOTION.
NATURE OF PROCEEDINGS: MOTION FOR BAIL REDUCTION.
NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.
DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY LEW WALTON.

RECORD OF CASE EVENTS:

07/29/13 - CONTINUED

MOTION TO REDUCE DEFENDANT 'TOMAS BALLESTEROS RIOS' BAIL IS RECEIVED AND CONSIDERED BY THE COURT.
RESPONSE TO MOTION FOR BAIL REDUCTION IS RECEIVED AND CONSIDERED BY THE COURT.
DEFENDANT TOMAS BALLESTEROS RIOS' REPLY TO PEOPLE'S RESPONSE TO HIS MOTION FOR BAIL REDUCTION IS RECEIVED AND CONSIDERED BY THE COURT.
ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.
MOTION FOR REDUCTION OF BAIL IS DENIED.
DEMURRER TO FIRST AMENDED INDICTMENT, REQUEST FOR ZAMORA HEARING IS RECEIVED AND CONSIDERED BY THE COURT.
PEOPLE'S OPPOSITION TO DEFENDANT TOMAS RIOS' DEMURRER TO FIRST AMENDED INDICTMENT, POINTS AND AUTHORITIES THEREOF IS RECEIVED AND CONSIDERED BY THE COURT.
DEFENDANT TOMAS BALLESTEROS RIOS' REPLY TO PEOPLE'S OPPOSITION TO DEMURRER TO FIRST AMENDED INDICTMENT IS RECEIVED AND CONSIDERED BY THE COURT.
ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
DEMURRER IS HEARD AND OVERRULED.
A COPY OF THE AMENDED INDICTMENT HAS BEEN RECEIVED BY COUNSEL FOR THE DEFENDANT.
DEFENDANT THROUGH COUNSEL WAIVES READING OF THE INDICTMENT.
DEFENDANT WAIVES FORMAL ARRAIGNMENT.
DEFENDANT, THROUGH HIS COUNSEL, WAIVES FURTHER ADVISAL OF CONSTITUTIONAL RIGHTS.
DEFENDANT IS ARRAIGNED AND ENTERS A PLEA OF NOT GUILTY TO ALL COUNTS.
ALL ALLEGATIONS, AS ALLEGED IN THE INDICTMENT, ARE DENIED.
OVER THE OBJECTION OF THE PEOPLE, THE COURT WILL SET TRIAL IN THIS MATTER IN JANUARY OF 2015.
CASE IS SET FOR JURY TRIAL ON 01/12/2015 AT 9:00 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7.
DEFENDANT WAIVES TIME FOR JURY TRIAL PLUS 30 CALENDAR DAYS.
COUNSEL JOINS IN TIME WAIVER.
ESTIMATED LENGTH OF TRIAL: 4 MONTHS.
READINESS HEARING SET ON 11/07/2014 AT 1:30 P.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7.
HEARING SET ON 12/06/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION.
INITIAL MOTIONS TO BE FILED BY 9-27-2013. ALL AND ANY MOTIONS TO BE ST BEFORE JUDGE THOMAS S. CLARK.

RECORD OF CASE EVENTS:

07/29/13 - CONTINUED

HEARING SET ON 12/06/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR STATUS CONFERENCE

DEFENDANT ORDERED TO APPEAR.

DEFENDANT IS ORDERED TO APPEAR FOR ALL DATES.

DEADLINE FOR FURTHER OVERALL MOTIONS IS 10-17-2014. ALL AND ANY MOTIONS TO BE SET BEFORE JUDGE THOMAS S. CLARK. THE PEOPLE ARE TO FILE THEIR RESPONSE TO INITIAL MOTIONS BY 11-12-2013.

DEFENDANT TO REPLY TO ANY FILED RESPONSES OF THE PEOPLE BY 11-20-2013.

VACATE FELONY ARRAIGNMENT THAT WAS SET ON 07/29/2013 AT 1:30 P.M.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 07/29/2013.

09/27/13 17:00

REJECTED DOCUMENT: MOTION TO DISMISS RETURNED TO: L. RICHARD WALTON ON 10/03/2013 BY D.DEAVILA FOR THE FOLLOWING REASON NOT AN ORIGINAL, COPIES ARE NOT ACCEPTED.

ENTERED ON CJIS BY D. DEAVILA-SCMET ON 10/03/2013.

12/02/13 08:30

REQUEST FOR MEDIA COVERAGE - KGET-TV CHANNEL 17, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 12/05/2013.

12/05/13 15:30

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED. ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 12/05/2013.

17:00

REJECTED DOCUMENT: JOINDER IN ALL FILED MOTIONS TO DISMISS RETURNED TO: L. RICHARD WALTON ON 12/05/2013 BY D.DEAVILA FOR THE FOLLOWING REASON MUST SHOW DATE, TIME, AND LOCATION OF HEARING IN HEADING.

ENTERED ON CJIS BY D. DEAVILA-SCMET ON 12/05/2013.

12/06/13 08:30 **

HEARING HELD ON 12/06/13 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: ROBIN HERRERA. BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: MOTION.

NATURE OF PROCEEDINGS: STATUS CONFERENCE.

NATURE OF PROCEEDINGS: MOTION TO SET ASIDE THE INFORMATION PURSUANT TO PC 995.

NATURE OF PROCEEDINGS: MOTION TO DISMISS.

DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMANN APPEARED.

CRAIG PULSKAMP APPEARS AS CO-COUNSEL.

DEPUTY ATTORNEY GENERAL KATHLEEN A. MCKENNA APPEARED.

DEFENDANT APPEARED WITH ATTORNEY LEW WALTON.

RECORD OF CASE EVENTS:

12/06/13 - CONTINUED

COUNSEL FOR DEFENDANT JOINS IN ALL MOTIONS EXCEPT FOR THE MOTION TO RECUSE THE DISTRICT ATTORNEY, KATE ZIMMERMANN.

THE COURT ADDRESSES THE MOTIONS PURSUANT TO PC 995. ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT FOR RULING.

10:22 A.M. THE COURT RECESSES UNTIL 10:40 A.M..

10:42 A.M. CAUSE RESUMES. ALL APPEARANCES ARE AS PREVIOUSLY INDICATED.

ARGUMENTS CONTINUE ON THE 995 MOTIONS.

11:58 A.M. THE COURT RECESSES UNTIL 1:30 P.M..

1:31 P.M. CAUSE RESUMES. ALL APPEARANCES ARE AS PREVIOUSLY INDICATED.

ARGUMENTS CONTINUE ON THE 995 MOTIONS.

3:06 P.M. THE COURT RECESSES UNTIL 3:20 P.M..

3:21 P.M. CAUSE RESUMES, ALL APPEARANCES ARE AS PREVIOUSLY INDICATED.

ARGUMENTS CONTINUE ON 995 MOTIONS.

3:23 P.M. THE COURT RECESSES UNTIL 3:45 P.M..

3:53 P.M. CAUSE RESUMES, DANIEL BACON APPEARS FOR LEW WALTON. ALL OTHER APPEARANCES ARE AS PREVIOUSLY INDICATED.

ARGUMENTS CONTINUE ON 995 MOTIONS.

HEARING SET ON 12/13/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR STATUS CONFERENCE

HEARING SET ON 12/13/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION.

HEARING SET ON 12/13/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION TO DISMISS

HEARING SET ON 12/13/2013 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION TO SET ASIDE INFORMATION-PC995.

DEFENDANT ORDERED TO APPEAR.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 12/06/2013.

12/13/13 08:30 ** HEARING HELD ON 12/13/13 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: SUSAN GONZALEZ. BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: STATUS CONFERENCE.

NATURE OF PROCEEDINGS: MOTION.

NATURE OF PROCEEDINGS: MOTION TO DISMISS.

NATURE OF PROCEEDINGS: MOTION TO SET ASIDE THE INFORMATION PURSUANT TO PC 995.

RECORD OF CASE EVENTS:

12/13/13 - CONTINUED

DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY LEW WALTON.
SAMUEL J. LEVY, CO-COUNSEL FOR DEFENDANT APPEARED.
DEFENDANT WAIVES HIS PERSONAL PRESENCE DURING THE
CONCLUSION OF THESE MOTIONS ON THE RECORD.
COUNSEL JOINS IN PLEA(S)/WAIVER(S).
CAUSE RESUMES WITH 995 MOTIONS.
ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT
FOR RULING.
10:19 A.M. THE COURT ORDERS AN ADJOURNMENT UNTIL 10:40
A.M. THIS DATE.
10:50 A.M. CAUSE RESUMES WITH APPEARANCES AS PREVIOUSLY
STATED, WITH THE EXCEPTION OF DEFENDANT RIOS.
ARGUMENTS CONTINUE AS TO 995 MOTIONS.
CAUSE PROCEEDS WITH 939 MOTIONS.
ARGUMENTS PRESENTED. EVIDENCE SUBMITTED TO THE COURT
FOR RULING.
THE COURT TAKES THE 995 AND 939 MOTIONS UNDER SUBMISSION
THE COURT WILL RENDER IT'S RULING BY MINUTE ORDER AND
NOTIFY ALL PARTIES.
JURY TRIAL REMAINS AS PREVIOUSLY SET ON 01/12/2015.
READINESS REMAINS AS PREVIOUSLY SET ON 11/07/2014.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$575,000.00.
DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 12/13/2013.

