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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	FEDERAL DEFENDANTS’ OPPOSITION TO
	)	MOTIONS FOR TRO AND PROVISIONAL
v.	)	CLASS CERTIFICATION, AND MOTION TO
	)	STAY IN LIGHT OF <i>FRAIHART</i>
DAVID JENNINGS, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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The Federal Defendants respectfully submit this opposition to plaintiff's motion for a temporary restraining order and motion for provisional class certification. (ECF 5, 6.) Defendants also move for a stay of this action, in light of the district court's nationwide provisional class certification and preliminary injunction in *Faour Abdallah Fraihat, et al. v. U.S. Immigration and Customs Enforcement, et al.*, No. 19-1546 JGB (C.D. Cal.).

INTRODUCTION

Plaintiffs seek to certify a class of all civil immigration detainees at Yuba County Jail ("YJC") and Mesa Verde ICE Processing Facility ("MVDF") (with subclasses for each facility) and seek an unworkable and improper temporary restraining order that establishes a system by which defendants would be required to disclose confidential medical information to counsel for plaintiffs, as putative class counsel, without the permission of putative class members, and which will allow plaintiffs' counsel to pick and choose at their discretion which detainees will be presented to this Court for consideration for release. Rather than grant this extraordinary and improper relief, the Court should stay this matter under the first-to-file doctrine in light of *Fraihat, et al. v. U.S. Immigration and Customs Enforcement, et al.*, No. 19-1546 JGB (C.D. Cal.), which is nation-wide class action, in which a preliminary injunction has been entered that orders relief that overlaps with the relief sought by plaintiffs here.

Moreover, the Court does not have jurisdiction over this matter because plaintiffs are confined in the Eastern District of California and plaintiffs' immediate custodians are in the Eastern District of California. This case should therefore be dismissed or transferred. If the Court proceeds with this case, it should deny plaintiffs' motion for a temporary restraining order and for provisional class certification. A temporary restraining order is not required because defendants are not violating plaintiffs' Fifth Amendment rights, and plaintiffs have not shown irreparable harm. Defendants are adequately protecting plaintiffs and have taken substantial steps to reduce populations at YJC and MVDF, screen detainees and individuals entering the facilities, increase sanitization, provide masks, and numerous other measures. There are currently no suspected or confirmed cases of COVID-19 at either facility. Finally, the proposed class and subclasses lack commonality and typicality because plaintiffs are not seeking common relief for all class members but rather individualized release determinations.

FACTUAL BACKGROUND

A. CDC and ICE Guidance.

The Centers for Disease Control (CDC) has issued Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (dated March 23, 2020, available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>).

On April 10, 2020, ICE released its ERO COVID-19 Pandemic Response Requirements (PRR), a guidance document that builds upon previously issued guidance and sets forth specific mandatory requirements to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this pandemic. See Declaration of Erik Bonnar (submitted herewith) ¶ 7; Declaration of Polly E. Kaiser (submitted herewith) ¶ 7; PRR available at <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

B. The Facilities.

Pursuant to contracts with ICE, the Mesa Verde Detention Facility (MVDF) and the Yuba County Jail (YCJ) house immigration detainees. The clinical health care services at both facilities are overseen by Field Medical Coordinators (FMCs), who work for the ICE Health Service Corps (IHSC). 3/27/20 Declaration of Capt. Jennifer Moon (MVDF), attached as Exhibit A to the Declaration of Erik Bonnar, ¶¶ 1-2; 3/26/20 Declaration of Capt. Jennifer Moon (YCJ), attached as Exhibit A to the Declaration of Polly E. Kaiser, ¶¶ 1-2. IHSC comprises a multidisciplinary workforce that consists of U.S. Public Health Service Commissioned Corps officers, federal civil servants, and contract health professionals. Bonnar Dec., Exh. A ¶ 4; Kaiser Dec., Exh. A ¶ 4. IHSC's FMCs do not provide hands-on care or direct the care at MVDF or YCJ, but instead ensure that the provision of medical care by the facilities' contractors meets detention standards, as required by ICE's contracts with the facilities. Bonnar Dec., Exh. A ¶ 3; Kaiser Dec., Exh. A ¶ 3. ICE is in daily contact with both facilities, and ICE staff is on site daily at MVDF. Bonnar Dec. ¶ 14; Kaiser Dec. ¶ 11.

Since the onset of reports of COVID-19, ICE epidemiologists have been tracking the outbreak, regularly updating infection prevention and control protocols, and issuing guidance to field staff on

screening and management of potential exposure among detainees. Bonnar Dec., Exh. A ¶ 5; Kaiser Dec., Exh. A ¶ 5.

In testing for COVID-19, IHSC is also following CDC guidance to safeguard those in its custody and care. Bonnar Dec., Exh. A ¶ 6; Kaiser Dec., Exh. A ¶ 6. Both MVDF and YCJ have testing capability. Bonnar Dec. ¶ 12; Kaiser Dec. ¶ 10(m).

Despite the spread of COVID-19 in the general population, neither of the facilities at issue currently has any suspected or confirmed COVID-19 cases. Bonnar Dec. ¶ 13; Kaiser Dec. ¶ 12; *see also* <https://www.ice.gov/coronavirus> (last visited April 24, 2020).

In response to the COVID-19 pandemic, ICE has taken affirmative steps to reduce the number of immigration detainees at MVDF and YCJ to 75 percent or less of capacity by reconsidering custody determinations and parole requests, and issuing orders of supervision on release for those aliens who are not subject to mandatory custody, do not pose a danger to the community or flight risk, and/or there is no significant likelihood of removal in the foreseeable future. Bonnar Dec. ¶ 8; Kaiser Dec. ¶ 8; *see also* PRR, available at <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>, p.13 (“Efforts should be made to reduce the population to approximately 75% of capacity”). ICE will continue to evaluate for potential release those individuals who may be at high risk for COVID-19. Bonnar Dec. ¶ 9; Kaiser Dec. ¶ 8. Indeed, ICE has informed the undersigned that plaintiffs Angel de Jesus Zepeda Rivas and Luciano Gonzalo Mendoza Jeronimo were released on April 24, 2020.¹

In addition, both facilities have provided masks to detainees, and are taking various other measures to promote sanitation, screening, social distancing, and quarantine. Bonnar Dec. ¶¶ 10-12 & Exh. A ¶¶ 8-12, 15-20; Kaiser Dec. ¶¶ 9-11 & Exh. A ¶¶ 7-11, 14-19.

1. Mesa Verde ICE Processing Facility.

MVDF is a private detention center owned and managed by The GEO Group, Inc., an independent contractor. Bonnar Dec. ¶ 5.

Since the World Health Organization (WHO) declared COVID-19 a global pandemic on March

¹ Undersigned counsel was informed of this information too late to prepare a declaration.

11, 2020, ICE has taken affirmative steps to reduce the number of detainees at MVDF by reconsidering custody determinations and parole requests, and issuing orders of supervision on release for those aliens who are not subject to mandatory custody, do not pose a danger to the community or flight risk, and/or there is no significant likelihood of removal in the foreseeable future. Bonnar Dec. ¶ 8. ICE has reduced the MVDF detainee population to less than 75 percent of its capacity, and will continue to evaluate for potential release those individuals who may be at high risk for COVID-19. *Id.* ¶¶ 8-9. As relevant specific information is provided on any particular detainee, ICE may exercise its discretion to release the detainee, provided he or she is not subject to mandatory custody, a danger to the community, or deemed a flight risk such that measures for alternatives to detention are inappropriate. *Id.* ¶ 9.

Medical care and screening at MVDF is provided by the GEO medical staff onsite, and is overseen by IHSC. *Id.* ¶ 6. The following screening and isolation procedures are in place for detainees at the MVDF facility. Each detainee is medically screened upon admission, including travel history, medical history, and body temperature. Bonnar Dec., Exh. A ¶¶ 7-8, 18. Detainees are also assessed for respiratory illness, and asked about contact with COVID-19-infected individuals, as well as travel through areas with sustained community transmission. *Id.* ¶ 8. Based on the results, the detainee may be monitored or isolated. *Id.* ¶ 9. Detainees presenting symptoms compatible with COVID-19 will be placed in isolation, where they will be tested; if they test positive, they will remain isolated and be treated. *Id.* In case of clinical deterioration, they will be referred to a local hospital. *Id.* Detainees who have known exposure to a person with COVID-19, but are themselves asymptomatic, are placed in cohorts with restricted movement for the 14-day incubation period, and are monitored daily for fever and respiratory illness symptoms. *Id.* ¶ 10. Those who show onset of fever and/or respiratory illness are referred to a medical provider. *Id.* Per ICE policy, detainees diagnosed with any communicable disease who require isolation are placed in an appropriate setting in accordance with CDC or state and local health department guidelines. *Id.* Detainees with signs and symptoms consistent with COVID-19 will be housed in the negative isolation room with enhanced respiratory droplet nuclei precaution for the staff. *Id.* ¶ 11. MVDF has identified housing units for quarantine in accordance with these procedures. *Id.* ¶ 20.

In addition, all detainees have been given surgical masks as of April 20, 2020. Bonnar Dec. ¶

11(d). The detainees have been educated on proper usage of masks. *Id.* The masks will be replaced every Monday, Wednesday and Friday, supplies permitting. *Id.*

MVDF medical staff are required to wear surgical masks at all times, and to wear N95 masks during patient encounters. *Id.* ¶ 11(e). Medical staff also have their temperatures taken daily on-site. *Id.* MVDF has the capability to conduct on-site testing of COVID-19; to date, the medical staff have not conducted any testing for COVID-19 since they have not encountered any detainee experiencing symptoms consistent with COVID-19. *Id.* ¶ 12. In order to promote social distancing, the MVDF medical staff is only seeing one detainee in the medical unit at a time, and is also limiting seating in the waiting area to one detainee at a time. *Id.* If it is necessary for any detainee to depart the facility for any off-site appointment, his or her temperature is screened before any departure from the facility and after his or her return to the facility. *Id.*

All social visits have stopped, and legal visitors, staff, and vendors are screened when they enter MVDF. Bonnar Dec., Exh. A ¶¶ 16-17. Detainees have telephone access to attorneys, and any legal visitor requesting an in-person visit is required to wear protective gear. Bonnar Dec., Exh. A ¶ 16.

MVDF has increased sanitation frequency, including frequent cleaning of all common area high contact surfaces, such as door handles, telephones, dining halls, and medical areas, which is being conducted throughout the day. Bonnar Dec. ¶ 11(b). Sanitation supplies are provided, including, but not limited to, soap, all-purpose cleaner, disinfectant, and a bathroom-specific cleaning solution. *Id.* at ¶ 11(c). Each detainee is provided a bar of soap, which may be replaced upon request when used up. *Id.* Each detainee has access to liquid soap available in soap dispensers near wash basins in each dormitory. *Id.* The facility has installed an additional four soap dispensers in each dormitory for a total of five total. *Id.* Staff also have access to soap and hand sanitizer. *Id.*

The facility provides education on COVID-19 to staff and detainees (including townhalls, postings throughout the facility, and electronic messages to detainees through tablets), and provides detainees daily access to sick call. Bonnar Dec. ¶ 11(a) & Exh. A ¶ 19.

Finally, MVDF has staggered beds in its Dorm A and Dorm B in order to increase distancing between detainees. The same will be done in the remaining dormitories when space permits. Bonnar Dec. ¶ 11(f).

2. Yuba County Jail.

YCJ is a county-owned and operated facility that houses both county jail inmates and ICE detainees. Kaiser Dec. ¶ 5.

Since the World Health Organization (WHO) declared COVID-19 a global pandemic on March 11, 2020, ICE has taken affirmative steps to reduce the number of detainees at YCJ by reconsidering custody determinations and parole requests, and issuing orders of supervision on release for those aliens who are not subject to mandatory custody, do not pose a danger to the community or flight risk, and/or there is no significant likelihood of removal in the foreseeable future. Kaiser Dec. ¶ 8. The current population at YCJ, including both ICE detainees and county inmates, is at 64 percent of its capacity. *Id.* ICE will continue to evaluate for potential release those individuals who may be at high risk for COVID-19. *Id.* As relevant specific information is provided on any particular detainee, ICE may exercise its discretion to release the detainee, provided he or she is not subject to mandatory custody, a danger to the community, or deemed a flight risk such that measures for alternatives to detention are inappropriate. *Id.*

Medical care and screening at YCJ is provided by the contract medical staff onsite, and is overseen by IHSC. Kaiser Dec. ¶ 6. The following screening and isolation procedures are in place for detainees at YCJ. Each detainee is medically screened upon admission, including travel history, medical history, and body temperature. Kaiser Dec., Exh. A ¶¶ 7-8, 17. Detainees are also assessed for respiratory illness, and asked about contact with COVID-19-infected individuals, as well as travel through areas with sustained community transmission. *Id.* ¶ 8. Based on the results, the detainee may be monitored or isolated. *Id.* ¶ 9. Detainees presenting symptoms compatible with COVID-19 will be placed in isolation, where they will be tested; if they test positive, they will remain isolated and be treated. *Id.* In case of clinical deterioration, they will be referred to a local hospital. *Id.* Detainees who have known exposure to a person with COVID-19, but are themselves asymptomatic, are placed in cohorts with restricted movement for the 14-day incubation period, and are monitored daily for fever and respiratory illness symptoms. *Id.* ¶ 10. Those who show onset of fever and/or respiratory illness are referred to a medical provider. *Id.* Per ICE policy, detainees diagnosed with any communicable disease who require isolation are placed in an appropriate setting in accordance with CDC or state and local

health department guidelines. *Id.* YCJ has identified housing units for quarantine in accordance with these procedures. *Id.* ¶ 19.

