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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. A16 HON. DAVIANN L. MITCHELL, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

UBALDO)

DEFENDANT.)

NO. 3AV04

PLEA AND
SENTENCING

ORIGINAL

LANCASTER, CALIFORNIA; TUESDAY, AUGUST 13, 2013;

2:30 P.M.

UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT
IN COURT AND REPRESENTED BY COUNSEL, KIA FEYZJOU, ATTORNEY AT
LAW; THE PEOPLE BEING REPRESENTED BY ALBERT JIMENEZ, DEPUTY
DISTRICT ATTORNEY OF LOS ANGELES COUNTY, THE FOLLOWING
PROCEEDINGS WERE HELD:

(REGINA MORALES, CSR# 10293, RPR,
OFFICIAL COURT REPORTER)

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(GUSTAVO PEREZ, INTERPRETING FOR THE
DEFENDANT ENGLISH INTO SPANISH AND
SPANISH INTO ENGLISH.)

THE COURT: PEOPLE VERSUS UBALDO ON
THE MISDEMEANOR CALENDAR, PLEASE, NUMBER FIVE. HE'S BEING
ASSISTED BY OUR SPANISH INTERPRETER. MAY I HAVE THE SPANISH
INTERPRETER'S NAME FOR THE RECORD, PLEASE.

THE INTERPRETER: GUSTAVO PEREZ, OATH ON FILE,
YOUR HONOR.

THE COURT: THANK YOU.

APPEARANCES.

MR. FEYZJOU: GOOD MORNING, YOUR HONOR.

KIA FEYZJOU

MR. JIMENEZ: ALBERT JIMENEZ FOR THE PEOPLE.

THE COURT: COUNSEL, CAN YOU SPELL YOUR NAME FOR THE
RECORD.

MR. FEYZJOU: K-I-A F-E-Y-Z-J-O-U.

THE COURT: WE'RE HERE AS 13 OF 34, PRETRIAL. I HAVE A
PROTECTIVE ORDER THAT I INTEND ON ISSUING BASED ON THE NATURE
OF THE CHARGES. IS THERE ANY RESOLUTION ON THIS MATTER AT
THIS POINT?

MR. FEYZJOU: THERE IS, YOUR HONOR, WE HAVE A
NEGOTIATED DISPOSITION.

THE COURT: OKAY.

MR. FEYZJOU: DISMISSAL OF COUNT 1, A PLEA TO COUNT 2,
CREDIT FOR TIME SERVED, THREE YEARS SUMMARY PROBATION.

MR. JIMENEZ: I NEED TO MODIFY THE PROTECTIVE ORDER TO

1 GET THE CORRECT NAME.

2 THE COURT: AND THE BASIS FOR THE DISMISSAL IN LIGHT OF
3 THE CHARGE?

4 MR. JIMENEZ: BASED ON MY OFFICE BELIEVES WE CAN'T
5 PROVE THIS CASE BEYOND A REASONABLE DOUBT IN TERMS OF THE
6 DEFENDANT'S KNOWLEDGE AS TO THE AGE OF THE INDIVIDUAL.

7 THE COURT: THAT'S FINE.

8 IS YOUR TRUE AND CORRECT NAME UBALDO ?

9 THE DEFENDANT: YES.

10 THE COURT: YOUR DATE OF BIRTH IS

11 THE DEFENDANT: YES.

12 THE COURT: HAVE YOU HAD THE OPPORTUNITY TO YOUR LAWYER
13 ALL THE CHARGES, DEFENSES, PENALTIES AND YOUR RIGHTS BEFORE
14 COMING BEFORE THE COURT TODAY?

15 THE DEFENDANT: YES.

16 THE COURT: IF YOU ARE ON PROBATION, PAROLE, DIVERSION
17 OR DEFERRED ENTRY OF JUDGMENT IN ANY OTHER CASE, A PLEA IN
18 THIS CASE WILL RESULT IN A VIOLATION IN THAT CASE AND MAY
19 RESULT IN ADDITIONAL TIME IN CUSTODY.