12/16/13 17:00 NOTICE OF JOINDER IN ALL FILED MOTIONS TO DISMISS FILED.
MOTION NOTICED FOR 12/06/13, COURT DATE WAS NOT SET, NOT
SUBMITTED TIMELY.
ENTERED ON CJIS BY D. DEAVILA-SCMET ON 12/20/2013.

12/19/13 08:36 REPORTER'S TRANSCRIPT DATED 12/06/2013 FILED.
REPORTER'S TRANSCRIPT PREPARED BY ROBIN L. HERRERA.
ENTERED ON CJIS BY D. TRIMBLE-SCMET ON 12/20/2013.

01/08/14 08:50 REPORTER'S TRANSCRIPT DATED 12/13/2013 FILED.
REPORTER'S TRANSCRIPT PREPARED BY SUSAN E. GONZALEZ.
ENTERED ON CJIS BY D. TRIMBLE-SCMET ON 01/08/2014.

02/04/14 15:30 ** RULING ON 02/04/14 AT 3:30 P.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- RL. HON. THOMAS S. CLARK,
JUDGE. CLERK JENNIFER FARLEY
NATURE OF PROCEEDINGS: RULING
ALL DEFENDANTS JOINED IN THE MOTION TO RECUSE THE DEPUTY
DISTRICT ATTORNEY. THE PARTIES ARGUED THE MOTION IN
OPEN COURT ON DECEMBER 6, 2013..

RECORD OF CASE EVENTS:

02/04/14 - CONTINUED

THE COURT ORALLY DENIED THE MOTION TO RECUSE IN OPEN COURT ON DECEMBER 6, 2013.
THE COURT'S FINDINGS ARE MORE FULLY SET FORTH IN THE OPINION RE: MOTION TO RECUSE DEPUTY DISTRICT ATTORNEY, ATTACHED HERETO AS EX. A AND INCORPORATED HEREIN BY THIS REFERENCE.
SEE RULING ATTACHED HERETO AND MADE A PART HEREOF.
NOTIFY DISTRICT ATTORNEY'S OFFICE.
NOTIFY DEFENSE ATTORNEY LEW WALTON.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.
DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/04/2014.
16:30 CLERK'S CERTIFICATE OF MAILING FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/04/2014.

02/05/14 09:00 ** RULING ON 02/05/14 AT 9:00 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- RL. HON. THOMAS S. CLARK, JUDGE. CLERK JENNIFER FARLEY
NATURE OF PROCEEDINGS: RULING
DEFENDANTS LEWIS AND ARAKELIAN FILED MOTIONS TO DISMISS BASED UPON PC SECTIONS 939.7 AND 939.71. THESE MOTIONS WERE JOINED BY ALL OTHER DEFENDANTS.
THESE MOTIONS WERE ARGUED IN OPEN COURT ON DECEMBER 6, 2013 AND DECEMBER 13, 2013. THESE MOTIONS WERE SUBMITTED ON DECEMBER 13, 2013.
FOR THE REASONS SET FORTH IN THE OPINION ON 939.7 AND 939.71 MOTIONS, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE, THOSE MOTIONS ARE DENIED.
SEE RULING ATTACHED HERETO AND MADE A PART HEREOF.
NOTIFY DISTRICT ATTORNEY'S OFFICE.
NOTIFY DEFENSE ATTORNEY LEW WALTON.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF \$575,000.00.
DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/05/2014.
10:45 CLERK'S CERTIFICATE OF MAILING FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/05/2014.

02/10/14 15:15 CLERK'S CERTIFICATE OF MAILING DOLPHUS PIERCE 995 MOTION FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/10/2014.

02/11/14 10:45 CLERK'S CERTIFICATE OF MAILING FOR CATHY PIERCE 995 MOTION FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/11/2014.

02/18/14 13:00 CLERK'S CERTIFICATE OF MAILING FOR CHARLES LEWIS 995 MOTION FILED. FILED.

RECORD OF CASE EVENTS:

02/18/14 - CONTINUED

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/18/2014.

02/27/14 15:45

CLERK'S CERTIFICATE OF MAILING FOR JOHN ARAKELIAN 995
MOTION FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 02/27/2014.

09/15/14 08:30 **

HEARING HELD ON 09/15/14 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: IN CAMERA HEARING.

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
ATTORNEY W. SCOTT QUINLAN APPEARED FOR ATTORNEY OF
RECORD, LEW WALTON.

DEFENDANT NOT PRESENT.

DEFENDANT CHARLES O. LEWIS' NOTICE OF MOTION FOR IN
CAMERA HEARING ON PRIVATE PARTY RECORDS AND TO RELEASE
SUBPOENAED DOCUMENTS TO THE DEFENSE IS RECEIVED AND
CONSIDERED BY THE COURT.

COURT IS ADVISED THROUGH MR. QUINLAN THAT COUNSEL FOR
DEFENDANT TOMAS RIOS WOULD LIKE TO ORALLY JOIN THE
MOTION FOR IN CAMERA HEARING.

MOTION OF DEFENDANT'S FOR JOINDER FOR IN CAMERA HEARING
ON PRIVATE PARTY RECORDS AND TO RELEASE SUBPOENAED
DOCUMENTS TO THE DEFENSE IS DENIED.

THE COURT ADDRESSES THE PREVIOUSLY SET READINESS HEARING
SET FOR 11/7/2014 AT 1:30 P.M..

UPON COURT'S OWN MOTION, READINESS HEARING IS RESET AS
FOLLOWS:.

VACATE READINESS THAT WAS SET ON 11/07/2014 AT 1:30 P.M.
AND RESET TO 11/05/2014 AT 1:30 P.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7.

COPY OF MINUTE ORDER SENT TO COUNSEL FOR DEFENDANT THIS
DATE.

BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$575,000.00.

DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 09/15/2014.
AMENDED MINUTE ORDER.

DUE TO CLERICAL ERROR THIS MINUTE ORDER AMENDED ON
09/26/2014 BY J. FARLEY TO CORRECT CORRECT APPEARANCES.

09/16/14 13:30

CLERK'S CERTIFICATE OF MAILING FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 09/16/2014.

09/18/14 15:15

CLERK'S CERTIFICATE OF MAILING ATTACHED TO RULING ON
RELEASE OF DOCUMENTS REQUESTED BY COUNSEL W. SCOTT
QUINLAN, ATTORNEY FOR CO-DEFENDANT CHARLES LEWIS FILED.

RECORD OF CASE EVENTS:

09/18/14 - CONTINUED

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 09/18/2014.

09/24/14 11:00

CLERK'S CERTIFICATE OF MAILING (RULING FOR DEFENDANT
CHARLES LEWIS' MOTION TO STRIKE) FILED.
ENTERED ON CJIS BY PAT HICKS-SCBAK, ON 09/24/2014.

09/26/14 13:30

JCA'S REPLY CORRESPONDENCE TO EMAIL RECEIVED FROM DANIEL
A. BACON, ATTORNEY FOR JOHN ARAKELIAN WITH ATTACHED
EMAIL FROM ATTORNEY DANIEL A. BACON FILED.
CLERK'S CERTIFICATE OF MAILING FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 09/26/2014.

10/06/14 17:00

MOTION TO COMPEL PRETRIAL DISCOVERY FILED. HEARING SET
ON 10/17/2014 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7.
ENTERED ON CJIS BY BARBARA HERRERA - WMBAK, ON
10/08/2014.

10/17/14 08:30 **

HEARING HELD ON 10/17/14 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC
NATURE OF PROCEEDINGS: MOTION TO COMPEL PRETRIAL
DISCOVERY

DEPUTY DISTRICT ATTORNEY KATE C. ZIMMERMANN APPEARED.
NO APPEARANCE BY LEW WALTON, COUNSEL FOR
DEFENDANT/APPELLANT.
DEFENDANT NOT PRESENT.

THE PEOPLE ADVISE THE COURT THAT MR. WALTON AND THE
PEOPLE HAVE AGREED TO TRAIL THE PEOPLE'S MOTION TO
COMPEL PRETRIAL DISCOVERY TO THE DATE OF READINESS.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
MATTER TRAILED:.

HEARING SET ON 11/05/2014 AT 9:00 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7 FOR MOTION TO COMPEL
PRETRIAL DISCOVERY.

UPON COURT'S OWN MOTION, READINESS HEARING OF 11/05/14
AT 1:30 P.M IS VACATED AND RESET AS FOLLOWS:.

VACATE READINESS THAT WAS SET ON 11/05/2014 AT 1:30 P.M.
AND RESET TO 11/05/2014 AT 9:00 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7.

HEARING SET ON 01/06/2015 AT 10:00 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7 FOR MISCELLANEOUS.

HEARING SET ON 01/06/2015 AT 10:00 A.M. IN SUPERIOR
COURT, METROPOLITAN DIVISION, D- 7 FOR READINESS.

FURTHER READINESS HEARING SET FOR THE PURPOSES OF
MARKING EXHIBITS AND EXCHANGE.