The facility has provided masks to all detainees, and staff at the facility are required to wear masks at all times (including N95 masks for medical staff in contact with quarantined detainees). Kaiser Dec. ¶ 10(j)-(l).

In addition, YCJ has suspended in-person social visitation and facility tours. *Id.* ¶ 9. Attorney contact visits are discouraged, and YCJ continues to provide detainees telephonic access to attorneys. *Id.* All staff, vendors, and attorneys are screened upon entry. Kaiser Dec., Exh. A ¶ 16. YCJ has increased sanitation frequency and provided sanitation supplies: The facility is sanitized twice daily, additional cleaning supplies have been offered to detainees, two handwashing stations have been added, and each detainee is issued a bar of soap that may be replaced once used up. Kaiser Dec. ¶ 10(g)-(i) & Exh. A ¶ 14.

The facility provides education on COVID-19 to staff and detainees (including postings in English and Spanish on proper handwashing and other preventative measures, as well as videos on handwashing and sanitizing common surfaces), and provides detainees daily access to sick calls. Kaiser Dec. ¶ 10(e)-(f) & Exh. A ¶¶ 11, 18.

LEGAL STANDARDS

A. Preliminary Injunctive Relief Standards.

Federal district courts may grant writs of habeas corpus if the petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

The standard for issuing a temporary restraining order is “substantially identical” to the standard for issuing a preliminary injunction.² *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). “A restraining order is an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Rovio Entertainment Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1093 (N.D. Cal. 2012) (Armstrong, J.) (internal quotation omitted).

² Pursuant to the Court’s order (ECF No. 33), Defendants advise that the Court may consider the motion for temporary restraining order as one for a preliminary injunction. However, the Court should deny the motion no matter the type of order or injunction sought.

Preliminary injunctions are “never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). “[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are entitled to this extraordinary remedy.” *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted). Plaintiffs’ burden is aptly described as a “heavy” one. *Id.* A preliminary injunction requires “substantial proof” and a “‘clear showing’” that it is warranted. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis original; internal quotation omitted).

“A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (internal quotation omitted). Alternatively, a plaintiff can show that there are “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter* factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (internal quotation omitted).

The purpose of preliminary injunctive relief is to preserve the status quo pending final judgment, rather than to obtain a preliminary adjudication on the merits. *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). “A preliminary injunction can take two forms.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). “A prohibitory injunction prohibits a party from taking action and ‘preserves the status quo pending a determination of the action on the merits.’” *Id.* (internal quotation omitted). “A mandatory injunction orders a responsible party to take action.” *Id.* at 879 (internal quotation omitted). “A mandatory injunction goes well beyond simply maintaining the status quo pendente lite and is particularly disfavored.” *Id.* (internal quotation omitted). “In general, mandatory injunctions are not granted unless extreme or very serious damage will result and are not issued in doubtful cases.” *Id.* (internal quotation omitted). Where a plaintiff seeks mandatory injunctive relief, “courts should be extremely cautious.” *Stanley v. Univ. of S. California*, 13 F.3d 1313, 1319 (9th Cir. 1994) (internal quotation omitted). Thus, in a mandatory injunction request, the moving party “must establish that the law and facts clearly favor her position, not simply that she is likely to succeed.” *Garcia*, 786 F.3d at 740 (emphasis original).

Here, rather than preserving the status quo, Plaintiffs seek mandatory injunctive relief in the form

of an order requiring a process for release. Plaintiffs do not even meet the standard for prohibitory preliminary injunctive relief, let alone the heightened standard for a mandatory injunction.

B. Class Certification Standards.

A party seeking certification of a proposed class must demonstrate the existence of the four required elements set forth in Rule 23(a) of the Federal Rules of Civil Procedure.

Specifically, the moving party must show that: (1) the class is so numerous that joinder of all members is impracticable (“numerosity”); (2) there are questions of law or fact common to the class (“commonality”); (3) the claims or defenses of the named plaintiffs are typical of claims or defenses of the class (“typicality”); and (4) the named plaintiffs will fairly and adequately protect the interests of the class (“adequacy of representation”). *See* Fed. R. Civ. P. 23(a); *see also Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 345 (2011) (“Class certification is governed by Federal Rule of Civil Procedure 23.”). In addition to meeting the requirements set forth in Rule 23(a), the proposed class must also qualify under Rule 23(b)(1), (2), or (3). *Dukes*, 564 U.S. at 345; *see also Zinser v. Accufix Research Inst., Inc.*, 253 F.3d 1180, 1186 (9th Cir. 2001). Plaintiffs seek certification under Rule 23(b)(2). (ECF 6 at 18.) Rule 23(b)(2) permits class actions for declaratory or injunctive relief where “the party opposing the class has acted or refused to act on grounds that generally apply to the class.” Fed. R. Civ. P. 23(b)(2). The “key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them.” *Dukes*, 564 U.S. at 360 (citation omitted).

The party seeking class certification bears the burden of demonstrating that it has met all four Rule 23(a) prerequisites and that the class lawsuit falls within one of the three types of actions permitted under Rule 23(b). *Zinser*, 253 F.3d at 1186. Moreover, the failure to meet “any one of Rule 23’s requirements destroys the alleged class action.” *Rutledge v. Elec. Hose & Rubber Co.*, 511 F.2d 668, 673 (9th Cir. 1975). The Supreme Court has held that “actual, not presumed, conformance with Rule 23(a) [is] indispensable.” *Gen. Tel. Co. v. Falcon*, 457 U.S. 147, 160 (1982); *Dukes*, 564 U.S. at 350 (Rule 23 “does not set forth a mere pleading standard.”). A court should only certify a class “if the trial court is satisfied, after a rigorous analysis, that the prerequisites of Rule 23(a) have been satisfied.” *Dukes*, 564 U.S. at 350-51 (internal quotation omitted).

ARGUMENT

I. UNDER THE FIRST-TO-FILE DOCTRINE, THIS ACTION SHOULD BE STAYED IN LIGHT OF *FRAIHAT*.

The instant putative class action substantially overlaps with *Fraihat, et al. v. U.S. Immigration and Customs Enforcement, et al.*, No. 19-1546 JGB (C.D. Cal.). See ECF No. 26-1 (order granting motions for class certification and preliminary injunction). Not only was *Fraihat* first filed, but there has already been a provisional class certification order and preliminary injunction entered therein, which includes members of the proposed class in this case. Under the first-to-file doctrine, this action should be stayed pending *Fraihat*. Defendants are filing a motion to stay concurrently with this brief. Moreover, the preliminary injunction that has already been issued in *Fraihat*, which covers the MVDF and YCJ facilities at issue in this motion, removes the exigency of this matter and counsels against granting the expedited relief plaintiffs seek.

“The first-to-file rule allows a district court to stay proceedings if a similar case with substantially similar issues and parties was previously filed in another district court.” *Kohn Law Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1239 (9th Cir. 2015); see also *Clardy v. Pinnacle Foods Grp., LLC*, No. 16-CV-04385-JST, 2017 WL 57310, at *2 (N.D. Cal. Jan. 5, 2017) (“The first-to-file rule allows a district court to transfer, stay, or dismiss an action when a similar complaint has already been filed in another federal court.”). “The purpose of the well-established first-to-file rule is to promote efficiency and to avoid duplicative litigation and thus it should not be lightly disregarded.” *Clardy*, at *2. “When applying the first-to-file rule, courts should be driven to maximize ‘economy, consistency, and comity.’” *Kohn Law Grp., Inc.*, 787 F.3d at 1240.

The rule applies with particular force in putative class actions. “Litigating a class action requires both the parties and the court to expend substantial resources. Perhaps the most important purpose of the first-to-file rule is to conserve these resources by limiting duplicative cases.” *Baatz v. Columbia Gas Transmission, LLC*, 814 F.3d 785, 791 (6th Cir. 2016). The first-to-file rule also avoids the potential for inconsistent judgments. See *Landscape Specialists, Inc. v. Nat’l Union Fire Ins. Co. of Pittsburgh, PA*, No. SACV191419JVSKEsx, 2020 WL 968693, at *4 (C.D. Cal. Jan. 8, 2020) (“staying the case will serve the purposes of the first-to-file rule by promoting judicial efficiency and avoiding inconsistent

judgments”). Significantly, the rule “does not only apply when the allegations and parties are exactly the same.” *Henry v. Home Depot U.S.A., Inc.*, No. 14-CV-04858-JST, 2016 WL 4538365, at *4 (N.D. Cal. Aug. 31, 2016). “The issues in both cases also need not be identical, only substantially similar.” *Kohn Law Grp., Inc.*, 787 F.3d at 1240.

The instant lawsuit is substantially similar to *Frailhat*. Both lawsuits are brought against ICE and concern whether ICE has taken sufficient measures to protect detainees from COVID-19. Plaintiffs here argue that a “systemic remedy” is needed at MVDF and YCJ in order to address the COVID-19 crisis. (See, e.g., ECF 5 at p. 29.) That is precisely what *Frailhat* provides. In its April 20, 2020 order provisionally certifying a nationwide class of detainees in ICE detention and entering a temporary restraining order, the *Frailhat* court mandated a “system-wide” response to COVID-19. (ECF 26-1 at p. 24 (p. 23 of *Frailhat* order) (“the common question driving this case is whether Defendants’ system-wide response—or lack of one—to COVID-19 violates Plaintiffs’ rights”).) The class provisionally certified in *Frailhat* is nationwide (*id.* at p. 22 (p. 21 of *Frailhat* order), and thus applies to the MVDF and YCJ facilities at issue here.

The *Frailhat* court ordered injunctive relief that encompasses further reduction of the MVDF and YCJ populations to allow for greater social distancing and that also requires implementation of additional precautions to protect all detainees from COVID-19. This is the same type of relief that plaintiffs seek here. Specifically, the *Frailhat* order requires that ICE:

- “identify and track all ICE detainees with Risk Factors” and reconsider whether these detainees should be released, taking into account “the willingness of the detainees with Risk Factors to be released, and other information on post-release planning”;
- “promptly issue a performance standard or a supplement to their Pandemic Response Requirements . . . defining the minimum acceptable detention conditions for detainees with the Risk Factors”; and
- “monitor and enforce facility-wide compliance with the Pandemic Response Requirements and the Performance Standard,” which provide for a comprehensive approach to ensure that conditions at the detention facilities appropriately protect all detainees from COVID-19. (ECF 26-1 at pp. 39-40 (pp. 38-39 of *Frailhat* order).)

The relief the *Fraihat* court has already ordered at MVDF and YCJ substantially overlaps with the relief that plaintiffs seek here—an order requiring “ICE to release people from Mesa Verde and YCJ in order to facilitate social distancing.” (ECF 5 at p. 31; *see also* ECF 5-7 (plaintiff’s proposed TRO, which provides for an individualized release assessment based on putative class members’ “current medical conditions”).))

The first-to-file rule does not permit these overlapping putative class actions to proceed in tandem. *Fraihat* was filed first and is substantially further along than this case, which was just filed on April 20, 2020. The *Fraihat* court has already entered a preliminary injunction, which provides similar COVID-19 relief to that requested by plaintiffs here. Under the first-to-file doctrine, this action should be stayed in deference to *Fraihat*. *See Henry*, 2016 WL 4538365, at *1 (applying first-to-file rule to “two overlapping class actions against Home Depot”); *Clardy*, 2017 WL 57310, at *1 (staying N.D. Cal. putative class action in deference to “putative class action in Illinois involv[ing] the same Defendant, overlapping putative classes, and substantially similar issues”); *Bodley v. Whirlpool Corp.*, No. 17-CV-05436-JST, 2018 WL 2357640, at *2 (N.D. Cal. May 24, 2018) (applying first-to-file rule to two “substantially similar” class actions, even though “the two lawsuits [were] not identical”). Doing so will both promote efficiency and protect the government from being subjected to inconsistent orders.

II. PLAINTIFFS HAVE FAILED TO MEET THEIR HEAVY BURDEN OF ESTABLISHING THAT THEY ARE ENTITLED TO PRELIMINARY INJUNCTIVE RELIEF.

If the Court declines to stay this case, the Court should deny plaintiffs’ motion for a temporary restraining order.

A. The Court Lacks Jurisdiction To Hear Petitioners’ § 2241 Habeas Petition.

Plaintiffs are detained in facilities in the Eastern District of California. Accordingly, this Court lacks jurisdiction over their habeas petition. “Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” 28 U.S.C. § 2241(a). The Supreme Court has made clear that in “core” habeas petitions—petitions like this one that challenge the petitioner’s physical confinement—the petitioner must file the petition in the district in which he is confined and name his immediate custodian as the respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004). In its analysis of the proper forum for habeas challenges to present

confinement, the Supreme Court examined “two related subquestions.” *Id.* at 434. First, it decided who is the proper respondent, and concluded was the “warden of the facility where the [petitioner] is being held.” *Id.* at 435. Second, the Court examined whether the federal district court in which the petition is filed has “territorial jurisdiction,” *i.e.*, because the “immediate custodian and the [petitioner] reside” there. *Id.* at 444.

The Court’s analysis of these two subquestions led it to conclude that the federal habeas statute requires a habeas petitioner to challenge his detention in the district in which he is confined:

The proviso that district courts may issue the writ only “within their respective jurisdictions” forms an important corollary to the immediate custodian rule in challenges to present physical custody under § 2241. Together they compose a simple rule that has been consistently applied in the lower courts, including in the context of military detentions: Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.

Id. at 446-47 (citation omitted). In so doing, the Supreme Court rejected the “legal reality of control” standard and held that legal control over the detained individual does not determine the proper respondent in a habeas petition that challenges present physical confinement. *Id.* at 437-40.