20 DO YOU UNDERSTAND THAT?

21 THE DEFENDANT: UH-HUH. YES.

22 THE COURT: FURTHERMORE, IF YOU ARE NOT A CITIZEN OF
23 THE UNITED STATES, A PLEA IN THIS CASE WILL RESULT IN
24 DEPORTATION, DENIAL OF NATURALIZATION AND DENIAL OF RE-ENTRY
25 INTO THIS COUNTY.

26 DO YOU UNDERSTAND THAT?

27 THE DEFENDANT: YES.

28 THE COURT: VERY WELL. YOU HAVE THE RIGHT TO HAVE AN

1 ATTORNEY, WHICH YOU HAVE REPRESENTING YOU. YOU HAVE THE
2 RIGHT TO HAVE A COURT TRIAL OR JURY TRIAL, TO CONFRONT AND
3 CROSS-EXAMINE WITNESSES, PRESENT A DEFENSE, USE THE FREE
4 SUBPOENA POWER OF THE COURT, AND YOU HAVE THE PRIVILEGE
5 AGAINST SELF-INCRIMINATION.

6 IF YOU WERE TO ADMIT A VIOLATION TODAY, YOU'LL BE
7 WAIVING AND GIVING UP THOSE RIGHTS.

8 DO YOU UNDERSTAND THAT, SIR?

9 THE DEFENDANT: YES.

10 THE COURT: DO A YOU WAIVE AND GIVE UP YOUR RIGHT TO A
11 COURT TRIAL OR A JURY TRIAL AND ALL THE RIGHTS THAT GO WITH
12 THAT?

13 THE DEFENDANT: YES.

14 THE COURT: VERY WELL. ON CASE ENDING IN AS TO
15 THE CHARGE OF COUNT 2, 148.9 SUBSECTION (A) OF THE
16 PENAL CODE, A MISDEMEANOR, COMMONLY KNOWN AS GIVING FALSE
17 INFORMATION TO A PEACE OFFICER, HOW DO YOU PLEAD?

18 THE DEFENDANT: NO CONTEST.

19 THE COURT: DO YOU UNDERSTAND THAT A NO CONTEST PLEA
20 WILL BE TREATED AS A GUILTY PLEA FOR THE PURPOSE OF
21 SENTENCING?

22 THE DEFENDANT: YES.

23 THE COURT: COUNSEL, JOIN IN THE WAIVERS, PLEA AND
24 ADMISSIONS, STIPULATE TO A FACTUAL BASIS BASED ON THE
25 REPORTS?

26 MR. FEYZJOU: YES, PURSUANT PEOPLE VERSUS WEST.

27 THE COURT: THE FILE WILL BE NOTED AS SUCH.

28 I ACCEPT YOUR PLEA, SIR, AND FIND YOU, IN FACT,

1 GUILTY.

2 I FIND THAT YOU HAVE UNDERSTOOD YOUR RIGHTS, THAT
3 YOU HAVE VOLUNTARILY, KNOWINGLY AND INTELLIGENTLY WAIVED AND
4 GIVEN UP THOSE RIGHTS.

5 DO YOU WAIVE ARRAIGNMENT FOR JUDGMENT AND TIME
6 FOR SENTENCING, NO LEGAL CAUSE WHY JUDGMENT SHOULD NOT NOW BE
7 PRONOUNCED SO I MAY SENTENCE YOU RIGHT NOW?

8 MR. FEYZJOU: YES.

9 THE COURT: HOW MANY DAYS ACTUAL DOES HE HAVE?

10 MR. FEYZJOU: LET ME CALCULATE.

11 THE COURT: THANK YOU.

12 MR. FEYZJOU: 20 ACTUAL, YOUR HONOR.

13 THE COURT: ALL RIGHT. IMPOSITION OF SENTENCE IS
14 SUSPENDED FOR A PERIOD OF 36 MONTHS SUMMARY PROBATION.

15 YOU ARE ORDERED TO SERVE 40 DAYS COUNTY JAIL
16 CONSECUTIVE, CREDITS ARE 20 PLUS 20 FOR A TOTAL OF 40 DAYS.
17 TIME MAY BE SERVED IN ANY PENAL INSTITUTION.