RECORD OF CASE EVENTS:

10/17/14 - CONTINUED

14:00 COPY OF MINUTE ORDER SENT TO LEW WALTON, ATTORNEY FOR
DEFENDANT THIS DATE.
BAIL TO REMAIN AS PREVIOUSLY SET IN THE SUM OF
\$575,000.00.
DEFENDANT IS RELEASED ON BAIL BOND NO. A1000-00579746.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 10/17/2014.
CLERK'S CERTIFICATE OF MAILING OF MINUTE ORDER DATED
10/17/2014 FILED.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 10/17/2014.

11/05/14 09:00 ** HEARING HELD ON 11/05/14 AT 9:00 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILIFF: CHRIS STRUNC
AMENDED MINUTE ORDER.
DUE TO OMISSION THIS MINUTE ORDER AMENDED ON 12/17/2014
BY J. FARLEY TO CORRECT VACATING HEARING OF 1/6/15.
** NATURE OF PROCEEDINGS: READINESS HEARING.
** NATURE OF PROCEEDINGS: MOTION TO COMPEL PRETRIAL
DISCOVERY
** NATURE OF PROCEEDINGS: CHANGE OF PLEA.
DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.
DEFENDANT APPEARED WITH ATTORNEY LEW WALTON.
DEFENDANT ANSWERS TO TRUE NAME AS CHARGED.
THROUGH COUNSEL, THE COURT IS INFORMED DEFENDANT HAS
BEEN INFORMED OF LEGAL RIGHTS AND WAIVES FURTHER
INFORMING OF RIGHTS.
DEFENDANT ADVISED OF THE NATURE AND EXTENT OF THE
PUNISHMENT THAT CAN RESULT FROM A PLEA OF GUILTY OR NOLO
CONTENDERE. DEFENDANT ACKNOWLEDGED UNDERSTANDING OF THE
NATURE OF THE CHARGES AGAINST HIM, AND THE NATURE AND
EXTENT OF THE PUNISHMENT THAT CAN RESULT FROM A PLEA OF
GUILTY OR NOLO CONTENDERE; DEFENDANT ACKNOWLEDGES
UNDERSTANDING OF WAIVER OF RIGHTS, AND BEING
SPECIFICALLY QUERIED, VOLUNTARILY AND INTELLIGENTLY
WAIVES: RIGHT TO TRIAL BY COURT OR JURY; RIGHT TO
CONFRONT WITNESSES AGAINST HIM AND TO CROSS-EXAMINE
THEM; RIGHT TO REMAIN SILENT AND RIGHT AGAINST
SELF-INCRIMINATION. DEFENDANT'S SIGNED WAIVER OF RIGHTS
FILED AND INCORPORATED HEREIN BY REFERENCE.
DEFENDANT ACKNOWLEDGES UNDERSTANDING OF WAIVER OF
RIGHTS, AND BEING SPECIFICALLY QUERIED, VOLUNTARILY AND
INTELLIGENTLY WAIVES: RIGHT TO COUNSEL; RIGHT TO TRIAL
BY COURT OR JURY; RIGHT TO CONFRONT WITNESSES AGAINST
HIM AND TO CROSS-EXAMINE THEM; RIGHT TO REMAIN SILENT
AND RIGHT AGAINST SELF-INCRIMINATION. DEFENDANT'S
SIGNED WAIVER OF RIGHTS FILED AND INCORPORATED HEREIN BY
REFERENCE.

RECORD OF CASE EVENTS:

11/05/14 - CONTINUED

COUNSEL JOINS IN PLEA(S)/WAIVER(S).
PLEA IS ENTERED ON CONDITION THAT DEFENDANT TO PLEA
GUILTY TO COUNT 1 FOR \$35,000.00 FINE TO BE PAID ON OR
BEFORE 5/1/2015, 350 HOURS COMMUNITY SERVICE TO BE
COMPLETED ON OR BEFORE 5/1/2015, OTHER TERMS AND
CONDITIONS AS STATED ON RECORD AND REFLECTED IN
ATTACHMENT TO PLEA FORM.
DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 1.
DEFENDANT STIPULATES THAT AT LEAST ONE OF THE ALLEGED
127 OVERT ACTS OCCURRED WITHIN THE APPLICABLE STATUTE OF
LIMITATIONS FOR THIS CHARGE.
ALL ALLEGATIONS ARE DISMISSED.
COUNT 2 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 3 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 4 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 5 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 6 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 7 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 8 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 9 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 10 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 11 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 12 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 13 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).

RECORD OF CASE EVENTS:

11/05/14 - CONTINUED

COUNT 14 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 15 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 16 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 17 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 18 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 19 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 20 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT 21 DISCHARGED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: FURTHERANCE OF
JUSTICE (PC 1385).
COUNT(S) DISMISSED UPON CONDITION PLEA REMAIN IN EFFECT.
ALLEGATIONS STRICKEN UPON CONDITION PLEA REMAIN IN
EFFECT.
THE COURT FINDS THAT THE PLEA IS FREE AND VOLUNTARY.
UPON STIPULATION OF COUNSEL, COURT FINDS A FACTUAL BASIS
FOR THE PLEA.
REFERRED TO PROBATION DEPARTMENT FOR PRESENTENCE
INVESTIGATION AND REPORT RETURNABLE ON 05/01/2015 AT
8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7

DEFENDANT ORDERED TO RETURN.
DEFENDANT WAIVES TIME FOR SENTENCING.
DEFENDANT WAIVES TIME FOR SENTENCING FOR AN ADDITIONAL
10 DAYS.
COUNSEL JOINS IN PLEA(S)/WAIVER(S).
VACATE JURY TRIAL THAT WAS SET ON 01/12/2015 AT 9:00
A.M.
VACATE MISCELLANEOUS THAT WAS SET ON 01/06/2015 AT 10:00
A.M.
VACATE READINESS THAT WAS SET ON 01/06/2015 AT 10:00
A.M.
VACATE READINESS THAT WAS SET ON 11/05/2014 AT 9:00 A.M.
VACATE MOTION TO COMPEL PRETRIAL DISCOVERY THAT WAS SET
ON 11/05/2014 AT 9:00 A.M.

RECORD OF CASE EVENTS:

11/05/14 - CONTINUED

DEFENDANT IS RELEASED FROM ELECTRONIC MONITORING ON THIS
CASE EFFECTIVE 11/05/2014

DEFENDANT IS ORDERED TO REPORT TO THE KERN COUNTY
PROBATION DEPARTMENT BY 5:00 P.M. TODAY'S DATE.

EXONERATE BAIL BOND NO. A1000-00579746.

DEFENDANT ADVISED AS TO CONSEQUENCES OF FAILING TO
APPEAR AFTER HIS/HER PC859 PLEA (PEOPLE VS. CRUZ).

DEFENDANT IS RELEASED ON OWN RECOGNIZANCE.

11:00 ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 11/05/2014.
ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM FOR FELONIES

AND FINGERPRINT CARD FILED.

AGREEMENT TO APPEAR FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 11/05/2014.

11/07/14 13:30

REPORTER'S TRANSCRIPT OF CHANGE OF PLEA FILED.

REPORTER'S TRANSCRIPT PREPARED BY KIMBERLY A SHAW.
ENDORSED COPY OF TRANSCRIPT MAILED TO ATTORNEY LEW
WALTON.

ENTERED ON CJIS BY BAILEY SMITH - METROPOLITAN, ON
11/07/2014.

02/25/15 11:56

SUBPOENAED RECORDS RECEIVED FROM REEF SUSUNSET USD.

ENTERED ON CJIS BY RAQUEL SANCHEZ - SCMET, ON 02/25/2015

02/26/15 13:14

SUBPOENAED RECORDS RECEIVED FROM UNITED STATES POSTAL
SERVICE LAW DEPARTMENT.

ENTERED ON CJIS BY RAQUEL SANCHEZ - SCMET, ON 02/26/2015

04/27/15 15:00

REQUEST FOR MEDIA COVERAGE - KGET-TV CHANNEL 17, FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/01/2015.

17:00

PROBATION OFFICER'S (SHORT REPORT) RECEIVED.

ENTERED ON CJIS BY D. DEAVILA-SCMET ON 04/28/2015.

04/30/15 11:00

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 04/30/2015.

05/01/15 08:30

** HEARING HELD ON 05/01/15 AT 8:30 A.M. IN SUPERIOR COURT,
METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.

BAILIFF: DEPUTY SHERIFF

NATURE OF PROCEEDINGS: SENTENCING.

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.

PROBATION OFFICER NICOLE CABRAL APPEARED.

DEFENDANT APPEARED WITH ATTORNEY LEW WALTON.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:

RECORD OF CASE EVENTS:

05/01/15 - CONTINUED

THE PEOPLE REQUEST A CONTINUANCE OF THE SENTENCING FOR PURPOSES STATED ON THE RECORD.
THE PEOPLE ADVISE THE COURT THE DEFENDANT IS IN COMPLIANCE WITH THE CONDITIONS OF SENTENCING AND PROVIDES COPIES OF PROOF OF COMPLIANCE FOR THE COURT'S RECORD.

PEOPLE'S MOTION FOR CONTINUANCE IS GRANTED. HEARING SET ON 01/22/2016 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7 FOR SENTENCING.

