

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

**Case:** People vs.   
**Judge:** Michael Williams  
**Courtroom:** Department D  
**Event:** Conference: Settlement  
**PID #:** : -01

**Case #:**   
**Event Date:** January 27, 2015  
**Clerk:**   
**Reporter:** Electronic Recording  
**Cite/Report #:**

**Charges:**

1 - Misdemeanor-Traffic - Driving While Under the Influence of Alcohol [VC23152(A)]; Dismissal on 01-27-15      Special Allegation - BA Above .15% or Refusal [VC23578] - Not Proven  
2 - Misdemeanor-Traffic - DUI with .08 Alcohol [VC23152(B)]; Nolo Plea on 01-27-15      Special Allegation - BA Above .15% or Refusal [VC23578] - Proven

**Appearances:**

- H. Quate, Prosecuting Attorney
- David "Jake" Bryan Schwartz, Attorney for Defendant, appearing 977
- Defendant, NOT Present.

**CHARGE DISPOSITIONS**

Defendant enters a plea of:

Plea	Count	Section violated	Level
Nolo Plea	2	DUI with .08 Alcohol [VC23152(B)]	Misdemeanor-Traffic
Admits	2	BA Above .15% or Refusal [VC23578], Special Allegation	Special Allegation

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.

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 Summary Probation for a period of 5 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 \$2,174.00.

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

Defendant to serve 4 days in Jail with credit for time served; 1 actual days. Defendant is entitled to day for day credit.

Defendant is ordered to remand February 27, 2015, at 8:00 am at the Napa County Dept. of Corrections.

The Court makes the following additional orders:

- Booking Fee in the amount of \$71.00.

**Matter is referred to Post Court Services.**

NAPA SUPERIOR COURT

**FILED**

JAN 27 2015

Clerk of the Napa Superior Court

By: \_\_\_\_\_ Deputy \_\_\_\_\_

THE PEOPLE OF THE STATE OF CALIFORNIA

Date of Birth

Court Case Number PID & Event Number Blood Alcohol Level

*alleged .19*

**PROBATION ORDER**

- SUMMARY PROBATION
- FORMAL PROBATION

IT IS THE JUDGMENT OF THE COURT THAT THE DEFENDANT IS GUILTY OF  VC23152(a)  VC23152(b)  
.15 enb VC 23578 IMPOSITION OF SENTENCE IS SUSPENDED AND THE  
 DEFENDANT IS PLACED ON PROBATION FOR 5 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 \$ 2174 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 4  hours  days in jail. Go to Napa Co. Jail at 8:00 a.m. on 2/27/15 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 *NPD*
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.

- 1.  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.
- 3.  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.
- 14.  DMV shall not issue a restricted license under  VC13352.4 (1<sup>st</sup> offense).  VC13352.5 (2<sup>nd</sup> 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: \_\_\_\_\_

**JUDGE'S SIGNATURE**

JUDGE: \_\_\_\_\_ DATE: 1/27/15

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  \_\_\_\_\_

**NAPA COUNTY SUPERIOR COURT  
PROMISE TO APPEAR/CSB REFERRAL**

Name \_\_\_\_\_ Case Number \_\_\_\_\_

*For Court Use only/Distribution of fine by account type*

<b>VICTIM RESTITUTION</b>	<b>Victim Name:</b>	\$
<b>Address:</b>	<b>Phone:</b>	<input type="checkbox"/> To be determined
<b>FINE</b>		\$ 2284.00
<b>Court Operations Assessment (CRMSEC)</b>		\$ 40.00
<b>Diversions Fee PC1001.90 (DIVFEE)</b>		\$
<b>Domestic Violence Fund PC1203.097(a)(5) (DVFUND)</b>		\$
<b>Drug Testing Fee (936311)</b>		\$
<b>Prop 36 Fees</b>		\$
<b>Probation Supervision Fee \$240 x ____ years</b>		\$
<b>Pre-Sentence Report Fee Misdemeanor (936210)</b>		\$
<b>Pre-Sentence Report Fee Felony (936211)</b>		\$
<b>Booking Fee</b>		\$ 71.00
<b>Public Defender Fee (PDFEES)</b>		\$
<b>Administrative Fee (ADMIN)</b>		\$ 35.00
<b>Other</b>		\$
<b>Total</b>		\$ 2430.00

I, being the defendant in the above entitled matter, hereby promise and agree to the above listed amount and the following:

To appear at the CALIFORNIA SERVICE BUREAU (707)251-0724 located at 1111 Third Street, Room 100, Napa, IMMEDIATELY OR NO LATER THAN 4PM THE NEXT BUSINESS DAY to complete any and all required financial forms; provide current financial information; and furnish written verification of my financial status for the purpose of establishing an installment payment plan. I further understand that if I fail to contact CSB as ordered, or complete all required forms, a civil assessment fee totaling \$300 will be imposed against me pursuant to Penal Code Section 1214.1 or Penal Code Section 853.7 for failure to pay in addition to the fine as ordered by the court. My privilege to drive may also be suspended pursuant to Vehicle Code Section 40509.5.

Yo, siendo el acusado nombrado en el caso anteriormente escrito, con esto prometo y acuerdo a la cantidad susodicha y a lo siguiente:

Presentarse en la oficina de CALIFORNIA SERVICE BUREAU (707)251-0724 localizada en el 1111 Third Street, Cuarto #100, Napa, IMEDIATAMENTE O A NO MAS TARDAR DE LAS 4PM EL DIA SIGUIENTE para completar todos y cualquier formulario financiero requerido; proporcionar información financiera; y proporcionar verificación por escrita de mi estatus financiera para el propósito de establecer un plan de pagos. Y también entiendo que si no me comunico con la oficina de CSB como fue ordenado, o si no completo los formularios requeridos, se agregara una cuota civil adicional de \$300 a mi cuenta de acuerdo al código penal Sección 1214.1 o el Código Penal Sección 853.7 por el fallo de pagar en adición a la multa ordenada por la corte. Mi privilegio de manejar también podría ser suspendido por la Corte de acuerdo al Código de Vehículos Sección 40509.5.

Date: 1-27-15  
 Date Ordered: 1-27-15  
 Clerk: \_\_\_\_\_  
 White = Court  
 Yellow = Defendant  
 Pink = CSB

Signature/Firma: Not present  
 Address/Domicilio: \_\_\_\_\_  
 Telephone/Telefono: \_\_\_\_\_