18 DO NOT USE, THREATEN TO USE FORCE OR VIOLENCE
19 AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR MOLEST ANY
20 VICTIM OR WITNESS IN THIS CASE. STAY AT LEAST 100 YARDS AWAY
21 FROM AND HAVE ABSOLUTELY NOT CONTACT WITH CORRINA I. RAMOS.

22 YOU'RE ORDERED TO OBEY ANY PROTECTIVE ORDER IN
23 THIS CASE OR IN ANY OR ANY OTHER CASE. YOU'LL BE SERVED WITH
24 A COPY OF THAT PROTECTIVE ORDER HERE IN OPEN COURT.

25 WAS ALCOHOL INVOLVED?

26 MR. JIMENEZ: NO, YOUR HONOR.

27 MR. FEYZJOU: NO.

28 THE COURT: ALL RIGHT. YOU'RE ALSO ORDERED TO USE YOUR

1 TRUE NAME AS STATED TO BE -- STATE YOUR TRUE NAME FOR ME.
2 THE DEFENDANT: UBALDO
3 THE COURT: OKAY. WITH A "Z"?
4 THE DEFENDANT: IT'S WITH AN "S."
5 THE COURT: WE'LL FIX THE FILE. I'LL HAVE IT REFLECT
6 THAT CORTES WITH AN "S" AS IN SAM.
7 THE DEFENDANT: YEAH, LIKE SERGIO.
8 THE COURT: OKAY. THE FILE WILL REFLECT THAT.
9 DO NOT GIVE ANY FALSE INFORMATION TO ANY PEACE
10 OFFICER AT ANY TIME.
11 PAY ALL OF YOUR COURT COSTS.
12 COUNSEL, YOU ARE PRIVATELY RETAIN; IS THAT
13 CORRECT?
14 MR. FEYZJOU: YES, YOUR HONOR.
15 THE COURT: THANK YOU. WAS HE IN CUSTODY ALL THE TIME?
16 MR. FEYZJOU: YES, YOUR HONOR.
17 THE COURT: PAY ALL OF YOUR COURT COSTS IN FOUR MONTHS
18 ON 12/13/2013 IN THE CLERK'S OFFICE.
19 OBEY ALL LAWS AND ORDERS OF THE COURT.
20 DO YOU UNDERSTAND AND ACCEPT THE TERMS AND
21 CONDITIONS OF YOUR PROBATION?
22 THE DEFENDANT: YES.
23 THE COURT: BEFORE YOU LEAVE TODAY, YOU ARE GOING TO
24 GET A COPY OF THIS SENTENCING SHEET. EVERYTHING CHECKED OFF
25 APPLIES TO YOU. AT THE BOTTOM, WHEN AND WHERE TO PAY IN THE
26 CLERK'S OFFICE, THE CLERK WILL FILL IN HOW MUCH. I'LL PASS
27 THIS DOWN TO THE CLERK AND THE BAILIFF WILL HAND IT TO YOU.
28 I WANT YOU TO SIGN IT; MAKE SURE YOU UNDERSTAND IT. AND YOUR

1 ATTORNEY WILL SIGN IT AS WELL. YOU SHOULD GET A COPY OF THAT
2 PAPERWORK WHEN YOU LEAVE THE BUILDING TODAY.

3 IF YOU DO NOT, WHEN YOU GET OUT OF CUSTODY, COME
4 BACK TO THE CLERK'S OFFICE, GIVE THEM YOUR NAME AND DATE OF
5 BIRTH AND THEY'LL ASSIST YOU.

6 DO YOU UNDERSTAND THAT?

7 THE DEFENDANT: YES.

8 THE COURT: REGARDING THE PROTECTIVE ORDER, IT WILL
9 EXPIRE IN THREE YEARS FROM TODAY'S DATE ON AUGUST 13, 2016.
10 YOU WILL FIRST BE SERVED WITH A COPY REGARDING
11

12 GOOD CAUSE APPEARING, THE COURT ORDERS THAT YOU
13 MUST NOT HARASS, STRIKE, THREATEN, ASSAULT, SEXUALLY OR
14 OTHERWISE, FOLLOW, STALK, MOLEST, DESTROY, OR DAMAGE PERSONAL
15 OR REAL PROPERTY, DISTURB THE PEACE, KEEP UNDER SURVEILLANCE,
16 OR BLOCK THE MOVEMENTS OF THE PROTECTED PERSON NAMED ABOVE.