NO OBJECTION BY THE DEFENDANT.

DEFENDANT WAIVES TIME FOR SENTENCING.

DEFENDANT WAIVES TIME FOR SENTENCING FOR AN ADDITIONAL 20 COURT DAYS.

COUNSEL JOINS IN PLEA(S)/WAIVER(S).

DEFENDANT ORDERED TO RETURN.

DEFENDANT IS RELEASED ON OWN RECOGNIZANCE.

09:00 ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/01/2015.
LETTER ACKNOWLEDGING ACCEPTANCE OF PROOF OF COMPLIANCE OF ALL PLEA REQUIREMENTS SIGNED BY AMANDA PETERSON FILED.

LETTER FROM GRIFFIN'S GATE FILED.

PHOTO COPIES OF CHECKS RECEIVED FROM DEFENDANT FOR RESTITUTION FILED.

COPY OF CERTIFICATE OF COMPLETION OF 350 HOURS OF COMMUNITY SERVICE FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 05/01/2015.

05/28/15 17:00

RESTITUTION DISTRIBUTION ORDER FILED.

ENTERED ON CJIS BY BARBARA HERRERA - WMBAK, ON 05/29/2015.

11/10/15 08:35

SUBPOENAED RECORDS RECEIVED FROM UNITED STATES POSTAL INSPECTION SERVICE.

ENTERED ON CJIS BY RAQUEL SANCHEZ - SCMET, ON 11/10/2015

01/19/16 09:00

REQUEST FOR MEDIA COVERAGE - KGET TV CHANNEL 17, FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 01/22/2016.

01/21/16 09:00

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE, FILED.

ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 01/22/2016.

01/22/16 08:30

** HEARING HELD ON 01/22/16 AT 8:30 A.M. IN SUPERIOR COURT, METROPOLITAN DIVISION, D- 7. HON. THOMAS S CLARK, JUDGE

PRESIDING. CLERK: JENNIFER FARLEY. REPORTER: KIM SHAW.
BAILLIFF: CHRIS STRUNC

NATURE OF PROCEEDINGS: SENTENCING.

DEPUTY DISTRICT ATTORNEY KATE ZIMMERMANN APPEARED.

RECORD OF CASE EVENTS:

01/22/16 - CONTINUED

PROBATION OFFICER GEORGE LLAMA APPEARED.
DEFENDANT APPEARED WITH ATTORNEY LEWIS WALTON.
REPORT OF PROBATION OFFICER IS RECEIVED AND CONSIDERED.
CHAMBERS DISCUSSIONS ARE PUT ON THE RECORD.
DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT
SHOULD NOT BE PRONOUNCED.
AS TO COUNT 1:
PROBATION DENIED AS TO COUNT(S) 1.
AS TO COUNT 1, DEFENDANT IS SENTENCED TO THE KERN COUNTY
JAIL PURSUANT TO SECTION 1170(H) OF THE PENAL CODE FOR
THE MIDDLE TERM OF 3 YR(S), 0 MO(S), 0 DAY(S).
DEFENDANT COMMITTED TO THE KERN COUNTY JAIL FOR THE
TOTAL AGGREGATE TERM OF 3 YEAR(S), 0 MONTH(S), 0 DAY(S).
WITH CUSTODY CREDITS OF: 1,095 ACTUAL AND 0 GOOD AND
WORK, FOR A TOTAL OF 1,095 DAYS AS OF 01/22/2016.
DEFENDANT SHALL MAKE RESTITUTION PURSUANT TO PENAL CODE
SECTION 1202.4(F) IN THE AMOUNT OF \$1,000,000.00 TO
CALIFORNIA DEPARTMENT OF INSURANCE FOR LOSSES INCURRED.
RESTITUTION PAYMENTS TO BE DIRECTLY TO THE KERN COUNTY
DISTRICT ATTORNEY'S OFFICE.
UPON RECEIPT OF RESTITUTION, THE DISTRICT ATTORNEY IS
DIRECTED TO FORWARD RESTITUTION TO THE NAMED VICTIMS IN
THIS CASE AND IS GIVEN DISCRETION ON HOW TO ALLOCATE
RESTITUTION TO THE VICTIMS.
DEFENDANT IS ENTITLED TO CREDITS BY ANY RESTITUTION MADE
BY CO-DEFENDANTS.
DEFENDANT WILL HAVE BEEN DEEMED TO HAVE SATISFIED HIS
PORTION OF RESTITUTION IN FULL IF HE PAYS A TOTAL OF
\$250,000.00 PRIOR TO NOVEMBER 1, 2019.
DEFENDANT HAS A TOTAL CREDIT OF \$10,000.00 AS OF TODAY'S
DATE TOWARDS RESTITUTION.
THE COURT FINDS THE DEFENDANT HAS SATISFIED THE
REQUIREMENT OF 350 HOURS OF COMMUNITY SERVICE.
THE COURT FINDS THE DEFENDANT HAS PAID THE \$25,000.00 IN
FINES ORDERED AT THE TIME HIS PLEA WAS TAKEN.
DEFENDANT TO PAY COURT SECURITY FEE OF \$40.00 PURSUANT
TO PENAL CODE SECTION 1465.8(A)(1) AS TO COUNT 1.
DEFENDANT TO PAY ASSESSMENT OF \$30.00 PURSUANT TO GC
70373, AS TO COUNT 1.
DEFENDANT TO PAY RESTITUTION FINE OF \$240.00 PURSUANT TO
PENAL CODE SECTION 1202.4(B).
TOTAL AMOUNT OF FINE(S) PLUS FEE(S) \$310.00. DEFENDANT
TO PAY TOTAL FINE(S) AND ASSESSMENT(S) FORTHWITH OR
DEFENDANT ORDERED TO REPORT TO REVENUE RECOVERY DIVISION
AND COMPLETE AN APPLICATION FOR FINANCIAL EVALUATION,
DISCLOSE HIS/HER SOCIAL SECURITY NUMBER, AND EXECUTE AN
AGREEMENT TO SATISFY THE COURT ORDER AND/OR TERMS OF
PROBATION. THE FIRST INSTALLMENT PAYMENT SHALL BE DUE
TODAY. IN THE EVENT OF DEFAULT, BALANCE WILL ACCELERATE
AND BECOME DUE AND PAYABLE FORTHWITH.

J241481
KERN CJIS
ORGANIZATION: SC

--- REGISTER OF ACTIONS/DOCKET ---
CASE NO. BF141700F

12/16/16
13:33
PAGE 33

RECORD OF CASE EVENTS:

01/22/16 - CONTINUED

DEFENDANT IS ORDERED TO REPORT TO THE WORKER'S
COMPENSATION UNIT AT THE KERN COUNTY DISTRICT ATTORNEY'S
OFFICE AS TO RESTITUTION MONITORING ON JANUARY 23, 2017.
THIS MAY BE DONE BY CORRESPONDENCE AND BY COUNSEL.
CLERK OF THE COURT'S CERTIFICATION. I CERTIFY THAT THE
FOREGOING IS A CORRECT ABSTRACT OF THE DISPOSITION OF
ARREST AND COURT ACTION IN THIS CASE. SIGNED: JENNIFER
FARLEY.

DEFENDANT IS OUT OF CUSTODY.
ENTERED ON CJIS BY JENNIFER FARLEY-WMBAK, ON 01/22/2016.
ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.

10/06/16 14:00 INDICTMENT IMAGED FROM CASE FILE THIS DATE.
ENTERED ON CJIS BY K. VAN ALLEN SCMET - ON 10/06/2016.

END OF CRIMINAL CASE DOCKET

1 McGREGOR W. SCOTT
United States Attorney
2 VIRNA L. SANTOS
Assistant U.S. Attorney
3 Federal Courthouse
2500 Tulare Street, Suite 4401
4 Fresno, California 93721
Telephone: (559) 497-4000
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FILED

JUN 01 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK

9 IN THE UNITED STATES DISTRICT COURT FOR THE
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12)

13 Plaintiff,)

14 v.)

15 TOMAS RIOS,)

16 Defendant.)
17 _____)

NO. 07 CR 00146 AWI

VIOLATION: 26 U.S.C. § 7206(1) -
Making and Subscribing a False Income
Tax Return

18 INFORMATION
19

20 The United States Attorney charges: T H A T

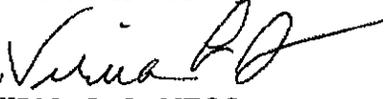
21 TOMAS RIOS,

22 defendant herein, on or about October 17, 2003, within the State and Eastern District of
23 California, did willfully make and subscribe his U.S. Form 1040 and schedules attached thereto,
24 for the calendar year 2002, which form contained a written declaration that it was made under
25 penalty of perjury and was filed with the Internal Revenue Service at Fresno, California, which
26 income tax form defendant TOMAS RIOS did not believe to be true and correct as to a material
27 matter, in that the tax form reported the total tax liability for the taxpayer named in the form to be
28 substantially less than the true and actual tax liability for the taxpayer named in the form, as

1 defendant TOMAS RIOS, then and there well knew and believed, in violation of Title 26, United
2 States Code, Section 7206(1).