Since the Supreme Court’s decision in *Padilla*, the Ninth Circuit has not addressed the immediate custodian and district of confinement rule in the immigration context. A decision issued just prior to *Padilla*, which had relaxed the immediate physical custodian requirement in immigration habeas cases, was withdrawn. *See Armentero v. INS*, 382 F.3d 1153 (9th Cir. 2004). District courts in this circuit have divided over the question.³ Defendants recognize that this Court has concluded that this district could be proper for an immigration-related habeas petition filed by a petitioner physically confined in the Eastern

³*Compare, e.g., Douglas v. Barr*, No. 2:19-CV-10035-AB-MAA, 2019 WL 6310270, at *3 (C.D. Cal. Nov. 25, 2019) (“This Court is not authorized to issue a writ of habeas corpus directed outside its territorial jurisdiction.”); *Wairimu v. Dir., Dep’t of Homeland Sec.*, No. 19-CV-174-BTM-MDD, 2019 WL 460561, at *2 (S.D. Cal. Feb. 5, 2019); *Barajas v. Lynch*, No. LACV1604682VBFJEM, 2016 WL 4035677, at *1 (C.D. Cal. July 8, 2016) (holding that habeas petition for individual detained at MVDF must be filed in the Eastern District of California); *Tenreiro v. Ashcroft*, No. CV 04-768-PA, 2004 WL 1588217, at *1 (D. Or. July 12, 2004) (finding that an immigration detainee in Tacoma, Washington, must file petition in the Western District of Washington, not Oregon, and name the Tacoma warden); *with, e.g., Renteria v. Sessions*, No. CV1801797PHXJATBSB, 2018 WL 5017001, at *3 (D. Ariz. Aug. 24, 2018) (allowing the Attorney General and DHS Secretary to be named as custodians); *Cau v. Lynch*, No. CV1507601FMODTB, 2016 WL 1358656, at *3 (C.D. Cal. Feb. 16, 2016), report and recommendation adopted, No. CV1507601FMODTB, 2016 WL 1354947 (C.D. Cal. Apr. 4, 2016); *Rivera v. Holder*, 307 F.R.D. 539, 544 n.1 (W.D. Wash. 2015) (finding the immediate custodian rule inapplicable and allowing the Attorney General and DHS Secretary as custodians).
OPP TO TRO AND MOTION TO STAY

District of California post-*Padilla*. See *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1183 (N.D. Cal. 2017). Plaintiffs’ circumstances are distinguishable from those that led the Court to allow a San Francisco Immigration Official to be named in *Saravia*. First, the Court held that “a petitioner held in federal detention in a non-federal facility pursuant to a contract should sue the federal official most directly responsible for overseeing that contract facility when seeking a habeas writ.” *Id.* at 1185. Here, the ICE official most directly responsible for overseeing the contract facility at YCJ is Assistant Field Office Director Dana Fishburn, who is assigned to the Sacramento Sub-Office, located in the Eastern District of California. See Declarations of Dana Fishburn ¶¶ 1-2, submitted herewith. The ICE official most directly responsible for overseeing the contract facility at MVDF is Assistant Field Office Director Alexander Pham, who is assigned to the Bakersfield Sub-Office, located in the Eastern District of California. See Declaration of Alexander Pham ¶ 1, submitted herewith. Second, unlike *Saravia*, in which petitioners challenged the fact of their detention, this petition is a challenge of the conditions of confinement in YCJ and MVDF, over which the actual wardens of YCJ and MVDF have control.

Therefore, venue is improper in this judicial district because plaintiffs’ immediate custodians (the Warden of MVDF and the Sheriff of Yuba County and/or the AFOD responsible for YCJ and MVDF), as well as the detention centers where plaintiffs are housed, are located in the Eastern District of California. See *Dada v. Witte*, No. CV 20-1093, 2020 WL 1674129, at *3 (E.D. La. Apr. 6, 2020) (rejecting argument that New Orleans ICE Field Office was the immediate custodian, as opposed to the warden of each facility where each plaintiff was held). Thus, only the U.S. District Court for the Eastern District of California has jurisdiction over plaintiffs’ challenge to their detention.

B. Plaintiffs Do Not Satisfy The Requirements For Preliminary Injunctive Relief.

1. Plaintiffs Are Unlikely To Succeed On The Merits.

Defendants have taken substantial steps to protect the detainees at MVDF and YCJ, including the promotion of social distancing at the facilities. See Bonnar Dec. ¶¶ 8 (MVDF population is at less than 75 percent of capacity), 11(f) (beds in Dorms A and B have been staggered); Kaiser Dec. ¶ 8 (YCJ population is at 64 percent of capacity). ICE has exercised its discretion to reduce the detainee populations at the facilities by releasing eligible detainees with underlying medical conditions. Bonnar Dec. ¶¶ 8-9, 15; Kaiser Dec. ¶¶ 8, 13. Defendants have also provided masks to the detainees,

implemented screening procedures for detainees and staff, and taken various other measures to protect them from the pandemic. Bonnar Dec. ¶¶ 11-12; Kaiser Dec. ¶¶ 10-11. As of April 24, 2020, there are no suspected or confirmed cases of COVID-19 at either YCJ or MVDF. Bonnar Dec. ¶ 13; Kaiser Dec. ¶ 12,

(i) Statutory Bases For Detention.

Many of the plaintiffs are detained under 8 U.S.C. § 1226(c) and § 1231, which mandate detention pending completion of removal proceedings or during the removal period. Congress has expressly prohibited release for individuals detained under 8 U.S.C. §§ 1226(c) or 1231.

When Section 1226(c) governs detention, the government “may release” the detainee “only if” release is “necessary” for witness-protection purposes and “the alien satisfies the [Secretary of Homeland Security]” that he “will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding.” 8 U.S.C. § 1226(c)(2). Outside of the narrow circumstances of release for witness protection purposes, Congress has determined that these individuals must not be released from detention pending removal, even on bond. The Supreme Court has emphasized that Section 1226(c) “mandates detention of any alien falling within its scope and that detention may end prior to the conclusion of removal proceedings ‘only if’ the alien is released for witness-protection purposes.” *Jennings v. Rodriguez*, 138 S. Ct. 830, 847 (2018).

For aliens who have final removal orders, custody is generally mandatory during the removal period under 8 U.S.C. § 1231(a)(2). Once the removal period has expired, custody becomes discretionary under 8 U.S.C. § 1231(a)(6), and release on supervision may be appropriate if there is no significant likelihood of removal in the foreseeable future.

In contrast, an immigration detainee held under 8 U.S.C. § 1226(a) may be released in the exercise of ICE’s discretion. Further, if such an individual is detained, ICE or an immigration judge has determined that the individual is a danger to persons or property, a threat to national security, or a flight risk that cannot be ameliorated by bond. *See* 8 C.F.R. § 236.1(c)(8); *Matter of Guerra*, 24 I. & N. Dec. 37, 38 (BIA 2006).

(ii) Plaintiffs Have Not Established That The Conditions Of Their Confinement Violate The Fifth Amendment.

Plaintiffs fail to show that their detention is not proportionately related to the government’s non-punitive responsibilities and administrative purposes. “[A] restriction is punitive where it is intended to punish, or where it is excessive in relation to its non-punitive purpose.” *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004) (internal quotation omitted). While civil detainees retain greater liberty protections than individuals convicted of crimes, *see, e.g., Youngberg v. Romeo*, 457 U.S. 307, 321–22 (1982), the continued immigration detention of Plaintiffs pending removal cannot be described as punitive or excessive in relation to the legitimate government purpose of protecting the public and ensuring their removal. *See, e.g., Dawson v. Asher*, No. 20-cv-0409-JLR-MAT, 2020 WL 1304557, at *2 (W.D. Wash. March 19, 2020) (*Dawson I*). The COVID-19 outbreak does not change this analysis or weaken the government’s legitimate interest in plaintiffs’ detention pending removal. *Id.*

In their motion, plaintiffs focus on the fact that ICE utilizes alternatives to detention (“ATD”) for certain individuals and points to this program as a cure-all. (ECF No. 5 at 23.) However, while ATD may assist in ameliorating flight risk, it does not ameliorate danger. In fact, many detainees at YCJ and MVDF are detained because Congress has determined them to be in a class of individuals that are both a danger and a flight risk mandating detention, 8 U.S.C. § 1226(c), or because ICE or an immigration judge has determined they are a danger or a flight risk that cannot be ameliorated by bond or ATD. *See generally Matter of Urena*, 25 I. & N. Dec. 140 (BIA 2009). These considerations show the government’s continued legitimate interest in plaintiffs’ detention pending removal.

In denying a request for release from immigration detention in the Western District of Washington last month, when Seattle was the epicenter of the COVID-19 outbreak in this country, the court noted that “Plaintiffs do not cite to authority, and the court is aware of none, under which the fact of detention itself becomes an ‘excessive’ condition solely due to the risk of a communicable disease outbreak — even one as serious as COVID-19.” *Dawson I*, 2020 WL 1304557, at *2. Denying a second TRO motion in the same case, the *Dawson* court noted that, “under the Fifth Amendment, Respondents are not required to eliminate any risk to Petitioners. Instead, Respondents are required to provide for their ‘reasonable safety.’” *Dawson v. Asher*, No. 20-cv-0409-JLR-MAT, 2020 WL 1704324, at *12

(W.D. Wash. Apr. 8, 2020) (*Dawson II*) (quoting *DeShaney v. Winnebago County Dept. of Social Services*, 489 U.S. 189, 200 (1989)).

As in *Dawson*, plaintiffs here have not established that their conditions of detention are unconstitutional. It is clear from news reports COVID-19 is spreading in the general population. In contrast, there is no evidence that anyone at MVDF or YCJ has tested positive for COVID-19, and ICE is undertaking appropriate measures to prevent the spread of the disease. *See, e.g., Dawson II*, 2020 WL 1704324, at *12; *Dawson I*, 2020 WL 1304557, at *2-3; *Sacal-Micha v. Longoria*, ___ F. Supp. 3d ___, 2020 WL 1518861, at *6 (S.D. Tex. Mar. 27, 2020) (“the fact that ICE may be unable to implement the measures that would be required to fully guarantee Sacal’s safety does not amount to a violation of his constitutional rights and does not warrant his release”) (citing *Farmer v. Brennan*, 511 U.S. 825, 832 (1994)). As set forth above, ICE has undertaken measures at both MVDC and YCJ to reduce the populations, screen incoming detainees, and provide a sanitary environment for those in their care.

Other courts have ordered release from ICE detention due to the COVID-19 pandemic, usually based on individualized decisions related to each detainee’s specific factual situation, or conditions at the facility that are not present here. In *Ortuno v. Jennings*, No. 20-cv-02064-MMC, 2020 WL 1701724, at *5 (N.D. Cal. Apr. 8, 2020), the Court granted certain detainees’ request for release from MVDF and YCJ, while denying others’ requests for release from the same facilities, demonstrating that the various detainees at MVDF and YCJ lack commonality, and indeed have different interests. *See also Doe v. Barr*, No. 20-cv-02141-LB, 2020 WL 1820667 at *4-*5, *11 (N.D. Cal. Apr. 12, 2020) (granting TRO releasing YCJ detainee based in part on his medical conditions); *Bent v. Barr*, No. 19-cv-06123-DMR, 2020 WL 1812850 at *2, *6 (N.D. Cal. Apr. 9, 2020) (conditionally granting TRO releasing MVDF detainee based in part on his medical conditions).

In *Basank v. Decker* and *Thakker v. Doll*, there were confirmed COVID-19 cases at the jails housing the petitioners—unlike at MVDF and YCJ. *See Basank v. Decker*, No. 20-cv-2518, ___ F. Supp. 3d ___, 2020 WL 1481503, at *2 (S.D.N.Y. Mar. 26, 2020); *Thakker v. Doll*, ___ F. Supp. 3d ___, 2020 WL 1671563 at *1 (M.D. Pa. March 31, 2020) (detention facilities included the York County Prison and the Pike County Correctional Facility, both of which have confirmed COVID-19 cases, according to <https://www.ice.gov/coronavirus>). Similarly, in *Castillo v. Barr*, No. cv-20-00605, 2020

WL 1502864 (C.D. Cal. Mar. 27, 2020), the court specifically noted that DHS's Office of Inspector General had found "significant" health and safety risks in the detention center at issue – unlike the facilities at issue in the present case. *Id.* at *1.

To the extent plaintiffs rely on a letter from Drs. Scott Allen and Josiah Rich, that unsworn letter provides no basis for this Court to depart from the well-reasoned *Dawson* opinion. Drs. Allen and Rich serve as contracted subject matter experts in detention health for DHS's Office for Civil Rights and Civil Liberties (OCRCL). There is no evidence that Drs. Allen and Rich have ever visited the facilities at issue in this case (let alone recently), that they are aware of the procedures and protocols adopted by those facilities to protect detainees from COVID-19, or that they are even aware that ICE has in fact reduced the detainee population at both facilities in light of the COVID-19 emergency. *See Bonnar Dec.* ¶ 5 (no visits to MVDF by OCRCL); *Exh. 2* ¶ 5 (same regarding YCJ within last five years). Defendants' evidence shows that the detainee population at MVDF has been reduced to less than 75 percent of capacity and YCJ is at 64 percent of capacity. *Bonnar Dec.* ¶ 8; *Kaiser Dec.* ¶ 8.

(iii) Plaintiffs Have Not Established That They Are Being Subjected To Punishment.

