

Counsel

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA
MINUTE ORDER**

Case: People vs.
Judge: Victoria Wood
Courtroom: Department D
Event: Conference: Settlement
PID #: -04

Case #: CR
Event Date: December 2, 2014
Clerk: J.
Reporter: Electronic Recording
Cite/Report #:

Charges:

- 1 - Misdemeanor-Traffic - Driving While Under the Influence of Alcohol [VC23152(A)]; Dismissal on 12-02-14 Special Allegation - BA Above .15% or Refusal [VC23578] - Not Proven
- 2 - Misdemeanor-Traffic - DUI with .08 Alcohol [VC23152(B)]; Nolo Plea on 12-02-14 Special Allegation - BA Above .15% or Refusal [VC23578] - Not Proven

Appearances:

- H. Quate, Prosecuting Attorney
- David "Jake" Bryan Schwartz, Attorney for Defendant
- Defendant.

CHARGE DISPOSITIONS

Defendant enters a plea of:

Plea	Count	Section violated	Level
Nolo Plea	2	DUI with .08 Alcohol [VC23152(B)]	Misdemeanor-Traffic

Defendant admits priors as to Count 2.

Court finds that defendant's plea was freely and voluntarily entered; there was a factual basis for said plea; and that the defendant made an intelligent waiver of his/her trial rights.

All Special Allegations related to the above counts are dismissed.

Count 1 and any related allegations is dismissed on motion of the District Attorney.

SENTENCING AND PROBATION

The Court finds no legal cause why judgment and sentence should not be pronounced at this time.

Imposition of sentence is suspended, the Defendant is granted Formal Probation for a period of 4 Years under the terms and conditions as set forth in the Probation Order filed this date.

Defendant advises the Court that he/she understands and accepts the terms and conditions of Probation.

Defendant ordered to pay a fine in the amount of \$3,414.00.

Court orders the Defendant shall pay a Restitution Fine pursuant to PC1202.4 in the amount of \$150.00.

Defendant to serve 15 days in Jail with credit for time served; 1 actual days. Defendant is entitled to day for day credit.

Defendant is ordered to remand January 3, 2015, at 8:00 am at the Napa County Dept. of Corrections.

The Court makes the following additional orders:

- Ignition Interlock Ordered - 2 Years
- Booking Fee in the amount of \$71.00.

Defendant is ordered to report to Probation forthwith.

Matter is referred to Post Court Services.

-oOo-

NAPA SUPERIOR COURT

FILED

DEC 02 2014

Plaintiff THE PEOPLE OF THE STATE OF CALIFORNIA

Defendant _____ Date of Birth _____

Clerk of the Napa Superior Court

By: _____

Court Case Number _____ PID & Event Number _____ Blood Alcohol Level _____

alleged .17

PROBATION ORDER

- SUMMARY PROBATION
- FORMAL PROBATION

IT IS THE JUDGMENT OF THE COURT THAT THE DEFENDANT IS GUILTY OF VC23152(a) VC23152(b)
 Admit prior IMPOSITION OF SENTENCE IS SUSPENDED AND THE DEFENDANT IS PLACED ON PROBATION FOR 4 YEAR(S) UNDER THE FOLLOWING CONDITIONS:

1. Obey all laws.
2. Immediately report to Post Court Services.
3. Immediately report to the Napa County Probation Department. Immediately notify the probation officer of any change of address or phone number. Obey all reasonable orders of the probation officer. Immediately tell the probation officer if you are arrested or convicted of any crime. If you are deported you must immediately notify the probation officer. After that, and while you remain outside this country, you do not need to report to the probation officer. If you reenter this country you must immediately report to the probation officer.
4. Do not leave California without permission from the probation officer. You waive extradition to this state. Seek and maintain full-time employment, school, or vocational training. Provide prints and biological samples (PC296).
5. Pay a \$ 3414 fine. This includes all penalty assessments and mandatory fees.
6. Serve _____ hours days on the Court Work Program in a manner to be determined by Post Court Services.
7. Serve 15 hours days in jail. Go to Napa Co. Jail at 8:00 a.m. on 1/3/15 and follow their orders about serving your time. Time credits: 1 actual days. Concurrent with consecutive to: _____
8. Immediately report to the jail, for booking only.
9. Pay the jail booking fee \$ 71 MPD
10. Submit your person, residence, vehicle and property to search and seizure by a probation officer, or any law enforcement officer, at any time of the day or night, with or without a warrant, and with or without probable cause.
11. Pay a \$ 150 restitution fine and an identical probation revocation restitution fine which is suspended unless probation is revoked.
12. Pay restitution to the victim(s) and the Victim Compensation and Government Claims Board, in a manner to be determined by the Court and California Service Bureau, and in an amount to be determined by Probation and the Court. in the sum of \$ _____ May be modified to summary probation when restitution paid in full.
13. Enroll in, pay for, and successfully complete, a counseling or education program if required by the probation officer.
14. Enroll in, and successfully complete the Community Corrections Service Center program if required by the probation officer. Your probation officer has discretion to release you from jail to participate in the program, and also can return you to jail to serve any or all of the remainder of your term. If you successfully complete the program you will not have to serve the remainder of your term.
15. Enroll in, pay for, and successfully complete an outpatient or residential treatment program if required by the probation officer. Obey all program rules and do not leave without the permission of the probation officer.
16. Immediately enroll in, pay for, and successfully complete the Theft Awareness Program.
17. Immediately enroll in, pay for, and successfully complete Alternatives.
18. Attend a 12-step program at least _____ times a week.
19. Do not use, consume or possess any non-prescribed or illegal substances (including medical marijuana unless specifically authorized by the Court). Provide the Probation Officer with verification of any prescribed controlled substances within 72 hours of it being prescribed.
20. Do not drink or possess alcoholic beverages.
21. Do not operate a motor vehicle with a measurable amount of alcohol in your blood.

22. Submit to a blood, breath, or urine test if requested by any law enforcement or probation officer.
 If suspected of driving with a measurable amount of alcohol in your blood.
23. Immediately enroll in, pay for, and successfully complete DDP (6 weeks). DDP (3 mos).
 DDP (6 mos) DDP (9 mos) DDP (18 mos).
 a first offender a multiple offender
drinking driver program in your state of residence or employment and provide proof of completion
 to Post Court Services to Probation
 within six months. within two years.
24. DMV shall not issue a restricted license under
 VC13352.4 (1st offense).
 VC13352.5 (2nd offense).
25. Do not operate a motor vehicle unless it is equipped with a functioning, certified ignition interlock device. This restriction will last for 1 year 2 years 3 years from today. You shall install the device on all motor vehicles you own or operate except: _____ . You may not drive any vehicle without a valid driver's license.
26. Your privilege to operate a motor vehicle is suspended for 6 months _____ year(s).
27. Pay a PC1203.097(a)(5) fine of \$200 \$ _____
28. Pay a PC1203.097(a)(11)(A) fee of \$200 \$ _____ to the battered women's shelter.
29. Do not own or possess any firearm, ammunition, or other weapon.

30. Immediately enroll in, pay for, and successfully complete, a domestic violence anger management counseling program chosen by the probation officer. File proof of enrollment with the court, and the probation officer, within 30 days.
31. Do not annoy, molest, strike, threaten, harass, sexually abuse, batter, stalk, or disturb the peace of _____
32. Do not contact in any way, directly or indirectly, the person(s) listed in paragraph 31.
33. Stay at least 100 yards away from the person, residence, school, and place of employment of the person(s) listed in paragraph 31.
34. Return to court for review on _____ at _____ am pm in Department _____
35. Comply with attached conditions.
36. _____

I have read this form and I understand everything on it. I agree to follow all the conditions of probation.

DEFENDANT'S SIGNATURE: _____

D.L. #: _____

Home Address

Home Phone

INTERPRETER'S STATEMENT

I, having been sworn, or having a written oath on file, certify that I truly translated this form, and any attachments, to the defendant in the language indicated below.

Language: Spanish Other (specify) _____

SIGNATURE: _____

DATE: _____

DEFENDANT'S SIGNATURE

JUDGE: _____

DATE: 12/2/14

NOTICE: UPON SATISFACTORY COMPLETION OF PROBATION, YOU MAY APPLY TO HAVE YOUR CONVICTION SET ASIDE AND HAVE THE CASE DISMISSED UNDER PC1203.4. YOU MAY ALSO PETITION FOR A CERTIFICATE OF REHABILITATION AND PARDON.