3 DATED: June 1, 2007

McGREGOR W. SCOTT
United States Attorney

4
5 By 
6 VIRNA L. SANTOS
Assistant U. S. Attorney

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

By COMPLAINT INFORMATION INDICTMENT

Name of District Court, and/or Judge Magistrate Location (city)
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA

SEE INFORMATION

- Petty
- Minor
- Misdemeanor
- Felony

Place of Offense
FRESNO COUNTY

U.S.C. Citation
SEE INFORMATION

DEFENDANT -- U.S. vs.
TOMAS RIOS

Address { 1: 07 CR 00146 AWI
Birth Date Male Alien
Date Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

this person is awaiting trial in another Federal give name of court.

this person/proceeding is transferred from another per (circle one) FRCrP 20, 21, or 40. Show District

this is a re prosecution of } previously dismissed which dismissed on motion of:

U.S. Att'y Defense

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same

prior proceeding or before U.S. Magistrate this defendant were recorded

MAGISTRATE CASE NO.

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges _____
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction Fed' State
- 6) Awaiting trial on other charges If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? Yes No If "Yes" give date _____

DATE OF ARREST ▶ Mo. Day Year

Or ... if arresting Agency & Warrant were not Federal

DATE TRANSFERRED TO U.S. CUSTODY ▶ Mo. Day Year

This report amends AO 257 previously submitted

Name and Office of Person Furnishing information on

THIS FORM

STELLA G. PASKETT

U.S. Att'y Other U.S. Agency

Name of Asst. U.S.

VIRNA L. SANTOS

ADDITIONAL INFORMATION OR COMMENTS

BAIL STATUS: Issue Summons for July 16, 2007, to Attorney Richard Walton, 4550 California Ave., 2nd Floor, Bakersfield, CA 93309

PENALTY SLIP

DEFENDANT: TOMAS RIOS

VIOLATION: 26 U.S.C. § 7206 (1)
Making and Subscribing a False
Income Tax Return

PENALTY: Maximum 3 years Imprisonment
Not more than \$250,000 fine

1. McGREGOR W. SCOTT
United States Attorney
2. VIRNA L. SANTOS
Assistant U.S. Attorney
3. Federal Courthouse
2500 Tulare Street, Suite 4401
4. Fresno, California 93721
Telephone: (559) 497-4000
5.

6.
7. IN THE UNITED STATES DISTRICT COURT FOR THE
8. EASTERN DISTRICT OF CALIFORNIA
9.

10. UNITED STATES OF AMERICA,)

11. Plaintiff,)

12. v.)

13. TOMAS RIOS,)

14. Defendant.)
15. _____)
16.

No. 1:07-CR-00146 AWI

MEMORANDUM OF PLEA
AGREEMENT PURSUANT TO
RULE 11(e) OF THE FEDERAL
RULES OF CRIMINAL
PROCEDURE

DATE: July 30, 2007
TIME: 9:00 a.m.
COURTROOM TWO
HON. ANTHONY W. ISHII

17.
18. Pursuant to Rule 11(e) of the Federal Rules of Criminal Procedure, the United States of
19. America, by and through McGregor W. Scott, the United States Attorney for the Eastern District
20. of California, and Assistant United States Attorney Virna L. Santos, and the defendant, Tomas
21. Rios, and his attorney, Richard Walton, have agreed as follows:
22.

23. 1. Charges.

24. (a) The defendant acknowledges that he has been charged by Information as follows:

25. COUNT ONE: Making and Subscribing a False Income Tax Return, in violation of Title
26. United States Code, Section § 7206(1).

27. ///

28. ///

1 2. Agreements by the Defendant.

2 (a) The defendant agrees that this plea agreement shall be filed with the court and
3 become a part of the court record.

4 (b) The defendant agrees to waive his right to be charged by Indictment and further agrees
5 to enter a plea of guilty to the Information charging him with Making and Subscribing a False
6 Income Tax Return, in violation of Title 26 United States Code, Section § 7206(1), as described
7 above.

8 (c) The defendant acknowledges that he will not be allowed to withdraw his plea should
9 the court fail to follow any of the government's sentencing recommendations.

10 (d) The defendant agrees that the loss to the government as a result of his illegal conduct
11 is not less than \$72,271.35 but not more than \$80,000, which includes taxes due as a result of
12 unreported income for the 2002 tax year.

13 (e) The defendant agrees to make restitution in an amount to be determined by the
14 Internal Revenue Service, consisting of unpaid taxes due and owing for the 2001 and 2002 tax
15 years.

16 (f) The defendant agrees that pursuant to U.S.S.G. § 2T1.1(a)(1), the base offense
17 level is 14.

18 (g) The defendant has already submitted to debriefings relating to the investigation and
19 prosecution of those individuals involved in the creation and management of the Alpha Omega
20 Complex Trust and the Aligned Enterprises and specifically the activities of Stephen Booth, Louise
21 Booth, Michael Ioane and others with respect to those trusts. The defendant further agrees to
22 continue his cooperation, including but not be limited to: subjecting himself to additional
23 interviews by representatives of the government, testifying truthfully before a federal grand jury
24 and testifying truthfully in any and all court proceedings when called by the government, with
25 complete and full disclosure of all information pertaining to the criminal activities of other
26 individuals of whom the defendant is aware.

27 Should the defendant breach his agreement with the government by (1) refusing to testify
28 before any grand jury or in any court proceeding when called by the government, (2) knowingly

1 giving false testimony or information, or (3) knowingly withholding information, this agreement
2 may be declared null and void at the government's option, his plea may be set aside, and the
3 government may reinstate the original charges in the Indictment. Further, the defendant agrees that
4 any statements made by the defendant after the execution of this agreement may be used against
5 him in such proceeding.

6 (h) The defendant is aware that Title 18, United States Code, Section 3742 affords a
7 defendant the right to appeal the sentence imposed. Acknowledging this, the defendant knowingly
8 waives the right to appeal his conviction or any sentence which is in accordance with the maximum
9 provided in the statute(s) of conviction (or the manner in which that sentence was determined) on
10 the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatever, in
11 exchange for the concessions made by the United States in this plea agreement. The defendant also
12 waives his right to challenge his conviction, sentence or the manner in which it was determined in
13 any post-conviction attack, including but not limited to a motion brought under Title 28, United
14 States Code, Sections 2241 or 2255.

15 (i) If the defendant's conviction on any of the counts to which he is pleading is ever
16 vacated at the defendant's request, or his sentence is ever reduced at his request, the government
17 shall have the right (1) to prosecute the defendant on any of the counts to which he pleaded guilty;
18 (2) to reinstate any counts that may be dismissed pursuant to this agreement; and (3) to file any
19 new charges that would otherwise be barred by this agreement. The decision to pursue any or all of
20 these options is solely in the discretion of the United States Attorney's Office. By signing this
21 agreement, the defendant agrees to waive any objections, motions, and defenses he might have to
22 the government's decision, including Double Jeopardy. In particular, he agrees not to raise any
23 objections based on the passage of time with respect to such counts including, but not limited to,
24 any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial
25 Clause of the Sixth Amendment.

26 If it is determined that the defendant has violated any provision of this Agreement or if the
27 defendant successfully moves to withdraw his plea: (1) all statements made by the defendant to
28 this Court during his change of plea hearing, to the government or other designated law

1 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
2 whether before or after this Agreement, shall be admissible in evidence in any criminal, civil, or
3 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall
4 assert no claim under the United States Constitution, any statute, Rule 11(e)(6) of the Federal
5 Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule,
6 that statements made by the defendant before or after this Agreement, or any leads derived
7 therefrom, should be suppressed. By signing this Agreement, the defendant waives any and all
8 rights in the foregoing respects.

9 (j) The defendant agrees to waive all rights under the "Hyde Amendment", Section 617,
10 P.L. 105-119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection
11 with the investigation and prosecution of all charges in the above-captioned matter and of any
12 related allegations (including without limitation any charges to be dismissed pursuant to this
13 Agreement and any charges previously dismissed).

14 3. Agreements by the Government.

15 (a) The government will recommend that the defendant receive a two-level reduction
16 in the computation of the offense level due to his acceptance of responsibility, provided the
17 defendant clearly and unequivocally accepts responsibility for his conduct. The government will
18 not be obligated to make such a recommendation if the defendant provides materially false
19 information of any type to the Probation Office or the Court in connection with his sentencing.

20 (b) The government agrees, pursuant to the defendant's commitment to cooperate set
21 forth on paragraph 2(g) above, that it may, after the completion of all investigations, trials, and
22 proceedings in which the defendant's cooperation is anticipated, move the court for a reduction of
23 not more than fifty percent (50%) of the defendant's sentence, pursuant to Section 5K1.1 of the
24 Sentencing Guidelines and Rule 35(b) of the Federal Rules of Criminal Procedure. The defendant
25 understands that it is within the sole discretion of the government to determine whether the
26 defendant has abided by the terms set forth above, and whether the defendant has provided
27 substantial assistance. The defendant understands that if the government determines that the
28 defendant has not provided substantial assistance, the government may not recommend a reduction

1 in his sentence. The defendant further understands that a motion pursuant to Rule 35(b) and
2 Section 5K1.1 is only a recommendation and is not binding on the court, that this Agreement
3 confers no right upon the defendant to challenge a government determination that he has not
4 provided substantial assistance, and that this Agreement confers no remedy upon the
5 defendant in the event that the government declines to make a Rule 35(b)/Section 5K1.1 motion.