Defendants have a non-punitive purpose in detaining Plaintiffs. *Ortuno*, 2020 WL 1701724, at *4. Plaintiffs cannot plausibly argue that defendants are subjecting them to punishment. ICE has implemented procedures and protocols to protect the detainees in its care, including at the facilities at issue in this case and has also exercised its discretion to reduce the detainee populations at those facilities. *See generally* *Bonnar* and *Kaiser* Decs. The continued lack of any suspected or confirmed COVID-19 cases at MVDF and YCJ underscores the effectiveness and care that defendants have taken to protect vulnerable detainees. These precautions taken by ICE at the two facilities at issue carry far more weight than the generalized opinions expressed in the various declarations submitted by plaintiffs' proffered experts about populations in immigration detention centers in general and other detention and institutional settings.

Plaintiffs have not shown that they are likely to succeed on the merits.

2. Plaintiffs Have Not Shown Irreparable Harm.

Plaintiffs have not demonstrated that they will suffer irreparable injury absent the mandatory

injunctive relief they seek. Plaintiffs must demonstrate “immediate threatened injury.” *Caribbean Marine Services Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *Los Angeles Memorial Coliseum Commission v. National Football League*, 634 F.2d 1197, 1201 (9th Cir.1980)). Merely showing a “possibility” of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. Moreover, mandatory injunctions are not granted unless extreme or very serious damage will result. *Marlyn Nutraceuticals, Inc.*, 571 F.3d at 879 (internal citation omitted). “Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court’s] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. The standard “is not guaranteed safety—an impossible standard to meet no matter the circumstances—but rather a likelihood of irreparable harm.” *Dawson II*, 2020 WL 1704324, at *12; *see also Sacal-Micha*, __F. Supp. 3d __, 2020 WL 1518861, at *6 (“the fact that ICE may be unable to implement the measures that would be required to fully guarantee Sacal’s safety does not amount to a violation of his constitutional rights and does not warrant his release”) (citing *Farmer*, 511 U.S. at 832).

In light of the numerous precautions defendants have taken to protect plaintiffs from the risk of COVID-19, it is speculative to assume that only plaintiffs’ release into the general population will spare them from the disease. *See Bonnar Dec.* ¶¶ 10-12; *Kaiser Dec.* ¶¶ 9-11. COVID-19 is spreading in the general population, but not in either of the facilities where plaintiffs are detained. As in *Dawson I*, “[t]here is no evidence of an outbreak at the detention center or that Defendants’ precautionary measures are inadequate to contain such an outbreak or properly provide medical care should it occur.” 2020 WL 1304557, at *3 (footnote omitted).

Plaintiffs have not shown irreparable harm.

3. The Balance Of Interests And Public Interest Favors Respondents.

It is well settled that the public interest in enforcement of United States’ immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) (“The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S. 418, 435 (2009) (“There is always a public interest in prompt execution of removal

orders: The continued presence of an alien lawfully deemed removable undermines the streamlined removal proceedings IIRIRA established, and permits and prolongs a continuing violation of United States law.”) (internal quotation omitted).

Moreover, the public interest is best served by allowing immigration detention facilities to follow the orderly medical processes and protocols implemented by government professionals, as ICE has been doing. *See, e.g.*, Bonnar Dec. ¶ 8 (describing ICE’s reduction of detainee population at MVDF); Kaiser Dec. ¶ 8 (describing ICE’s reduction of immigration detainee population at YCJ); *Youngberg*, 457 U.S. at 322-23 (urging judicial deference and finding presumption of validity regarding decisions of government professionals concerning conditions of confinement).

Plaintiffs have not shown that the balance of hardships and public interest tips in their favor.

III. THE REQUEST FOR PROVISIONAL CLASS CERTIFICATION SHOULD BE DENIED.

Plaintiffs request for provisional class certification should be denied. The proposed class overlaps with the provisionally certified class in *Frailhat*, and the two actions cannot proceed in tandem. Moreover, the remedy that plaintiffs seek does not equally apply to all class members. Plaintiffs propose that some class members be released, while others remain detained—which bucket each class member will be placed in is to be determined through individual habeas applications. The individualized proceedings that plaintiffs propose are antithetical to classwide treatment, and the motion for class certification should be denied.

A. No Class Should Be Certified In This Matter, Instead the Action Should Be Stayed In Light of *Frailhat*.

As set forth above, this action should be stayed, under the first-to-file rule, in deference to *Frailhat*, where a provisional class has already been certified. It is not appropriate to certify overlapping classes, as doing so both wastes judicial resources and “subjects [the parties] to inconsistent rulings.” *Baatz*, 814 F.3d at 791. For this reason alone, plaintiffs’ motion for provisional class certification should be denied, and this matter should be stayed.

B. Plaintiffs Cannot Establish Sufficient Commonality To Warrant Provisional Class Certification.

Plaintiffs do not demonstrate that class treatment is otherwise appropriate. Although plaintiffs

argue that “[t]he proposed class is a quintessential Rule 23(b)(2) class” because an “injunction or declaration will provide relief on a class-wide basis” (ECF 6 at 18), the proposed TRO that plaintiffs have submitted demonstrate that this is not the case. Notably, plaintiffs are not seeking the closure of MVDF and YCJ and release of all detainees therein. Instead, plaintiffs seek individualized habeas proceedings, through which the MVDF and YCJ populations will be further reduced by releasing some indeterminate number of proposed class members and continuing to detain others. (ECF 5-7 at 5.) Moreover, plaintiffs’ counsel proposes to pick and choose on behalf of which individual class members they will advocate for release by bringing their individual habeas applications first—presumably by selecting class members whose medical conditions put them at risk for COVID-19 complications (ECF 5-7 at 9) and whose individual circumstances will permit counsel to argue that they are neither a flight risk nor a danger to the community. In short, plaintiffs’ requested TRO provides for individualized proceedings, not classwide treatment.

But, to obtain class certification, plaintiffs must demonstrate that the proposed class is entitled to common relief as to each count on which certification is sought. *See* Fed. R. Civ. P. 23(a)(2), (b)(2). The Supreme Court has repeatedly held that “what matters to class certification . . . is not the raising of common ‘questions’—even in droves—but, rather the capacity of a classwide proceeding to generate common answers apt to drive the resolution of the litigation.” *Dukes*, 564 U.S. at 350 (quoting Nagareda, *Class Certification in the Age of Aggregate Proof*, 84 N.Y.U. L. Rev. 97, 131–32 (2009)).

The commonality requirement is especially rigorous when applied to a class that seeks certification under Rule 23(b)(2). As the Supreme Court recently noted in reviewing a Ninth Circuit immigration detention case, “Rule 23(b)(2) applies only when a single injunction or declaratory judgment would provide relief to each member of the class.” *Jennings*, 138 S. Ct. at 852 (quoting *Dukes*, 564 U.S. at 360). For certification under Rule 23(b)(2), plaintiffs must show that the challenged conduct is “such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them.” *Dukes*, 564 U.S. at 360. Accordingly, plaintiffs bear the burden of demonstrating that any factual differences among the proposed class members are unlikely to affect their entitlement to relief. *See id.* Class certification under Rule 23(a) and (b)(2), therefore, requires two steps: (1) the identification of a common legal problem, and (2) a showing that the common legal issue may be

resolved as to all class members simply by virtue of their membership in the class. *Dukes*, 564 U.S. at 350 (concluding that the common legal problem “must be of such a nature that it is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.”).

Plaintiffs’ proposed class and proposed class TRO order fails to meet the commonality requirement. Some class members will be released under plaintiff’s proposed TRO, and many will not. Plaintiffs suggest that the class members’ underlying medical conditions will dictate which class members get released and which do not. (ECF 5-7 at 9.) *See, e.g., Ortuno v. Jennings*, No. 20-cv-02064-MMC, 2020 WL 1701724, at *5 (N.D. Cal. Apr. 8, 2020) (granting certain detainees’ request for release from MVDF and YCJ, while denying others’ requests for release from the same facilities, based on their underlying medical conditions). But, the proposed class members have vastly different risk profiles for COVID-19 based on preexisting conditions, age, and a host of other factors. *See* CDC Guidance, People Who are at Higher Risk for Severe Illness, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last accessed April 23, 2020). For example, plaintiff Coraima Yaritza Sanchez Nunez is 26 years old, but has asthma. (ECF 6-5 at ¶¶ 2, 10.) This is different from plaintiff Javier Alfaro, who is 39 years old, but does not have any other medical conditions that place him at increased risk for severe COVID-19 illness. (ECF 6-6.) Whether any particular class member will be released under the proceeding proposed in plaintiffs’ TRO, is an individualized, and not common question, involving wide factual variation. Such “[d]issimilarities within the proposed class” defeat commonality. *Dukes*, 564 U.S. at 530.

Additionally, the circumstances within each facility are not uniform. At YCJ, ICE detainees are intermingled with county inmates. Kaiser Dec. ¶ 5. Neither ICE nor the Court have the authority to mandate the actions taken by YCJ with respect to county inmates. At MVDF, the beds in two dorms have been staggered to allow six feet distancing. Bonnar Dec. ¶ 11(f). These differences within the subclasses further show that they lack commonality.

Detainees are also held under differing statutory authorities, which makes considerations regarding detention and release vary from one individual to the other. *See, e.g.,* 8 U.S.C. § 1225(b) (requiring mandatory detention for aliens pending final determination in credible fear proceedings);

§ 1226(c) (requiring mandatory detention for aliens who have committed certain criminal offenses); § 1231(a)(2) (requiring mandatory detention during the 90-day removal period after a final order of removal is entered). Even where a detainee is eligible for release, ICE must assess whether the detainee is a danger to the community or a flight risk. *See* 8 C.F.R. § 236.1(c)(8). In addition, 8 U.S.C. § 1182(d)(5) grants the Attorney General discretion to “parole [aliens] into the United States temporarily under such conditions as he may prescribe.” Plaintiffs cannot show that a single common remedy is appropriate for everyone in the proposed class, especially where detention for some individuals is mandated by statute and release requires an assessment of dangerousness and flight risk that is, by nature, made on a case-by-case basis. Plaintiff Javiar Alfaro, for example, has been convicted of felony infliction of corporal injury on a spouse/cohabitant, whereas plaintiff Coraina Sanchez Nunez’s criminal conviction was for a DUI. (Declaration of Alexander Pham at ¶¶ 5, 15.) In deciding which individual habeas applications to pursue, plaintiffs’ counsel is likely to analyze the class members’ varying criminal histories and flight risk profiles, and pursue just those who are good candidates for release. (ECF 5-7 at 9.)

Because plaintiffs cannot meet their burden to demonstrate commonality the Court must deny their motion to certify a class. *See Mazza v. Am. Honda Motor Co.*, 666 F.3d 581, 596 (9th Cir. 2012) (common issues do not predominate where “an individualized case” must be made on behalf of each class member in order to obtain relief).

C. Plaintiffs Cannot Establish Sufficient Typicality To Warrant Class Certification.

Plaintiffs’ proposed class also fails to satisfy the typicality requirement. The commonality and typicality requirements of Rule 23(a) are interrelated and, in some instances, merge. *Dukes*, 564 U.S. at 349 n.5. “Both [requirements] serve as guideposts for determining whether under the particular circumstances maintenance of a class action is economical and whether the named plaintiff’s claim and the class claims are so interrelated that the interests of the class members will be fairly and adequately protected in their absence.” *Id.* Because the putative class members’ circumstances and ultimate eligibility for relief are too varied to satisfy the commonality requirement, plaintiffs are also unable to satisfy Rule 23(a)(3).

The different forms of relief requested demonstrate that plaintiffs cannot establish typicality.

Plaintiffs request that the Court order defendants to release some, but not all, class members in order to facilitate social distancing. (ECF 5 at 31.) To do so, plaintiffs propose implementation of a system where the Court reduces the population based on individualized factors. (ECF 5-7.) The proposed relief demonstrates that the individual decision to release any putative class member will be different based on their individual circumstances. Under plaintiffs' proposal, some class members will be released from YCJ and MVDF, whereas other detainees will remain in custody. While plaintiffs focus their typicality argument on the need for social distancing (ECF 6 at 15), plaintiffs ignore that their proposed remedy is vastly different for different class members. Plaintiffs seek a supposed classwide remedy on an individualized basis (ECF 5-7)—a contradiction in terms, which demonstrates class treatment is not appropriate.

In addition, each plaintiff's claim to release must be decided on a case-by-case basis and is subject to unique defenses based on the facts and circumstances of each individual class member. *See Sacal-Micha*, 2020 WL 1518861, at *5 (noting that decisions from other district courts demonstrate individualized nature of analysis to determine whether release is appropriate). The relief sought in plaintiffs' proposed TRO (ECF 5-7) underscores this point. Plaintiffs request individualized medical and other information for each YCJ and MVDF detainee. (ECF 5-7.) Plaintiffs then propose to file "individual applications for release," implicitly dependent on class counsel acting as quasi-ICE officers exercising "prosecutorial discretion" over which cases merit release and should be presented to the Court. (*Id.* at 5.) In other words, plaintiffs are requesting that they take on the policy role of deciding who among the detained population is entitled to relief in the form of release from detention. This proposed relief is wholly inconsistent with the requirement that relief be common among the class. *Dukes*, 564 U.S. at 360.