COPY TO: DEF DA PROB JAIL DEF ATTY DDP NSO PCS CSB _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA STREET ADDRESS: 1111 THIRD STREET MAILING ADDRESS: 1111 THIRD STREET CITY AND ZIP CODE: NAPA, CA 94559-3001 BRANCH NAME: CRIMINAL COURTS BUILDING	FOR COURT USE ONLY FILED DEC 02 2014 _____ Deputy
NAME OF DEFENDANT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: HOME TELEPHONE NO.: WORK TELEPHONE NO.: DRIVER'S LICENSE NO.:	
ORDER TO INSTALL IGNITION INTERLOCK DEVICE	CASE NUMBER:

Under Vehicle Code section 23575, the court orders: a functioning Ignition Interlock Device be installed on the following vehicles owned or operated by defendant:

<u>Make</u>	<u>Model</u>	<u>Year</u>	<u>Color</u>	<u>License Plate No. and/or VIN</u>
a. Toyota				
b.				
c.				

- This order does not reinstate the defendant's driving privilege.
- Installation must be no later than (specify a date no later than 30 days from the date of conviction): 1/2/2015
- Defendant must present this form to the installer at the time of installation.
- Defendant must return completed *Ignition Interlock Installation Verification* (form ID-110) to the court probation dept. no later than (specify a date no later than 30 days from the date of conviction): 1/2/2015
- Defendant must take vehicles to the installer for calibration
 60 days other (specify frequency):
 following the date of installation.
- Defendant must make payments directly to the installer and must adhere to the payment plan for installation of the ignition device.
- Without a court order, the devices may not be removed prior to (specify a date no later than three years from the date of conviction): 12/2/2016
- Defendant's employer requires defendant to drive a vehicle owned by the employer within the course and scope of defendant's employment. Defendant must provide the employer with the *Notice to Employers of Ignition Interlock Restriction* (form ID-150) no later than (specify date): . Defendant must keep a copy of the *Notice to Employers of Ignition Interlock Restriction* in defendant's possession or keep the original or a copy in the employer's vehicle.
- Defendant must maintain current insurance and registration on all vehicles owned.
- Other (specify):

Date: 11/5/14

I acknowledge receipt of this order.

(TYPE OR PRINT NAME OF DEFENDANT)

Date: 12/2/14

JUDICIAL OFFICER OF THE SUPERIOR COURT

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SHORT TITLE: P v.	CASE NUMBER:
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WHAT IS A VIOLATION OF THIS ORDER?

1. Failure to have ignition interlock devices installed within 30 days of the date of this order.
2. Failure to return completed *Ignition Interlock Installation Verification* (form ID-110) to the court or probation department (as indicated on the reverse) within the time limit specified in this order.
3. Failure to comply three or more times with any requirement for the maintenance or calibration of the ignition interlock devices.
4. Failure to comply with any court order.
5. Default on any payment plan arranged with the installer or ordered by the court, resulting in failure to comply herewith, absent a showing in court of good cause.
6. If defendant has a valid driver's license, driving any vehicle without an ignition interlock device except as provided below and except for employer-owned vehicles required to be operated within the course and scope of employment. A motor vehicle owned by a business entity that is wholly or partly owned or controlled by defendant is not a motor vehicle owned by an employer subject to the exemption.
7. Failure to maintain current license and registration on any vehicle owned by defendant.
8. Failure to notify any person who rents, leases, or loans a motor vehicle to defendant of the restriction imposed by this order.
9. Requesting or soliciting any person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing defendant with an operable motor vehicle.
10. Tampering with or circumventing the operation of an ignition interlock device.

Under Vehicle Code section 23575 **only**, it is an affirmative defense to Violation Numbers 7, 8, and 9 if defendant can show that he or she leased, rented, or borrowed a vehicle for emergency use when no other feasible alternative was available, or for a bona fide business purpose when away from defendant's regular place of business.

WHAT WILL HAPPEN IF YOU VIOLATE THIS ORDER?

Under Vehicle Code section 23575, if a defendant fails to provide proof of installation within the ordered time limit, absent a showing of good cause, the court must notify the Department of Motor Vehicles.

YOUR RIGHTS

1. If you are required to install ignition interlock devices under Vehicle Code section 23575, and you have a medical condition that you believe prevents you from breathing with sufficient strength to activate the devices, you have the right to present a physician's statement to the court documenting the condition and to have the court determine whether the medical condition does make use of the devices medically impossible.
2. If your driving privilege has been revoked or suspended under Vehicle Code section 23575, and it is restored before the end of the period ordered herein for installation of the ignition interlock devices, you may petition the court to review whether continued restriction is necessary.

Defendant: Call the ignition interlock device installer within 48 hours of this order and arrange for the installation of the device(s). The court will provide you with a list of manufacturers certified by the Department of Motor Vehicles. Contact a certified manufacturer to locate an installer.