6 (c) In exchange for the defendant's early acceptance of responsibility, the government
7 agrees to forego any other criminal charges under Title 26, United States Code, for tax years 2001-
8 2003.

9 (d) The government will recommend that the defendant be sentenced at the low end of
10 his applicable sentencing guideline range.

11 4. Nature, Elements and Possible Defenses.

12 The defendant has read the charges against him contained in the Indictment in this case,
13 and the charges have been fully explained to him by his attorney. Further, the defendant fully
14 understands the nature and elements of the crimes with which he has been charged, together with
15 the possible defenses thereto, and has discussed them with his attorney.

16 The defendant understands that in order to prove him guilty of Making and Subscribing a
17 False Income Tax Return, the government must prove each of the following elements beyond a
18 reasonable doubt:

19 First, the defendant made and signed a tax return for a particular tax year that he knew
20 contained false information as to a material matter;

21 Second, the return contained a written declaration that it was being signed under penalty of
22 perjury; and

23 Third, in filing the false tax return, the defendant acted willfully with the intent to violate
24 the law.

25 5. Factual Basis.

26 The defendant will plead guilty because he is in fact guilty of the crime set forth in the
27 Information, No. _____. The defendant also agrees that his guilty plea will be based upon the
28

1 following facts, although he acknowledges that, as to other facts, the parties may disagree:

2 On or about October 17, 2003, within the State and Eastern District of California,
3 the defendant did willfully make and subscribe his U.S. Form 1040 and schedules attached
4 thereto, for the calendar year 2002, which form contained a written declaration that it was
5 made under penalty of perjury and was filed with the Internal Revenue Service at Fresno,
6 California, which income tax form defendant Rios did not believe to be true and correct as
7 to a material matter, in that the tax form reported the total tax liability for the taxpayer
8 named in the form to be substantially less than the true and actual tax liability for defendant
9 Rios.

10 The loss to the Internal Revenue Service was approximately \$72,271.35.

11 6. Potential Sentence.

12 The defendant understands that, in determining his sentence, the Court is required to take
13 into consideration the Federal Sentencing Guidelines adopted by the United States Sentencing
14 Commission. Further, he understands that the court may give him any reasonable sentence above
15 or below the applicable Guideline range depending on aggravating or mitigating circumstances in
16 his case. The following is the maximum potential sentence which the defendant faces:

17 (a) Imprisonment.

18 Maximum: Three (3) years.

19 (b) Fine.

20 Maximum: Two Hundred and Fifty Thousand Dollars
21 (\$250,000).

22 (c) Both such fine and imprisonment.

23 (d) Term of Supervised Release.

24 Maximum: One (1) year.

25 (Should the defendant violate any of the terms of his supervised release, he
26
27
28

1 can be returned to prison for the period of supervised release actually
2 imposed by the Court).

3 (e) Penalty Assessment.

4 Mandatory: One Hundred Dollars (\$100).

5
6 7. Waiver of Rights.

7 The defendant understands that by pleading guilty he surrenders certain rights, including
8 the following:

9 (a) If the defendant persisted in a plea of not guilty to the charges against him, he would
10 have the right to a public and speedy trial. The trial could be either a jury trial or a trial by a judge
11 sitting without a jury. The defendant has a right to a jury trial. However, in order that the trial be
12 conducted by the judge sitting without a jury, the defendant, the government and the judge all must
13 agree that the trial be conducted by the judge without a jury.

14 (b) If the trial were a jury trial, the jury would be composed of twelve lay persons
15 selected at random. The defendant and his attorney would have a say in who the jurors would be
16 by removing prospective jurors for cause where actual bias or other disqualification is shown, or
17 without cause by exercising peremptory challenges. The jury would have to agree unanimously
18 before it could return a verdict of either guilty or not guilty. The jury would be instructed that the
19 defendant is presumed innocent and that it could not convict him unless, after hearing all the
20 evidence, it was persuaded of his guilt beyond a reasonable doubt.

21 (c) If the trial were held before a judge without a jury, the judge would find the facts
22 and determine, after hearing all the evidence, whether or not he was persuaded of the defendant's
23 guilt beyond a reasonable doubt.

24 (d) At a trial, whether by a jury or a judge, the government would be required to present
25 its witnesses and other evidence against the defendant. The defendant would be able to confront
26 those government witnesses and his attorney would be able to cross-examine them. In turn, the
27 defendant could present witnesses and other evidence on his own behalf. If the witnesses for the
28

1 defendant would not appear voluntarily, he could require their attendance through the subpoena
2 power of the Court.

3 (e) At a trial, the defendant would have a privilege against self-incrimination so that he
4 could decline to testify, and no inference of guilt could be drawn from this refusal to testify.

5 The defendant understands that by pleading guilty he is waiving all of the rights set forth
6 above and the defendant's attorney has explained those rights to him and the consequences of his
7 waiver of those rights.

8 8. Questions by Court.

9
10 The defendant understands that if the court questions him under oath, on the record and in
11 the presence of counsel, about the offense to which he has pleaded guilty, his answers, if false, may
12 later be used against him in a prosecution for perjury or false statement.

13 9. Entire Agreement.

14 The defendant and his attorney acknowledge that no threats, promises or representations
15 have been made, nor agreement reached, other than those set forth in this Agreement, to induce
16 defendant to plead guilty.

17 10. Right to Counsel.

18 The defendant understands that he has a right to counsel throughout this case from his
19 initial appearance through his trial or guilty plea or dismissal of the case against him and through
20 and including any sentencing. Unless waived in this agreement, the defendant has a right to
21 counsel for a direct appeal in this case. The defendant understands that the right to counsel
22 includes the provision of defense counsel through the court if the defendant can not afford to hire
23 counsel.

24
25 11. Court not a Party.

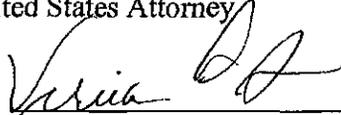
26 It is understood by the parties that the sentencing Court is neither a party to nor bound by
27 this agreement and the sentencing judge is free to impose the maximum penalties as set forth in
28 paragraph 6.

1 12. Presentence Report.

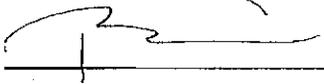
2 The defendant understands that the United States Probation Office is not a party to this
3 agreement and will conduct an independent investigation of the defendant's activities and his
4 background and prepare a presentence report which it will submit to the court as its own
5 sentencing recommendation. In addition, the government will fully apprise the Probation Office,
6 as well as the court, of the full and true nature, scope and extent of the defendant's criminal
7 activities concerning the charge to which the defendant is entering a plea of guilty.

8 DATED: June 5, 2007

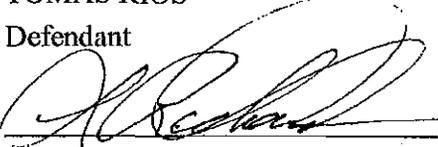
9 McGREGOR W. SCOTT
United States Attorney

10 By 
11 VIRNA L. SANTOS
12 Assistant U.S. Attorney

13
14 DATED: MAY 25, 2007


15 TOMAS RIOS
16 Defendant

17 DATED: May 24, 2007


18 RICHARD WALTON
19 Attorney for Defendant
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United States District Court Eastern District of California

UNITED STATES OF AMERICA
v.
TOMAS RIOS

AMENDED
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Case Number: 1:07CR00146-001

ROGER NUTTALL
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s): One of the Information.
- pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
26 USC 7206(1)	Making and Subscribing a False Income Tax Return	10/17/2003	One

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
- Count(s) ___ (is)(are) dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given. Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/16/2009
Date of Imposition of Judgment

/S/ ANTHONY W. ISHII
Signature of Judicial Officer

ANTHONY W. ISHII, United States District Judge
Name & Title of Judicial Officer

12/1/2009
Date

CASE NUMBER: 1:07CR00146-001
DEFENDANT: TOMAS RIOS

PROBATION

The defendant is hereby sentenced to probation for a term of 2 years .

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release on probation and at least two periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall submit to the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register and comply with the requirements in the federal and state sex offender registration agency in the jurisdiction of conviction, Eastern District of California, and in the state and in any jurisdiction where the defendant resides, is employed, or is a student. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 1:07CR00146-001
DEFENDANT: TOMAS RIOS

Judgment - Page 3 of 5

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit to the search of his person, property, home, and vehicle by a United States probation officer, or any other authorized person under the immediate and personal supervision of the probation officer, based upon reasonable suspicion, without a search warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall not dispose of or otherwise dissipate any of his assets until the fine and/or restitution order by this Judgment is paid in full, unless the defendant obtains approval of the Court or the probation officer.
3. The defendant shall provide the probation officer with access to any requested financial information.
4. The defendant shall not open additional lines of credit without the approval of the probation officer.
5. The defendant shall cooperate with the IRS in the determination and payment of any taxes which may be owed.
6. The defendant shall cooperate with the rules and regulations of the IRS and shall file true and accurate tax returns, as may be required, and show proof of filing to the probation officer.