Hundreds of other ICE detainees have sought release across the country. *See, e.g., Dawson v. Asher*, No. C20-0409 JLR-MAT (W. D. Wash. Mar. 19, 2020); *Francisco M. v. Decker*, No. 20-2176 (CCC) (D.N.J. Mar. 25, 2020); *Patel v. Barr*, No. C20-488-RSM-BAT (W.D. Wash. April 2, 2020). This fact cuts against class certification. That numerous detainees nationwide are having their cases for release heard on an individualized basis, with some detainees obtaining release and others not, demonstrates that classwide relief is not appropriate. *See, e.g., Ortuno*, 2020 WL 1701724, at *5

(granting relief to some petitioners but not others); *Murai v. Adducci*, No. 3:20-cv-10816-RHC-PTM, ECF No. 8 (E.D. Mich. April 16, 2020) (denying TRO where facility has no confirmed cases of COVID-19); *Saillant v. Hoover*, No. 1:20-cv-6090JPW, 2020 WL 1891854 (M.D. Pa. April 16, 2020) (denying habeas petition where facility has taken steps to address COVID-19 and petitioner made no allegation that he had a risk factor making him more susceptible to the disease); *Albino-Martinez v. Adducci*, No. 2:20-cv-10893, 2020 WL 1872362, at *4 (E.D. Mich. April 14, 2020) (denying temporary restraining order requesting release in light of COVID-19 when the “battle against COVID-19 is ever evolving and changing”); *Ramirez v. Culley*, No. 2:20-cv-609, 2020 WL 1821305 (D. Nev. April 9, 2020) (denying TRO where detention facility did not present constitutionally unsafe conditions and no evidence of COVID-19 present at the facility); *Hassoun v. Searls*, --- F. Supp. 3d ---, 2020 WL 1819670 (W.D.N.Y. April 10, 2020) (denying release of petitioner with underlying health concerns and who has not followed medical advice that housed separately from other detainees and where facility has taken steps to address the spread of COVID-19); *Awshana v. Adducci*, --- F. Supp. 3d ---, 2020 WL 1808906 (E.D. Mich. April 9, 2020) (denying release where detention facility has no confirmed or suspected COVID-19 cases and petitioners have no conditions that place them in higher risk categories); *N.Z.M. v. Wolf*, No. 5:20-cv-24, ECF No. 20 (S.D. Tex. April 9, 2020) (denying TRO where petitioner did not present evidence of higher risk factors for COVID-19 and facility had no known reported cases); *Verma v. Doll*, No. 4:20-cv-14, 2020 WL 1814149, at *6 (M.D. Pa. April 9, 2020) (denying release because facility has taken reasonable steps to limit spread of COVID-19 through facility and explaining that there is “no perfect solution to preventing the spread of COVID-19 in detention facilities”); *Dawson*, 2020 WL 1304557 at *3 (holding potential exposure to COVID-19 insufficient to justify release). Indeed, as the court in *Umarbaev v. Lowe* observed the “success of each petition will depend not only on the circumstances of the petitioner before the Court, but also on a rapidly changing landscape that includes the state of the COVID-19 pandemic, current conditions in ICE facilities, and the evolving response by ICE and facility officials to medical needs.” *Umarbaev v. Lowe*, No. 1:20-CV-00413, 2020 WL 1814157, at *7 (M.D. Pa. Apr. 9, 2020) (denying a TRO for release of petitioner with risk factors but who has been receiving medical care in detention and monitored during 14-day quarantine period). Such individualized considerations are entirely inappropriate for a Rule 23(b)(2) class, inasmuch as the relief must equally

benefit all class members. *Dukes*, 564 U.S. at 360.

To the extent that plaintiffs rely on *Parsons v. Ryan*, 754 F.3d 657 (9th Cir. 2014), that case is readily distinguishable due to the nature of the relief sought. In *Parsons*, the Ninth Circuit found that a class action based on detention conditions satisfied Rule 23(b)(2) because the remedy sought was applicable on a classwide basis. *Id.* at 689. But the *Parsons* remedy was not release of only some inmates. Plaintiffs in *Parsons* sought a change in policy that would increase access to medical services for all inmates, relief that the Ninth Circuit found applied to all class members. *Id.* at 663, 689. In contrast, plaintiffs here are not seeking uniform relief, but instead are asking for *either* release *or* to be detained in a less crowded facility. Plaintiffs cannot meet their burden of establishing typicality.

D. Plaintiffs Have Not Established Adequacy.

The named plaintiffs—who will surely urge class counsel to advocate for their release first—have a conflict of interest with other members of the class who will not be released. Thus, plaintiffs cannot establish adequacy either.

The adequacy requirement serves to protect the due process rights of absent class members who will be bound by the judgment. *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1020 (9th Cir. 1998), *overruled on other grounds by Dukes*, 564 U.S. 338. Assessing the adequacy of class representation turns on two inquiries: “(1) do the named plaintiffs and their counsel have any conflicts of interest with other class members, and (2) will the named plaintiffs and their counsel prosecute the action vigorously on behalf of the class?” *Id.*

Plaintiffs seek a reduction in the YCJ and MVDF detainee populations, not the release of all detainees. (ECF 5 at 31.) They further propose staggered applications for release until the detainee populations are sufficiently reduced to permit what plaintiffs deem adequate social distancing. (ECF 5-7 at 5.) This proposal violates *Dukes*’ requirement that classwide injunctive relief equally benefit the entire proposed class. 564 U.S. at 360 (Rule 23(b)(2) “does not authorize class certification when each individual class member would be entitled to a *different* injunction or declaratory judgment against the defendant.”) (emphasis in original). Accordingly, the named plaintiffs’ interests are not aligned with all members of the putative class, and, as with commonality and typicality, plaintiffs have failed to establish adequacy. The request for provisional class certification should be denied.

IV. PLAINTIFFS' PROPOSED TRO IS UNWORKABLE AND UNLAWFUL.

Even if the Court were to provisionally certify plaintiffs' proposed classes⁴ and find that plaintiffs are entitled to a TRO or preliminary injunction, the order proposed by plaintiffs is legally improper and presents numerous practical difficulties.

First, plaintiffs' proposed order includes a declaratory judgment that is not appropriate in a TRO. See ECF No. 5-7 at 3, ¶ 1. The purpose of preliminary injunctive relief is to preserve the status quo pending final judgment, rather than to obtain a preliminary adjudication on the merits. *Sierra On-Line*, 739 F.2d at 1422. By seeking to have the Court definitively declare that "conditions of confinement . . . are unconstitutional," the proposed order would be an improper full adjudication on the merits of some of plaintiffs' claims. ECF No. 5-7 at 3, ¶ 1. The Court should strike paragraph 1.

Second, as discussed above, plaintiffs' proposed order is objectionable because it permits class counsel to determine the order of applications for release that they would present to the Court with no oversight or guidelines. *Id.* ¶ 2(f). Class counsel may not be given the role of an ICE official to exercise discretion and determine who of approximately 427 individuals warrants first consideration for release by the Court. Indeed, it is conceivable that class counsel would advocate for release of the named plaintiffs first, some of whom have no underlying medical conditions that place them at higher risk, even over individuals whose circumstance may be more compelling. Class counsel should not be given such latitude to usurp the power of the government or the Court.

Third, plaintiffs' proposed method of collecting information violates detainees' privacy interests. If the Court certifies a provisional class pursuant to Federal Rule of Civil Procedure 23(b)(2), all ICE detainees at MVDF and YCJ would be class members and would not have the ability to opt out. Paragraph 2(b) of the proposed order would require defendants to provide sensitive medical information⁵ regarding every detainee class member to class counsel, whom class members have not asked to represent them. Medical information is among the most sensitive private information. See

⁴ If the Court declines to certify the proposed classes, the proposed TRO would be an improper back-door attempt to obtain discovery where it is not otherwise permitted. See, e.g., *Bracy v. Gramley*, 520 U.S. 899, 904 (1997) ("A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course.").

⁵ Additionally, in paragraph 2(b), plaintiffs demand that defendants provide class members "current medical conditions." It is unclear what "current medical conditions" means.

generally Health Insurance Portability and Accountability Act, 42 U.S.C. §§ 1320d, 1320d-6. Requiring defendants to produce this information to class counsel without regard to the desires of individual detainees contravenes detainee privacy rights. Plaintiffs’ proposal differs from other circumstances where courts have required defendants to turn over information on all class members or potential class members notwithstanding privacy concerns. For example, in *Tomassi v. City of Los Angeles*, No. CV 08-1851 DSF SSX, 2008 WL 4722393, at *4 (C.D. Cal. Oct. 24, 2008), the court balanced the privacy right of putative class members and class counsel’s need for information and found that defendants were required to provide a list of potential class member names and addresses. However, medical information is far more sensitive than names and addresses. In this instance, such sensitive information tips the balance in favor of protecting class members’ privacy rights. Defendants therefore object to providing ICE detainee medical information as proposed in paragraph 2(b).

Fourth, the forms proposed by plaintiffs conflict with the text of the proposed order. Paragraph 2(a) instructs that “Defendants shall obtain from *every* member” a potential release address and contact information. (emphasis added). However, Form A, which plaintiffs propose to collect such information, does not require the detainee to complete the form and states that “if you do NOT want to be considered for release, do not fill out this form.” As plaintiffs recognize in the proposed form, detainees should not be forced to give defendants this information. The proposed order therefore cannot require defendants to obtain information from detainees who do not wish to provide this information.

Fifth, plaintiffs proposed forms fail to distinguish between non-ICE detainees and ICE detainees at YCJ. Plaintiffs’ suit and proposed subclass definition include only individuals held in ICE custody, not those criminal defendants held by Yuba County. See ECF No. 6 at 11. Therefore, care must be taken to distinguish between ICE detainees, who would be subject to an order in this case, and Yuba County inmates, who are not provisional class members. Form A requires changes to make clear that only ICE detainees at YCJ would be permitted to be considered for release. Moreover, ICE detainees are not totally segregated from Yuba County inmates and outright differential treatment should be avoided.

Sixth, plaintiffs proposed timelines are internally conflicting and unworkable. Paragraph 2(b) permits defendants to begin providing medical information “at a rate of 25 class members per day,” but

paragraph 2(c) states that within 72 hours, that medical information “shall” be provided to each class member. These timelines are conflicting. Moreover, the timelines proposed by plaintiffs are unworkable. Defendants are unable to obtain medical information for every potential class member in the time proposed. *See First Fishburn Dec.* ¶ 6. Defendants are also unable to present the factors that might counsel against release, such as criminal history, flight risk factors, immigration history, or unsuitability of proposed release location or sponsor, within 24 hours of class counsel submitting an application. *Id.* ¶ 9. The A-files for individuals detained at YCJ and MVDF are located in many locations, including ICE offices at immigration courts, other regional ICE office, and offices for FOIA processing. *Id.* There is also no limit on the number of applications class counsel would be able to present each day, potentially overwhelming the limited resources of defendants. Further, defendants’ limited resources are better devoted to protecting the detainees and continuing to review cases for release under defendants’ policies already in place, rather than creating this parallel and entirely new process proposed by plaintiffs.

Seventh, defendants are unable to provide for translation of plaintiffs’ proposed forms, either in writing or orally. The process for ICE to obtain translation of document takes weeks and sometimes months. *See First Fishburn Dec.* ¶ 4. Defendants are unable to obtain translations on the timeline proposed by plaintiffs. To orally translate the forms, each of the approximately 427 detainees would need to be transferred to an ICE sub-office to have the translation done, and such movement of detainees is discouraged due to the pandemic. *Id.*

Should the Court order preliminary injunctive relief, rather than order a process which requires defendants to violate putative class members privacy, defendants propose that the Court order defendants to reduce the populations at MVDF and YCJ to numbers that permit social distancing. Defendants would then determine which class members would be released and provided weekly updates to the Court regarding the class members released and the current populations at MVDF and YCJ. *Id.* ¶ 9.

If the Court is inclined to order an individualized review process, to correct the issues identified above, defendants propose the following. Defendants would provide provisional class counsel a list of the names of any provisionally certified class members. *Id.* ¶ 5. Class counsel would be responsible for

translating any and all forms and notices. *Id.* ¶¶ 4, 8. Defendants could post notices and distribute forms, but class members would be responsible for completing the forms, which should include, in addition to the information proposed by plaintiffs, information about where a class member would go if released, and whether that location has been approved by the individual's parole and/or probation officer. *Id.* ¶¶ 4-8. Class members would then mail the forms to class counsel and provide a copy to defendants through the kite process. *Id.* ¶ 4.

Should the Court order any putative class member to be released, defendants respectfully request that such an order(s) expire when the current state and local shelter-in-place orders are lifted, and that each of the released putative class members be required to self-report to ICE within 24 hours after the lifting of both the shelter-in-place order for the State of California and any shelter-in-place order for the county where s/he resides. In addition, defendants respectfully request that release ordered include the following conditions of release:

1. The released class member is to reside and shelter in place at the address specified in the release order.
2. The released class member must obtain approval of the address from his parole officer (if any); and also provide defendants with w/ the name, date of birth, DHS alien number (if any), and telephone number of the person at the residence who will be responsible for the class member, so that defendants may conduct their usual vetting process and advise the Court of any objections.
3. The released class member shall be transported by a person to be specified in said order from his/her place of detention to the residence where s/he will reside and shelter in place.
4. Pending further order of the Court, the released class member shall not leave the residence where s/he will shelter in place, except to obtain medical care, to appear at immigration court proceedings, or to obey any order issued by the Department of Homeland Security.
5. The released class member shall not violate any federal, state, or local law.
6. If a released class member violates the conditions ordered by this Court or DHS, ICE may re-detain him at any time to complete removal proceedings without advance notice to the Court or the class member.
7. If a released class member's removal order becomes final and a travel document is obtained, ICE

may re-detain him/her to effectuate his removal without advance notice to the Court or petitioner.

These additional conditions will place released class members on the same footing as detainees who obtain discretionary release pursuant to defendants' statutory and regulatory authority. To the extent any class member is subject to mandatory statutory detention, any TRO ordering their continued release would be based solely on the COVID-19 pandemic. As such, there is no justification for requiring less supervision and authority over these individuals than defendants have over released detainees who are not subject to mandatory detention.