17 YOU MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR
18 SELL TO A LICENSED GUN DEALER ANY FIREARM OWNED OR SUBJECT TO
19 YOUR IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER
20 SERVICE OF THIS ORDER. AND YOU MUST FILE A RECEIPT WITH THE
21 COURT SHOWING COMPLIANCE WITH THIS ORDER WITHIN 48 HOURS OF
22 RECEIVING THIS ORDER OR WHEN YOU ARE RELEASED FROM CUSTODY,
23 WHICHEVER COMES FIRST.

24 YOU MUST NOT ATTEMPT TO ACTUALLY PREVENT OR
25 DISSUADE ANY VICTIM OR WITNESS ATTENDING A HEARING OR
26 TESTIFYING OR MAKING A REPORT TO ANY LAW ENFORCEMENT AGENCY
27 OR PERSON.

28 YOU MUST TAKE NO ACTION TO OBTAIN THE ADDRESSES

1 OR THE LOCATIONS OF THE PROTECTED PERSON OR HER FAMILY
2 MEMBERS, CARETAKERS, OR GUARDIAN UNLESS GOOD CAUSE EXISTS
3 OTHERWISE.

4 YOU MUST HAVE NO PERSONAL, ELECTRONIC,
5 TELEPHONIC, OR WRITTEN CONTACT WITH HER.

6 YOU MUST HAVE NO CONTACT WITH HER THROUGH A THIRD
7 PARTY, EXCEPT YOUR ATTORNEY OF RECORD.

8 YOU MUST NOT COME WITHIN 100 YARDS OF HER.

9 AND SHE MAY RECORD ANY PROHIBITED COMMUNICATIONS
10 MADE BY YOU TO HER.

11 IN THE EVENT SHE ATTEMPTS TO CONTACT YOU, IT WILL
12 BE YOUR OBLIGATION, YOU MUST TELL HER NO, AND HANG UP THE
13 PHONE. DO NOT TALK TO HER. AND IT IS NOT A DEFENSE IF SHE
14 TRIES TO CONTACT YOU IN ANY WAY. IF SHE WRITES YOU, YOU
15 CANNOT ACCEPT ANY LETTERS. NOTHING.

16 DO YOU UNDERSTAND THAT?

17 THE DEFENDANT: YES.

18 THE COURT: IF IT'S FOUND THAT YOU VIOLATE THIS COURT
19 ORDER, YOU CAN GO TO JAIL. SO PLEASE BE MINDFUL THAT YOU
20 CANNOT DO THAT; OKAY?

21 THE DEFENDANT: YES.

22 THE COURT: YOU SHOULD GET A COPY OF YOUR SENTENCING
23 SHEET AS I INDICATED. IF YOU DO NOT, WHEN YOU GET OUT OF
24 CUSTODY, COME BACK TO THE CLERK'S OFFICE, GIVE THEM YOUR NAME
25 AND DATE OF BIRTH, AND THEY WILL HELP YOU. OR IN THE
26 ALTERNATIVE, CALL YOUR LAWYER, HE WILL HELP YOU.

27 YOU UNDERSTAND THAT?

28 THE DEFENDANT: YES.

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THE COURT: OKAY. VERY WELL. THANK YOU SO MUCH.

MR. FEYZJOU: IS THERE A PEOPLE'S MOTION TO DISMISS
COUNT 1?

THE COURT: PEOPLE DISMISS REMAINING COUNTS 1385 BASED
ON THE CONTINUING VALIDITY OF THE PLEA?

MR. JIMENEZ: SO MOVED.

THE COURT: VERY WELL. THANK YOU SO MUCH.

(PROCEEDINGS CONCLUDED.)