CASE NUMBER: 1:07CR00146-001
 DEFENDANT: TOMAS RIOS

Judgment - Page 4 of 5

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$ 30,000.00	\$ 22,271.35

The determination of restitution is deferred until __. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Internal Revenue Service Att: RAC/Misc I, Stop 151 P.O. Box 47-421 Doraville, Georgia 30362		\$22,271.35	
TOTALS:	\$ ____	\$ 22,271.35	

Restitution amount ordered pursuant to plea agreement \$ ____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived for the fine restitution

The interest requirement for the fine restitution is modified as follows:

If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

If incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

CASE NUMBER: 1:07CR00146-001
DEFENDANT: TOMAS RIOS

Judgment - Page 5 of 5

SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ 52,371.35 due immediately, balance due
 - not later than __, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

CLOSED

**U.S. District Court
Eastern District of California - Live System (Fresno)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00146-AWI-1**

Case title: USA v. Rios

Date Filed: 06/01/2007

Date Terminated: 11/16/2009

Assigned to: District Judge Anthony W.
Ishii

Defendant (1)**Tomas - Rios***TERMINATED: 11/16/2009*represented by **Lewis Richard Walton , Jr.**

Walton & Walton, LLP

4640 Admiralty Way

Fifth Floor

Marina Del Rey, CA 90292

310-363-7321

Fax: 310-464-3057

Email: rwalton@taxtriallawyers.com*TERMINATED: 08/15/2008**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Roger Taylor Nuttall**

Nuttall & Coleman

2333 Merced Street

Fresno, CA 93721

(559) 233-2900

Fax: (559) 485-3852

Email: angel@nuttallcoleman.com*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Pending Counts**

26 USC 7206(1) - MAKING AND
SUBSCRIBING A FALSE INCOME
TAX RETURN
(1)

Disposition

2 years probation, \$30,000 fine,
\$22,271.35 restitution.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Ana Maria Martel , flu**
United States Attorney's Office
501 I Street
Suite 10-100
Sacramento, CA 95814
916-554-2826
Email: ana.maria.martel@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Email: sherrill.carvalho@usdoj.gov
TERMINATED: 01/26/2009
LEAD ATTORNEY
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Virna L. Santos
 Santos Law Group
 Fresno Office
 1225 E. Divisadero Avenue
 Fresno, CA 93721
 559-500-3900
 Fax: 559-500-3900
 Email: vsantos@santoslg.com
 TERMINATED: 09/11/2007
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/01/2007	<u>1</u>	INFORMATION as to Tomas - Rios (1) count(s) 1. (Rooney, M) (Entered: 06/01/2007)
06/04/2007	<u>2</u>	** SUMMONS as to *Tomas - Rios* *Street Address xxxxxxxxx* *4550 California Avenue, 2nd Floor* *Bakersfield, CA 93309*. Charging Document: Information Title *26* Section *7206(1)* re *MAKING AND SUBSCRIBING A FALSE INCOME TAX RETURN* Initial Appearance set for 7/24/2007 at 01:30 PM in Courtroom 9 (DLB) before Magistrate Judge Dennis L. Beck. (Rooney, M) (Entered: 06/04/2007)
06/06/2007	<u>3</u>	PLEA AGREEMENT as to Tomas - Rios. (Santos, Virna) (Entered: 06/06/2007)
06/07/2007	4	MINUTE ORDER: The arraignment and plea currently scheduled for July 24 before Magistrate Beck is continued to July 30, 2007 at 9:00 a.m. before Judge Ishii. (Nazaroff, H) (Entered: 06/07/2007)
06/22/2007	<u>5</u>	SUMMONS RETURNED Executed on 06/15/07 as to Tomas - Rios. (Lundstrom, T) (Entered: 06/22/2007)
07/30/2007	6	MINUTES (Text Only) for proceedings held before Judge Anthony W. Ishii :ENTRY of PLEA HEARING as to Tomas - Rios held on 7/30/2007. Defendant enters plea of guilty to the information. Sentencing is set for 10/15/07 at 9:00 a.m. in courtroom #2 before Judge Anthony W. Ishii Government Counsel K. Sanchez present. Defense Counsel R. Walton present. Custody Status: (O/R). Court Reporter/CD Number: G. Thomas. (Nazaroff, H) (Entered: 08/01/2007)
09/11/2007	<u>7</u>	DESIGNATION of COUNSEL FOR SERVICE. Added attorney Sherrill Anne Carvalho and Sherrill Anne Carvalho for USA, attorney Virna Liza Santos terminated. (Carvalho, Sherrill) (Entered: 09/11/2007)
09/26/2007	<u>8</u>	MEMORANDUM by USA as to Tomas - Rios in To Continue Sentencing. (Carvalho, Sherrill) (Entered: 09/26/2007)
11/06/2007	<u>9</u>	MEMORANDUM by USA as to Tomas - Rios. <i>To Continue Sentencing</i> (Carvalho, Sherrill) (Entered: 11/06/2007)
11/08/2007	10	

		MINUTE ORDER: As to Tomas Rios regarding Sentencing originally set for 11/13/07 is moved to 3/24/2008 at 09:00 AM in Courtroom 2 (AWI) before Judge Anthony W. Ishii. (Kusamura, W) (Entered: 11/08/2007)
11/08/2007		SERVICE BY MAIL: 10 Minute Order served on Lewis Richard Walton Jr (Kusamura, W) (Entered: 11/08/2007)
11/08/2007	<u>11</u>	CLERK'S NOTICE of NON-COMPLIANCE as to Lewis Richard Walton Jr. please see attached notice registering for CM-ECF. (Kusamura, W) (Entered: 11/08/2007)
11/08/2007		SERVICE BY MAIL: <u>11</u> Clerk's Notice served on Lewis Richard Walton Jr (Kusamura, W) (Entered: 11/08/2007)
02/27/2008	<u>12</u>	MEMORANDUM by USA as to Tomas - Rios. <i>Continuing Sentencing Hearing</i> (Carvalho, Sherrill) (Entered: 02/27/2008)
06/05/2008	<u>13</u>	MEMORANDUM by USA as to Tomas - Rios in Continuing Sentencing Hearing. (Carvalho, Sherrill) (Entered: 06/05/2008)
08/14/2008	<u>14</u>	SUBSTITUTION of ATTORNEY - PROPOSED, submitted by Tomas - Rios. (Nuttall, Roger) (Entered: 08/14/2008)
08/15/2008	<u>15</u>	ORDER SUBSTITUTING ATTORNEY signed by Judge Anthony W. Ishii on 8/15/08. Added attorney Roger Taylor Nuttall for Tomas Rios; attorney Lewis R. Walton, Jr terminated. (Verduzco, M) (Entered: 08/15/2008)
09/03/2008	<u>16</u>	MEMORANDUM by USA as to Tomas - Rios. <i>Continuing Sentencing Hearing</i> (Carvalho, Sherrill) (Entered: 09/03/2008)
09/19/2008	<u>17</u>	TRANSCRIPT of Proceedings as to Tomas - Rios held on 7/30/2007, before Judge Anthony W. Ishii, filed by Court Reporter Gail Thomas, Phone number 559-266-0609 E-mail gthomasr@sbcbglobal.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 10/10/2008. Redacted Transcript Deadline set for 10/20/2008. Release of Transcript Restriction set for 12/18/2008. (Thomas, G) (Entered: 09/19/2008)
11/06/2008	<u>18</u>	STIPULATION and PROPOSED ORDER Stipulation Re: Continuance of Sentencing Hearing and Proposed Order. (Nuttall, Roger) (Entered: 11/06/2008)
11/10/2008	<u>19</u>	STIPULATION re Continuance of Sentencing Hearing and ORDER Thereon, signed by Chief Judge Anthony W. Ishii on 11/7/08. <i>Sentencing set for 1/26/2009 at 09:00 AM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.</i> (Verduzco, M) (Entered: 11/10/2008)
01/14/2009	<u>20</u>	MEMORANDUM by Tomas - Rios. <i>re: continuance of Sentencing</i> (Nuttall, Roger) (Entered: 01/14/2009)
01/26/2009	<u>21</u>	DESIGNATION of COUNSEL FOR SERVICE. Added attorney Mark Eugene Cullers and Mark Eugene Cullers for USA, attorney Sherrill Anne Carvalho terminated. (Cullers, Mark) (Entered: 01/26/2009)