V. OBJECTIONS TO PLAINTIFFS' DECLARATIONS

Defendants recognize that the COVID-19 public health emergency has made it difficult for plaintiffs' counsel to obtain signed declarations from plaintiffs. That does not change the fact that the declarations purporting to establish plaintiffs' individual situations and the conditions at the detention facilities are inherently unreliable. Plaintiffs have not submitted any declarations that they signed. Instead, some plaintiffs have had unsigned declarations submitted by counsel; others purport to be submitted by translators, which state that they were read to plaintiffs in Spanish or Vietnamese, while submitted to the Court only in English. But, the translators' certifications are also unsigned.

In this regard, defendants object to the following declarations as not being signed by the declarants, who are plaintiffs in this case: Angel de Jesus Zepeda Rivas (ECF 6-1); Brenda Ruiz Tovar (ECF 6-2); Lawrence Kuria Mwaura (ECF 6-3); Luciano Gonzalo Mendoza Jeronimo (ECF 6-4); Coraima Yaritza Sanchez Nunez (ECF 6-5); Javier Alfaro (ECF 6-6); and Dung Tuan Dang (ECF 6-7).

In addition, defendants object that the following unsigned declarations were read to the declarants in Spanish or Vietnamese, but submitted to the Court only in English, with no way for the Court or defendants to confirm the accuracy of the translation: Angel de Jesus Zepeda Rivas (ECF 6-1); Brenda Ruiz Tovar (ECF 6-2); Luciano Gonzalo Mendoza Jeronimo (ECF 6-4); Javier Alfaro (ECF 6-6); and Dung Tuan Dang (ECF 6-7).

Defendants object to the following declarations as being replete with hearsay and/or not based on the personal knowledge of the declarant and/or based on outdated information: Lisa Knox (ECF 5-4); Kathleen Anne Kavangh (ECF 5-5); and Sean Riordan (ECF 5-6).

The Court should afford little or no weight to these unreliable declarations. Courts may, in their discretion, give some weight to hearsay and otherwise inadmissible evidence when considering whether to issue emergency relief. *See, e.g., Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1363 (9th Cir. 1988); *Flynt Distrib. Co., Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984). The above declarations warrant little or no weight because they are significantly lacking in foundational support and other indicia of reliability.

Likewise, plaintiffs' declarations from physicians warrant little or no weight because they lack a sufficient factual basis about the current conditions at MVDF and YCJ. Opinions based on scientific, technical, or specialized knowledge are governed by Federal Rule of Evidence 702, which provides that a qualified witness may testify in the form of opinion or otherwise as to scientific, technical or other specialized knowledge if:

(a) the expert's scientific, technical, or otherwise specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue, (b) the testimony is based upon sufficient facts or data, (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case.

Rule 702 requires courts to ensure that expert opinions are not only relevant, but also reliable. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589 (1993). To be reliable, the underlying facts or data upon which an expert relies must be reliable; when an expert does not cite factual support for their opinion, it lacks indicia of reliability. *See, e.g., United States ex rel. Jordan v. Northrop Grumman Corp.*, No. CV 95-2985 ABC, 2003 WL 27366247, at *3 (C.D. Cal. Feb. 24, 2003) (finding expert testimony unreliable because it amounted to "conclusory opinions lacking any factual basis.").

Here, the declarant physicians' opinions are not based on sufficient facts or data because they either fail to state if they know of the current conditions at MVDF and YCJ, or base their opinions on their experiences at other immigration facilities from previous months or years, well before COVID-19. For example, while Dr. Greifinger provides citations to support some of his factual assertions, he does not provide any specific references to current conditions at MVDF and YCJ; his opinions based on detention conditions are not indicative of the current conditions in the facilities at issue. For example, Dr. Greiginger refers to declarations of two attorneys who visited the facilities, the declaration regarding

YCJ does not specify when the attorney made her most recent visit, *see* Declaration of Kathleen Anne Kavanaugh, (ECF 5-5), and the declaration regarding MVDF describes a visit from March 13, 2020 – a relatively long time ago in the fast-moving COVID-19 situation – and is replete with hearsay, as noted above. *See* Declaration of Lisa Knox (ECF 5-4).

CONCLUSION

For the foregoing reasons, the Court should stay this matter pending *Freihat* to prevent overlapping claims and because it was first-filed. In the alternative, the Court should dismiss or transfer this case as filed in the improper district or deny plaintiffs’ motion for class certification and motion for a temporary restraining order.

DATED: April 25, 2020

Respectfully submitted,

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	
	)	DECLARATION OF ERIK BONNAR IN
v.	)	SUPPORT OF FEDERAL DEFENDANTS'
	)	OPPOSITION TO TRO AND MOTION TO
DAVID JENNINGS, <i>et al.</i> ,	)	STAY IN LIGHT OF <i>FRAIHART</i>
	)	
Defendant.	)	
	)	

I, Erik Bonnar, declare as follows:

1. I am the Deputy Field Office Director for U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the San Francisco Field Office ("ERO San Francisco"). I have held this position since March 2009. Concurrently, from September 2017 to June 2019, I was the Acting Field Office Director for ERO San Francisco. From January 2006 through March 2009, I was the Assistant Field Office Director for the ERO San Francisco Bakersfield, California sub-office. From July 2002 to January 2006, I was Supervisory Detention and Deportation Officer in the Bakersfield, California sub-office.

2. In my capacity as Deputy Field Office Director, I am responsible for direction and oversight of ICE immigration enforcement operations within the California counties of Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono and Tulare, the state of Hawaii and the U.S. territories of Guam and the Northern Mariana Islands. My office is responsible for the identification, apprehension, detention and removal of illegal aliens from the United States. This responsibility includes the immigration case docket management and oversight of aliens detained at the Mesa Verde Detention Facility (“MVDF”) pending removal.
3. The facts in this declaration are based on my personal knowledge, consultation with other ICE personnel, and review of official documents and records maintained by the agency and Department and other relevant sources obtained during the regular course of business. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above captioned case.
4. The Immigration and Nationality Act (“INA”) authorizes detention of aliens pending removal under sections 235, 236, and 241 of the INA. In some cases, aliens convicted of certain crimes are subject to mandatory custody under INA section 236(c) and are ineligible for release from ICE custody pending completion of removal proceedings. In other cases, aliens may be detained by ICE as a matter of discretion under sections 235 and 236(a) of the INA pending removal, because they have been found to be a danger to the community or pose a flight risk. For aliens who have final administrative removal orders custody is generally mandatory during the removal period under section 241(a)(2) of the INA, and once the removal period has expired custody becomes discretionary under section 241(a)(6) of the INA where release on supervision may be appropriate if there is no significant likelihood of removal in the foreseeable future.
5. The MVDF is a private detention center owned and managed by The GEO Group, Inc. (“GEO”). GEO is an independent contractor that provides the facility, management, personnel and services for 24-hour supervision of aliens in ICE custody at MVDF. Besides its own private internal oversight and inspection processes, the federal government also mandates oversight through

various inspection processes by ICE and other entities. However, to my knowledge, the DHS' Office of Civil Rights and Civil Liberties has never visited, toured or inspected MVDF.

6. Medical care, including screening, at MVDF is provided by the GEO medical staff on-site and is overseen by the ICE Health Services Corps ("IHSC"), which provides medical services through a combination of U.S. Public Health Service Commissioned Corps ("USPHS") officers, federal civil servants, and contract health professionals.
7. On April 10, 2020, ICE released its ERO COVID-19 Pandemic Response Requirements ("PRR"), a guidance document that builds upon previously issued guidance and sets forth specific mandatory requirements to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this pandemic.¹
8. MVDF has the capacity to house 400 detainees, including 100 females and 300 males, in four separate dormitory units. MVDF has the capability to identify, isolate, and segregate detainees from each other. On March 11, 2020, the World Health Organization ("WHO") declared COVID-19 a global pandemic. Since that time, in accordance with ICE policy, ERO Bakersfield sub-office has taken affirmative steps to reduce the number of detainees at MVDF by reconsidering custody determinations, parole requests, and issuing orders of supervision on release for those aliens who are not subject to mandatory custody, pose a danger to the community or flight risk; and/or there is no significant likelihood of removal in the foreseeable future. Consequently, from March 11, 2020 to present, ICE has reduced the MVDF detainee population from 355 to 283, which is less than 75% of its capacity.
9. ICE will continue to evaluate cases that may be high-risk for COVID-19, and as more relevant specific information is provided on any particular detainee, release may be appropriate provided they are not mandatory custody, a danger to the community, or deemed a flight risk where measures for alternatives to detention are inappropriate.

¹ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

10. Pursuant to ICE ERO protocols and under the direction of my office, MVDF implemented several processes to protect the detainee population. For example, MVDF stopped all social visitations and has permission to limit attorney contact visits as appropriate, while continuing to provide access to attorneys through various telephonic means as established under the *Lyon v. U.S. Immigration and Customs Enforcement* settlement agreement. MVDF staff is still scheduling attorney contact visits but are notifying attorneys in advance that they must wear appropriate personal protective equipment and submit to medical screening prior to entering the facility.
11. In addition to the screening and other protective measures described in Captain Moon's declaration of March 27, 2020 (a true and correct copy of which is attached hereto as Exhibit A), MVDF has implemented several other measures to protect the detainee population from COVID-19 infection. These measures include, but are not limited to the following:
- a. MVDF provides education regarding COVID-19 to staff and detainees, including holding townhalls for staff, posting CDC information throughout the facility, and providing electronic informational messages to detainees through tablets;
 - b. MVDF has increased sanitation frequency, including frequent cleaning of all common area high contact surfaces, such as door handles, telephones, dining halls, and medical areas, which is being conducted throughout the day;
 - c. Sanitation supplies are provided, including, but not limited to, soap, all-purpose cleaner, disinfectant, and a bathroom-specific cleaning solution. Each detainee is provided a bar of soap, which may be replaced upon request when used up. A soap and towel dispenser have been installed in the front of each dorm. In addition, each dorm has two bathroom areas, and two soap dispensers have been installed in each bathroom area with a total of five liquid soap dispensers in each dormitory. MVDF staff also have access to soap and hand sanitizer. MVDF informed the IHSC FMC that hand sanitizer is not available to detainees because it is alcohol-based and poses a serious risk to the health of detainees if consumed. Per the CDC, soap and water are more effective than hand sanitizers at

removing certain kinds of germs. However, MVDF stated that mounted hand sanitizer is available at the medical station and the lab station.

- d. As of April 17, 2020, MVDF began distributing surgical masks to detainees. As of April 20, 2020, IHSC FMC confirmed with the medical staff at MVDF that each detainee received a surgical mask and was educated on proper wear to prevent infection and spread.² These masks will be replaced every Monday, Wednesday and Friday, supplies permitting.
 - e. MVDF medical staff have their temperatures taken daily on-site. Since April 6, 2020 all MVDF medical staff are required to wear surgical masks at all times. As of April 16, 2020, all MVDF medical staff are required to wear an N95 mask during patient encounters, including pill call.
 - f. As of this week, all beds in Dorms A and B, have been staggered to allow six feet distancing. The same will be done in the remaining dormitories when space permits.
12. In addition to the in-take and 14-day screening for symptoms of COVID-19, the MVDF medical staff will continue to examine any detainee who submits a request to see medical due to symptoms consistent with COVID-19. MVDF has the capability to conduct on-site testing of COVID-19; to date, MVDF medical staff has not conducted any testing for COVID-19 since they have not encountered any detainee experiencing symptoms consistent with COVID-19. In order to promote social distancing, the MVDF medical staff is only seeing one detainee in the medical unit at a time and is also limiting seating in the waiting area to one detainee at a time. If it is necessary for any detainee to depart the facility for any off-site appointment, his/her temperature is screened before any departure from the facility and after his/her return to the facility.

² Use of Cloth Face Coverings to Help Slow the Spread of COVID-19, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> (recommending face coverings in public settings where other social distancing measures are difficult to maintain).

13. As of April 24, 2020, the IHSC FMC confirmed with the MVDF Health Service Administrator that there are still zero suspected cases of COVID-19 and zero confirmed cases of COVID-19 at MVDF.
14. ERO management staff, including myself, hold several meetings every week and are in constant communication twenty-four hours a day, seven days a week over MVDF and issues stemming from COVID-19. Additionally, ICE staff is in daily contact with the Facility Administrator and his staff, including medical, at MVDF over the health and safety of detainees. Given the ICE protocols, MVDF staff and ICE officers are taking appropriate measures to ensure the health and safety of detainees and will continue to do so. ICE is on-site daily and can address any issues, as presented or directed, to ensure the ICE protocols are in place and to report back any issues they may observe that need to be addressed.³
15. ICE will continue to review its detained population for people who are “at higher risk for severe illness,” as identified by the CDC, to determine if detention remains appropriate, considering the detainee’s health, public safety and mandatory detention requirements, and adjust custody conditions when appropriate, to protect health, safety and well-being of its detainees.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 24, 2020, at San Francisco, California.



ERIK BONNAR

³ Due to a recent local press report concerning MVDF detainees on a possible hunger strike, MVDF staff identified those detainees as being housed in housing units C and D. Thereafter, MVDF staff held an in-person town hall for those detainees and provided information regarding formal hunger strike protocols, which is defined as missing at least nine consecutive meals. To my knowledge, none of the detainees had missed nine consecutive meals. MVDF staff informed detainees that should they choose to engage in a hunger strike then food they purchase from commissary would also be taken away. Following this town hall, the detainees resumed regular meals.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Sofia Bahena Ortuño; Gennady Valeryevich
Lavrus; Claude Bent; Charles Joseph;
Salomon Medina Calderon; Ricardo Vasquez
Cruz; J. Elias Solorio Lopez; Olvin Said
Torres Murillo; Julio Cesar Buendia Alas;
Marco Montoya Amaya; Mauricio Ernesto
Quinteros Lopez; Roxana del Carmen
Trigueros Acevedo; Ernesto Ambrocio Uc
Encarnacion,

Case No. 20-cv-02064-MMC

Petitioners-Plaintiffs,

v.

