

1 THE COURT: Any redirect?

2 MS. No, your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: People rest?

6 MS. People rest.

7 THE COURT: Any affirmative evidence by the
8 defense?

9 MR. FEYZJOU: No affirmative evidence.

10 THE COURT: Motion?

11 MS. The People ask the defendant be held to
12 answer for any and all crimes shown by the evidence.

13 THE COURT: Response?

14 MR. FEYZJOU: Motion to dismiss based on
15 insufficiency of the evidence. That's very general, but
16 specifically I would ask for a 17(b) motion based on the
17 gravity of the offense and what is alleged. There isn't
18 that much investigation that was done. It's based on a
19 he-said-he-said-event. There were potential witnesses that
20 were out there, and Mr. is now dealing with a felony.
21 I've seen worse 422s. I would ask that the Court reduce it
22 to a misdemeanor.

23 THE COURT: Do you want to respond, Ms.

24 MS. Well, I would respond to there being
25 worse 422s. The fact that he's got a shotgun and he's
26 telling him he's going to kill him, I have not seen much
27 worse. Based on the priors alleged, his history and the
28 violence, the severity of the alleged threat, I would ask

1 that the Court not grant the 17(b).

2 THE COURT: First of all, all the elements of 422
3 have been met, including but not limited to a credible
4 threat to kill somebody and the victim stating that he was
5 afraid, and the actions he took afterwards like getting
6 behind a car.

7 As far as a 17(b) is concerned, this is a more
8 serious 422. A lot of them you see there's just a threat to
9 kill somebody and nothing more. This is a threat to kill
10 somebody coupled with pointing a gun at somebody. So that
11 is on the more serious side. As I look at the defendant's
12 record, he's got a conviction for a DUI and also for
13 perjury. And he's got two prison priors. So given his
14 record and given the severity of the 17(b) is not
15 appropriate.

16 So on the basis of the evidence, I find sufficient
17 evidence to hold the defendant to answer for a violation of
18 Penal Code 422 as a felony, and also the personal use of a
19 firearm pursuant to Penal Code 12022.5(a). Order that an
20 Information be filed in accordance with these findings. And
21 the department this is going to go to is Department 4.

22 So perhaps, Mr. Feyzjou, since you're not here
23 every day, you can pick a day in the next 15 days that's
24 more convenient for you.

25 MR. FEYZJOU: October 7th?

26 THE COURT: Okay. That should work. Today is the
27 23rd. That would be 14 days from now. That would be fine.

28 So Mr. we'll order you back to Department