03/24/2009	<u>22</u>	STIPULATION and PROPOSED ORDER for Continuance of Sentencing. (Nuttall, Roger) (Entered: 03/24/2009)
03/25/2009	<u>23</u>	STIPULATION and PROPOSED ORDER for Continuance of Sentencing. (Nuttall, Roger) (Entered: 03/25/2009)
03/26/2009	<u>24</u>	STIPULATION and ORDER re: Continuance of Sentencing as to Tomas - Rios, (Sentencing set for 5/11/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.) signed by Chief Judge Anthony W. Ishii on 3/25/09. (Gil-Garcia, A) (Entered: 03/26/2009)
04/29/2009	<u>25</u>	STIPULATION and PROPOSED ORDER for Continue Sentencing Hearing. (Nuttall, Roger) (Entered: 04/29/2009)
05/01/2009	<u>26</u>	STIPULATION and ORDER re: Continuance of Sentencing as to Tomas - Rios, (Sentencing set for 6/8/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.) signed by Chief Judge Anthony W. Ishii on 5/1/09. (Gil-Garcia, A) (Entered: 05/01/2009)
06/03/2009	<u>27</u>	STIPULATION and PROPOSED ORDER for CONTINUANCE OF SENTENCING. (Nuttall, Roger) (Entered: 06/03/2009)
06/04/2009	<u>28</u>	STIPULATION re Continuance of Sentencing and ORDER signed by Chief Judge Anthony W. Ishii on 6/4/09. <i>Sentencing set for 7/27/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.</i> (Verduzco, M) (Entered: 06/04/2009)
07/23/2009	<u>29</u>	STIPULATION and PROPOSED ORDER. (Nuttall, Roger) (Entered: 07/23/2009)
07/27/2009	30	MINUTES (Text Only) for proceedings held before Chief Judge Anthony W. Ishii: Sentencing as to Tomas - Rios NOT held on 7/27/2009., (Sentencing set for 8/31/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.) Government Counsel M. Cullers present. Defense Counsel R. Wilson for Nuttall present. Custody Status: (B). Court Reporter/CD Number: G. Thomas. (Nazaroff, H) (Entered: 07/29/2009)
08/26/2009	<u>31</u>	STIPULATION and PROPOSED ORDER for Continuance of Sentencing. (Nuttall, Roger) (Entered: 08/26/2009)
08/28/2009	<u>32</u>	STIPULATION re Contiuance of Sentencing <i>and</i> ORDER signed by Chief Judge Anthony W. Ishii on 8/28/09. <i>Sentencing set for 9/28/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii.</i> (Verduzco, M) (Entered: 08/28/2009)
09/23/2009	<u>33</u>	MOTION to CONTINUE <i>SENTENCING</i> by Tomas - Rios. Motion Hearing set for 9/28/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii. (Nuttall, Roger) (Entered: 09/23/2009)
09/28/2009	34	MINUTES (Text Only) for proceedings held before Chief Judge Anthony W. Ishii: HEARING re MOTION to CONTINUE SENTENCING as to Tomas Rios NOT held on 9/28/2009. The Motion Hearing re Sentencing is continued to 11/16/2009 at 01:30 PM in Courtroom 2 (AWI) before Chief Judge Anthony W. Ishii. Objections due 10/21/2009 by 4:00 PM. Response due 11/4/2009 by 4:00

		PM. Government Counsel M. Cullers present. Defense Counsel R. Nuttall present. Custody Status: O/R. Court Reporter/CD Number: G. Thomas. (Timken, A) (Entered: 10/01/2009)
11/12/2009	<u>35</u>	SENTENCING MEMORANDUM by Tomas - Rios. (Nuttall, Roger) (Entered: 11/12/2009)
11/13/2009	<u>36</u>	SENTENCING MEMORANDUM by USA as to Tomas - Rios. (Cullers, Mark) (Entered: 11/13/2009)
11/16/2009	<u>38</u>	MINUTES (Text Only) for proceedings held before Chief Judge Anthony W. Ishii:SENTENCING held on 11/16/2009 for Tomas - Rios (1), Count(s) 1, 2 years probation, \$30,000 fine, \$22,271.35 restitution.. DEFENDANT TERMINATED. CASE CLOSED. Government Counsel J. Terzian present. Defense Counsel R. Nuttall present. Custody Status: (O/R). Court Reporter/CD Number: G. Thomas. (Nazaroff, H) (Entered: 11/17/2009)
11/17/2009	<u>37</u>	TRANSCRIPT of Proceedings as to Tomas - Rios, SENTENCING, held on 11/16/2009, before Chief Judge Anthony W. Ishii, filed by Court Reporter Gail Thomas, Phone number 559-266-0609 E-mail gthomascrr@sbcglobal.net. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 12/8/2009. Redacted Transcript Deadline set for 12/18/2009. Release of Transcript Restriction set for 2/16/2010. (Thomas, G) (Entered: 11/17/2009)
11/23/2009	<u>39</u>	JUDGMENT and COMMITMENT as to Tomas - Rios signed by Chief Judge Anthony W. Ishii on 11/23/2009. (Nazaroff, H) (Entered: 11/23/2009)
11/30/2009	<u>40</u>	AMENDED JUDGMENT and COMMITMENT (to add DNA testing only) as to Tomas - Rios signed by Chief Judge Anthony W. Ishii on 11/30/09. (Nazaroff, H) (Entered: 11/30/2009)
12/01/2009	<u>41</u>	SECOND AMENDED JUDGMENT and COMMITMENT (add amended)as to Tomas - Rios signed by Chief Judge Anthony W. Ishii on 12/1/09. (Nazaroff, H) (Entered: 12/01/2009)
02/01/2010	<u>42</u>	STIPULATION and PROPOSED ORDER for Travel to the Philipines By Tomas Rios. (Nuttall, Roger) (Entered: 02/01/2010)
02/03/2010	<u>43</u>	STIPULATION and ORDER re travel to the Philippines by Tomas Rios signed by Chief Judge Anthony W. Ishii on 2/1/2010. (Timken, A) (Entered: 02/03/2010)
10/01/2010	<u>44</u>	NOTICE <i>Release of Lien For Fine/Restitution</i> by USA. Attorney Martel, Ana Maria added. (Martel, Ana) (Entered: 10/01/2010)
10/21/2010	<u>45</u>	REQUEST for <i>Travel to the Philippines by Tomas Rios</i> by Tomas - Rios (Attachments: # <u>1</u> Exhibit Flight Itinerary)(Nuttall, Roger) (Entered: 10/21/2010)
10/21/2010	<u>46</u>	

		REQUEST AND ORDER RE: TRAVEL TO THE PHILIPPINES by Tomas Rios, signed by Judge Oliver W. Wanger on 10/21/2010. (Gaumnitz, R) (Entered: 10/21/2010)
03/17/2011	<u>47</u>	ORDER Terminating Probation Prior to Expiration Date as to Tomas Rios, signed by Chief Judge Anthony W. Ishii on 3/17/11. (Verduzco, M) (Entered: 03/17/2011)

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TOBY DOUGLAS
Director

State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
Governor

OCT 04 2011

Tomas Ballesteros Rios, M.D.
9807 Lightner Way
Bakersfield, CA 93311

**Re: Physician;
License No.: A 54078;
Provider Nos.: 00A540780 and 1891736468.**

Dear Dr. Rios:

The Deputy Director and Chief Counsel of the State Department of Health Care Services (Department) has been notified that your license to practice medicine has been suspended, effective June 16, 2011. Pursuant to Welfare and Institutions Code section 14043.6, the Department shall automatically suspend, as a provider in the Medi-Cal program, any individual who, or any entity that, has a license, certificate, or other approval to provide health care which is revoked or suspended by a federal or state licensing, certification, or approval authority, has otherwise lost that license, certificate, or approval, or has surrendered that license, certificate, or approval while a disciplinary hearing on that license, certificate, or approval was pending. This suspension is non-discretionary, and shall be effective on the date that the license, certificate, or approval was revoked, lost, or surrendered. In addition, California Code of Regulations, title 22, section 51228 requires that you must be licensed in order to participate in the Medi-Cal program. Furthermore, pursuant to Business and Professions Code section 2050, et seq., it is unlawful to practice medicine without a license.

In addition, the Department has been notified of your June 1, 2007, felony conviction in the United States District Court, Eastern District of California (*United States v. Tomas Rios*, Case No. 10700146 AW1) for violation of Title 26 of the United States Code, section 7206(t), a crime determined by the Board to be substantially related to the qualifications, functions or duties of a licensed physician. Pursuant to Welfare and Institutions Code section 14123, subdivision (a), the Director is required to suspend a provider of service for conviction of any felony or any misdemeanor involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. (See 42 C.F.R. § 1001.501(a); Welf. & Inst. Code, § 14123.25.)

Tomas Ballesteros Rios, M.D.

Page 2

OCT 04 2011

Therefore, pursuant to the authority delegated to me by the Director of the Department of Health Care Services, you are hereby notified that you are prohibited from participating in the Medi-Cal program for an indefinite period of time, effective June 16, 2011. Your name will be posted on the "Medi-Cal Suspended and Ineligible Provider List," available on the Internet. During the period of your suspension, no person or entity, including an employer, may submit any claims to the Medi-Cal program for items or services rendered by you. Additionally, no provider numbers may be issued to you or to any other person, entity, or employer on your behalf prior to your reinstatement to the Medi-Cal program by the Department of Health Care Services. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, billing clerk processing or preparing claims for payment, salesperson for medical equipment, etc., or utilizing any other provider number or group or clinic number for services rendered by you) will result in nonpayment of the claim(s) submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code Regs., tit. 22, §§ 51458.1, 51484, 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies provided by you during the duration of your suspension.

If you have any questions about this action, please submit your concerns, in writing, to Melissa Turben, Legal Analyst, at the above address.

Sincerely,



Vince J. Blackburn
Senior Staff Counsel

cc: See next page.