DAVID JENNINGS, Acting Director of the
San Francisco Field Office of U.S. Immigration
and Customs Enforcement; MATTHEW T.
ALBENCE, Deputy Director and Senior
Official Performing the Duties of the Director
of the U.S. Immigration and Customs
Enforcement; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Respondents-Defendants.

DECLARATION OF CAPTAIN JENNIFER MOON

I, Captain Jennifer Moon, MPH, MSN, FNP-BC, make the following statements under oath and subject to the penalty of perjury:

1. I am employed by U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), and currently serve as the Deputy Assistant Director for Healthcare Compliance with ICE Health Service Corps (IHSC). I have held this position since November 1, 2018.
2. In my current position, I provide oversight of the Medical Case Management Unit to which the Field Medical Coordinators (FMCs) report. The FMCs serve as medical

consultants to the ICE field offices and oversee clinical services at Inter-Governmental Service Agreement (IGSA) facilities that house ICE detainees, including the Mesa Verde ICE Processing Facility (MVIPC).

3. IHSC's FMCs ensure that the provision of medical care by contractors to the ICE detainees within the IGSA facilities meets detention standards, as required by the IGSA contract. The FMCs do not provide hands-on care or direct the care within the IGSA facilities but monitor the medical care and services provided by the contract facilities. Medical staff at the contract facilities are directly responsible for medical care at the facility.
4. IHSC comprises a multidisciplinary workforce that consists of U.S. Public Health Service Commissioned Corps (USPHS) officers, federal civil servants, and contract health professionals.
5. Since the onset of reports of Coronavirus Disease 2019 (COVID-19), ICE epidemiologists have been tracking the outbreak, regularly updating infection prevention and control protocols, and issuing guidance to field staff on screening and management of potential exposure among detainees.
6. In testing for COVID-19, IHSC is also following guidance issued by the Centers for Disease Control (CDC) to safeguard those in its custody and care.
7. Each detainee is screened for disabilities upon admission. Identified disabilities are further evaluated and reasonable accommodations are provided as medically appropriate.
8. At the MVIPC, during intake medical screenings, detainees are assessed for fever and respiratory illness, are asked to confirm if they have had close contact with a person with laboratory-confirmed COVID-19 in the past 14 days, and whether they have traveled from or through area(s) with sustained community transmission in the past two weeks.
9. The detainee's responses and the results of these assessments will dictate whether to monitor or isolate the detainee. Those detainees who present symptoms compatible with COVID-19 will be placed in isolation, where they will be tested. If testing is positive, they will remain isolated and treated. In case of any clinical deterioration, they will be referred to a local hospital.
10. In cases of known exposure to a person with confirmed COVID-19, asymptomatic detainees are placed in cohorts with restricted movement for the duration of the most recent incubation period (14 days after most recent exposure to an ill detainee) and are monitored daily for fever and symptoms of respiratory illness. Cohorting is an infection-prevention strategy which involves housing detainees together who were exposed to a person with an infectious organism but are asymptomatic. This practice lasts for the duration of the incubation period of 14 days, because individuals with these and other communicable diseases can be contagious before they develop symptoms and can serve as undetected source patients. Those that show onset of fever and/or respiratory illness are referred to a medical provider for evaluation. Cohorting is discontinued when the 14-day incubation period completes with no new cases. Per ICE policy, detainees diagnosed with any communicable disease who require isolation are placed in an appropriate setting in accordance with CDC or state and local health department guidelines. The Health

Services Administrator, site and regional medical directors, and ICE Field Medical Coordinator are notified through their chain of command. Persons Under Investigation are also be screened for Influenza. Local public health and CDC will be notified with completion of proper forms for reporting. Nurses who screen new arrivals wear personnel protective equipment per protocol.

11. MVIPC houses cases with signs and symptoms consistent with COVID-19 in the negative isolation room with enhanced respiratory droplet nuclei precaution for the staff.
12. The MVIPC provides daily access to sick calls in a clinical setting and has access to specialty care services and hospital care.
13. As of March 27, 2020, IHSC has the following information:
 - a. There are zero suspected cases of COVID-19 in the MVIPC.
 - b. There are zero confirmed cases of COVID-19 in the MVIPC.
14. The MVIPC has a population within its approved capacities and is not overcrowded.
15. The MVIPC has increased sanitation frequency and provide sanitation supplies such as disinfectant, soap and hand sanitizer. Frequent cleaning of all common area high contact surfaces, such as door handles, dining halls, and medical areas, is being conducted throughout the day
16. The MVIPC screens all legal visitors for signs and symptoms, and any legal visitor requesting a detainee visit is required to wear a self-supplied N-95 mask, gloves, and goggles.
17. The MVIPC is screening all staff and vendors when they enter the facilities including body temperatures.
18. The MVIPC is screening all detainee intakes when they enter the facilities including travel histories, medical histories and checking body temperatures and has procedures to continue monitoring the populations' health.
19. The MVIPC provides education on COVID-19 to staff and detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting to seek medical care if they feel ill. The facilities provide detainees daily access to sick call.

20. The MVIPC has identified housing units for the quarantine of patients who are suspected of or test positive for COVID-19 infection to be addressed as set forth in paragraphs 8, 9 and 10, *supra*.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and based on information obtained from other individuals employed by ICE.

DATED: March 27, 2020

Captain Jennifer Moon, MPH, MSN, FNP-BC,
Deputy Assistant Director for Healthcare Compliance
ICE Health Service Corps
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
Plaintiffs,	)	
v.	)	DECLARATION OF POLLY E. KAISER IN
	)	SUPPORT OF FEDERAL DEFENDANTS'
DAVID JENNINGS, <i>et al</i> ,	)	OPPOSITION TO TRO AND MOTION TO
Defendant.	)	STAY IN LIGHT OF <i>FRAIHART</i>
	)	
	)	

I, Polly E. Kaiser, declare as follows:

1. I am the Deputy Field Office Director for U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the San Francisco Field Office ("ERO San Francisco"). I have held this position since July 2016. From December 2014 to July 2016, I was an Assistant Field Office Director for ERO San Francisco. From August 2008 to December 2014, I was a Supervisory Detention and Deportation Officer for ERO San Francisco.
2. In my capacity as Deputy Field Office Director, I am responsible for direction and oversight of ICE immigration enforcement operations within the California counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake,

Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba. My office is responsible for the identification, apprehension, detention and removal of illegal aliens from the United States. This responsibility includes the immigration case docket management and oversight of aliens detained at the Yuba County Jail (“YCJ”) pending removal.

3. The facts in this declaration are based on my personal knowledge, consultation with other ICE personnel, and review of official documents and records maintained by the agency and Department and other relevant sources obtained during the regular course of business. I provide this declaration based on the best of my knowledge, information, belief, and reasonable inquiry for the above captioned case.
4. ICE is charged with removing aliens who lack lawful immigration status in the United States. Detention is an important and necessary part of immigration enforcement. ICE detains aliens to secure their presence both for immigration proceedings and their removal, with a special focus on those who represent a risk to public safety, or for whom detention is mandatory by law.
5. The YCJ is a county owned and operated facility that houses county jail inmates and ICE detainees. Through ICE’s Inter-Governmental Service Agreement (“IGSA”) with Yuba county, the county provides the facility (“YCJ”), management, personnel and services for 24-hour supervision of aliens in ICE custody at YCJ. Besides its own county and state oversight and inspection processes, the federal government also mandates oversight through various inspection processes by ICE and other entities. However, to my knowledge, the DHS’ Office of Civil Rights and Civil Liberties (“CRCL”) has not visited, toured or inspected YCJ within at least the last five years.
6. Medical care, including screening, at YCJ is provided by the contract medical staff on-site and is overseen by the ICE Health Services Corps (“IHSC”), which provides medical services through a

combination of U.S. Public Health Service Commissioned Corps (“USPHS”) officers, federal civil servants, and contract health professionals.

7. On April 10, 2020, ICE released its ERO COVID-19 Pandemic Response Requirements (“PRR”), a guidance document that builds upon previously issued guidance and sets forth specific mandatory requirements to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this pandemic.¹

8. YCJ currently has the capacity to house up to 420 individuals. With a max capacity for ICE detainees capped at 210 of that 420. YCJ houses both male and female detainees, however the numbers of each is not specifically limited by sex, but rather by availability. YCJ has the capability to identify, isolate, and segregate detainees from each other. Three ICE detainees, who have pre-existing conditions and deemed high-risk for COVID19 based on CDC guidelines, have been removed from general population as a preventive measure and relocated to another facility where they are more closely monitored 24/7, including having their temperatures taken twice a day. The three ICE detainees are asymptomatic for COVID-19. On March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 a global pandemic. Since that time, the ERO Stockton sub-office has taken affirmative steps to reduce the number of detainees at YCJ by reconsidering custody determinations, parole requests, and issuing orders of supervision on release for those aliens who are not subject to mandatory custody, pose a danger to the community or flight risk; and/or there is no significant likelihood of removal in the foreseeable future. Consequently, from March 11, 2020 to present, ICE has reduced the YCJ detainee population from 168 to 144. The ICE population at YCJ is less than 50% of YCJ’s total capacity. As of April 24, 2020, YCJ’s total population to include ICE detainees is at 64% of its total capacity. However, these numbers do not reflect the fluctuation of additional book ins and releases between March 11, 2020 and present. At present, there are 8 female ICE detainees and 136 male ICE detainees. These numbers fluctuate on a daily basis. ICE will continue to

¹ <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>

evaluate cases that may be high-risk for COVID-19, and as more relevant specific information is provided on any particular detainee, release may be appropriate provided they are not mandatory custody, a danger to the community, or deemed a flight risk where measures for alternatives to detention are inappropriate.

9. Pursuant to ICE ERO protocols and under the direction of my office, YCJ implemented several processes to protect the detainee population. For example, YCJ stopped all social visitations and tours. YCJ has encouraged attorney visits to be non-contact. YCJ continues to provide access to attorneys through various telephonic means as established under the *Lyon v. U.S. Immigration and Customs Enforcement* settlement agreement. YCJ staff are notifying attorneys in advance that they must submit to medical screening prior to entering the facility.
10. In addition to the screening and other protective measures described in Captain Moon's declaration of March 26, 2020 (a true and correct copy of which is attached hereto as Exhibit A), YCJ has implemented several other measures to protect the detainee population from COVID-19 infection. These measures include, but are not limited to the following:
 - a. YCJ has implemented ICE COVID-19 screening protocols, including a 14-day quarantine for new book-ins.
 - b. YCJ medical staff is also screening for COVID-19 during all in-take and 14 day physical exams;
 - c. YCJ is also affirmatively taking the temperatures of all detainees on a daily basis in every housing unit;
 - d. YCJ will isolate, medically assess, and monitor any detainee who has a temperature of 100.4 or above; the detainee will be housed in the medical unit, cared for, and monitored for as long as medically necessary depending a variety of factors and what additional medical care, if any, becomes necessary.
 - e. YCJ has provided education regarding COVID-19 to staff and detainees, including postings in both the English and Spanish languages on proper hand washing and other preventative measures. Postings will be provided in additional languages upon request;

- f. YCJ has added instructions on hand washing, sanitizing common surfaces and other health and wellness information by video for detainees;
 - g. YCJ is ensuring the facility, to include the housing units, are sanitized twice daily;
 - h. Additional cleaning supplies have been offered to detainees who have been educated on how to sanitize the phones for common use before and after each use;
 - i. YCJ has added two handwashing stations within the facility to encourage and aid in recommended handwashing. Each detainee is issued a bar of soap that may be replaced when requested by the detainee. In addition, hand sanitizer is available for use by staff at the facility.
 - j. YCJ has issued washable cloth masks to all detainees to wear;
 - k. YCJ medical staff is required to wear N95 masks during any contact with any detainee who is being quarantined in POD F;
 - l. YCJ and ICE staff are required to wear masks at the facility at all times;
 - m. YCJ has the capability to conduct on-site testing of COVID-19;
11. ICE ERO management staff, including myself, conference daily over YCJ and any issues stemming from COVID-19. Additionally, my staff is in daily contact with YCJ management to include medical over the health and safety of detainees. Given the ICE protocols, YCJ staff and ICE officers are taking appropriate measures to ensure the health and safety of detainees and will continue to do so. YCJ medical staff will examine any detainee promptly who submits a medical request due to symptoms consistent with COVID-19. Out of an abundance of caution, YCJ has tested two ICE detainees who were asymptomatic, but during the in-take screening one of the detainees claimed to have been previously quarantined in another jail due to possible exposure to someone who may have had COVID-19 prior to arriving at YCJ, and the other ICE detainee was transported with that detainee to YCJ. They were immediately quarantined and monitored pending the results. They both tested negative for COVID-19 but were nevertheless quarantined for 14-days. They did not develop any symptoms and are no longer quarantined. My staff is on-site daily and is able to address issues as presented and report back any issues they may observe that need to be addressed by my staff or by me.

12. As of April 24, 2020, the IHSC FMC confirmed with YCJ that there are zero suspected cases of COVID-19 and zero confirmed cases of COVID-19 at YCJ.
13. ICE will continue to review its detained population for people who are “at higher risk for severe illness,” as identified by the CDC, to determine if detention remains appropriate, considering the detainee’s health, public safety and mandatory detention requirements, and adjust custody conditions when appropriate, to protect health, safety and well-being of its detainees.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 24, 2020, at Walnut Creek, California.



POLLY E. KAISER

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Sofia Bahena Ortuño; Gennady Valeryevich
Lavrus; Claude Bent; Charles Joseph;
Salomon Medina Calderon; Ricardo Vasquez
Cruz; J. Elias Solorio Lopez; Olvin Said
Torres Murillo; Julio Cesar Buendia Alas;
Marco Montoya Amaya; Mauricio Ernesto
Quinteros Lopez; Roxana del Carmen
Trigueros Acevedo; Ernesto Ambrocio Uc
Encarnacion,

Case No. 20-cv-02064-MMC

Petitioners-Plaintiffs,

v.

DAVID JENNINGS, Acting Director of the
San Francisco Field Office of U.S. Immigration
and Customs Enforcement; MATTHEW T.
ALBENCE, Deputy Director and Senior
Official Performing the Duties of the Director
of the U.S. Immigration and Customs
Enforcement; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Respondents-Defendants.

DECLARATION OF CAPTAIN JENNIFER MOON

I, Captain Jennifer Moon, MPH, MSN, FNP-BC, make the following statements under oath and subject to the penalty of perjury:

1. I am employed by U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), and currently serve as the Deputy Assistant Director for Healthcare Compliance with ICE Health Service Corps (IHSC). I have held this position since November 1, 2018.

2. In my current position, I provide oversight of the Medical Case Management Unit to which the Field Medical Coordinators (FMCs) report. The FMCs serve as medical consultants to the ICE field offices and oversee clinical services at Inter-Governmental Service Agreement (IGSA) facilities that house ICE detainees, including the Yuba County Jail.
3. IHSC's FMCs ensure that the provision of medical care by contractors to the ICE detainees within the IGSA facilities meets detention standards, as required by the IGSA contract. The FMCs do not provide hands-on care or direct the care within the IGSA facilities but monitor the medical care and services provided by the contract facilities. Medical staff at the contract facilities are directly responsible for medical care at the facility.
4. IHSC comprises a multidisciplinary workforce that consists of U.S. Public Health Service Commissioned Corps (USPHS) officers, federal civil servants, and contract health professionals.
5. Since the onset of reports of Coronavirus Disease 2019 (COVID-19), ICE epidemiologists have been tracking the outbreak, regularly updating infection prevention and control protocols, and issuing guidance to field staff on screening and management of potential exposure among detainees.
6. In testing for COVID-19, IHSC is also following guidance issued by the Centers for Disease Control (CDC) to safeguard those in its custody and care.
7. Each detainee is screened for disabilities upon admission. Identified disabilities are further evaluated and reasonable accommodations are provided as medically appropriate.
8. At the Yuba County Jail, during intake medical screenings, detainees are assessed for fever and respiratory illness, are asked to confirm if they have had close contact with a person with laboratory-confirmed COVID-19 in the past 14 days, and whether they have traveled from or through area(s) with sustained community transmission in the past two weeks.
9. The detainee's responses and the results of these assessments will dictate whether to monitor or isolate the detainee. Those detainees who present symptoms compatible with COVID-19 will be placed in isolation, where they will be tested. If testing is positive, they will remain isolated and treated. In case of any clinical deterioration, they will be referred to a local hospital.

10. In cases of known exposure to a person with confirmed COVID-19, asymptomatic detainees are placed in cohorts with restricted movement for the duration of the most recent incubation period (14 days after most recent exposure to an ill detainee) and are monitored daily for fever and symptoms of respiratory illness. Cohorting is an infection-prevention strategy which involves housing detainees together who were exposed to a person with an infectious organism but are asymptomatic. This practice lasts for the duration of the incubation period of 14 days, because individuals with these and other communicable diseases can be contagious before they develop symptoms and can serve as undetected source patients. Those that show onset of fever and/or respiratory illness are referred to a medical provider for evaluation. Cohorting is discontinued when the 14-day incubation period completes with no new cases. Per ICE policy, detainees diagnosed with any communicable disease who require isolation are placed in an appropriate setting in accordance with CDC or state and local health department guidelines.
11. The Yuba County Jail, which manages both males and females, provides daily access to sick calls in a clinical setting, specialty care services and hospital care as appropriate.
12. As of March 26, 2020, there are zero suspected cases of COVID-19 in the Yuba County Jail and zero confirmed cases.
13. The Yuba County Jail has a population within its approved capacities and is not overcrowded.
14. The Yuba County Jail has increased sanitation frequency and provides sanitation supplies including disinfectants, sanitizer, and soap in every housing unit at the jail. The administration is encouraging both staff and the jail general population to use these tools often and liberally.
15. The Yuba County Jail has limited professional visits to noncontact visits and suspended in person social visitation and facility tours.
16. The Yuba County Jail is screening all staff and vendors when they enter the facilities including body temperatures.
17. The Yuba County Jail is screening all detainee intakes when they enter the facilities including travel histories, medical histories and checking body temperatures and have procedures to continue monitoring the populations' health.

18. The Yuba County Jail provides education on COVID-19 to staff and detainees to include the importance of hand washing and hand hygiene, covering coughs with the elbow instead of with hands, and requesting to seek medical care if they feel ill. The facilities provide detainees daily access to sick call.
19. The Yuba County Jail has identified housing units for the quarantine of patients who are suspected of or test positive for COVID-19 infection to be addressed as set forth in paragraphs 8, 9 and 10, *supra*.

I declare, under penalty of perjury under 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and based on information obtained from other individuals employed by ICE.

DATED: March 26, 2020

Captain Jennifer Moon, MPH, MSN, FNP-BC,
Deputy Assistant Director for Healthcare Compliance
ICE Health Service Corps
Enforcement and Removal Operations
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	DECLARATION OF
	)	ASSISTANT FIELD OFFICE
v.	)	DIRECTOR DANA FISHBURN IN SUPPORT
	)	OF FEDERAL DEFENDANTS' OPPOSITION
DAVID JENNINGS, <i>et al</i> ,	)	TO TRO AND MOTION TO STAY IN LIGHT
	)	OF FRAIHART
Defendant.	)	
	)	

I, Dana Fishburn, declare as follows:

1. I am an Assistant Field Office Director ("AFOD") with the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO") in the San Francisco Field Office ("ERO San Francisco"). I have held this position since October 2, 2016. Concurrently, from April 1, 2019 to November 15, 2019, I was the Acting Deputy Field Office Director for ERO Las Vegas, and also served as Acting Deputy Field Office Director for ERO San Francisco from June 2, 2017 to March 30, 2019. I am currently assigned to the Sacramento Sub-Office within the San Francisco Field Office which is responsible for oversight of the ICE Detainees held at Yuba County Jail ("YCJ") in Marysville, California. I have worked in various other positions within ICE and legacy INS since 1996.

2. Among my responsibilities as the AFOD, I oversee the management of the detained docket for the aliens who are detained at YCJ. This declaration is based upon my personal and professional knowledge and information obtained from various records and systems maintained by DHS and YCJ in the regular course of business. The facts in this declaration are based on my personal knowledge, knowledge, information, belief, reasonable inquiry and review of information obtained from various records, systems, databases, other DHS employees, employees of DHS contract facilities, and information portals maintained and relied upon by DHS in the regular course of business.

3. I have carefully reviewed the proposed TRO order (“order”) submitted by the plaintiffs and write this declaration to address the unnecessary logistical and operational and practical problems it would pose to ICE and my staff.

4. As to paragraph 2.a. of the proposed order, Defendants are able to provide an untranslated Form A to detainees within 72 hours. However, Defendants are unable to force any detainee to complete the form, or to complete and return the form within any specific time frame, let alone within 72 hours. Thus, it is logistically impossible, impractical, overly burdensome, and unreasonable to require Defendants to return their forms, let alone within 72 hours. Further, due to operational and staffing requirements, Defendants are on-site at Yuba County Jail and Mesa Verde Detention Facility daily to facilitate immigration court and calls under the *Lyon* Settlement Agreement. Instead, Defendants propose that Plaintiffs provide an address to which provisional class members may mail their forms and Plaintiffs provide a copy to their Deportation Officer at the same time through the kite process. Mail is collected daily from provisional class members. Further, it is not practical, reasonable or necessary to require Defendants to translate Plaintiffs’ forms. ICE obtains translations at no cost through another agency program within DHS to translate certain documents which on average takes weeks and sometimes months, depending on the current status of their workload. Here, no language has even been proposed and it would nevertheless be overly burdensome and would not be available within the time frame proposed. Thus, it is neither practical nor reasonable to expect Defendants to provide written translations of Plaintiffs’ forms. Moreover, it would be overly burdensome, impractical, and logistically and operationally problematic to orally translate the form within the proposed time frame to each class member, 427. It would take several weeks, since each

class member would need to be transported to the sub-offices, Bakersfield and Sacramento, and due to the COVID-19 pandemic, ERO is limiting unnecessary transportations of large groups of detainees unless for immigration court or removal. It would also present an unnecessary logistical hardship for each class member. Defendants propose that Plaintiffs translate their own forms.

Lastly, Plaintiffs' Form A fails to include necessary information regarding the proposed address, including whether or not his/her parole and/or probation officer has approved that he/she may reside there. Defendants are aware that the courts in this jurisdiction have released immigration detainees without first confirming whether or not the petitioner has permission from his/her parole officer that she/he can at that address. Indeed, in two recent cases, the parole office denied placement at the address petitioners provided after the petitioners had already been released. Defendants propose that Form A require information confirmation that the class member has permission from his/her parole officer he/she can reside at that address and provide the name of the parole officer and his/her number.

5. As to paragraph 2.b. of the proposed order, for the reasons described above, class members should provide their own forms to counsel and the court. Without any formal Protective Order in place or releases executed by class members, Defendants believe that to provide any medical information concerning provisional class members is unnecessary and impractical under the expedited time frame proposed. . Here, the medical information is unnecessary and irrelevant to the underlying basis for the TRO motion to release all detainees at Mesa Verde Detention Facility (MVDF) and Yuba County Jail (YJC), and thus, the Department should not be required to release said information. Notwithstanding our legal and factual objections to the TRO and the proposed order of discovery, Defendants do not anticipate a logistical problem in providing all the names of detainees housed at MVDF and YJC within three business days. However, it is logistically unnecessary and impractical to providing a rolling list of class members daily and would be unprecedented in any class action in this jurisdiction, and to my knowledge, within the Ninth Circuit.

6. As to paragraph 2.c. of the proposed order, as discussed above, the medical information Plaintiffs seek on an expedited basis is unnecessary and irrelevant to the provisional class definition . . Moreover, this would be overly burdensome and logistically unnecessary. Medical records and information are maintained by the facilities and require specific requests on an individual basis to

retrieve. There is a process by which the attorneys and the detainees may request their medical records by submitting Form ICE IHSC 007 and/or making a direct request to the Medical Health Administrator of the facility after the detainee completes a release form. Therefore, due to the existing process already in place it is unnecessary and overly burdensome for Defendants to produce any additional information.

7. As to paragraph 2.d. of the proposed order, for the reasons stated in paragraph 4, it is logistically impractical and operationally unfeasible to distribute class notices to all class members within 24 hours of the order. Defendants propose the following: Within two days of receipt of Plaintiffs' notice, to be provided by class counsel, Defendants will post the notice in the housing units and other areas. As to telephone calls with class counsel, the terms of the *Lyon* Settlement Agreement is controlling.

8. As to paragraph 2.e. of the proposed order, for the reasons stated in paragraph 4 of this declaration, it is not reasonable, practical or necessary for Defendants to translate Plaintiffs' notice. Defendants propose Plaintiffs translate their own notice and forms.

9. As to paragraph 2.f. of the proposed order, the Plaintiffs' proposal for an on-going expedited individual application process, and 24-hour response to those applications, for potentially 427 class members, many of whom could apply on the same day, is not practical or feasible for ICE and its staff. The process outlined by the Plaintiffs creates an unnecessary and overly burdensome process for the government. The process proposed for determining release would require individual review of each class members' A-file, which may be located in other locations, including ICE offices at immigration courts, other regional ICE offices, and offices for FOIA processing., and review of his/her criminal and immigration histories, DHS databases, and the vetting of the class members' proposed address and sponsor.

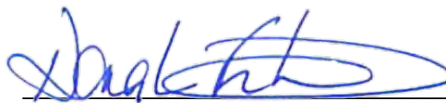
In accordance with ICE Pandemic Practices and Policy, MVDF and YCJ have reduced its detainee population to less than 75% of its capacity, and will continue to reduce its population; however, at this time, the government objects to the expedited application for release because the process is burdensome and not feasible on any continuing basis within the time frame proposed, especially if more than one detainee submits an application at the same time. Provisional class members at MVDF and YCJ are being detained because they are either subject to mandatory custody under the Immigration and

Nationality Act, or were found to be a danger and/or flight risk by ICE and/or the Immigration Judge, and therefore, Defendants oppose release in these cases.

In the event the court grants the TRO motion and the order is not stayed, ICE will endeavor to reduce its detainee population, within a reasonable period, to a number that permits social distancing at MVDF and YCJ. ICE will determine which class members are to be released to the community and provide weekly updates to the court on the class members released and current number of class members at MVDF and YCJ.

10. I affirm, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief. Executed in Sacramento, California.

Dated: April 24, 2020



Dana L. Fishburn
Assistant Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	DECLARATION OF ASSISTANT FIELD
	)	OFFICE DIRECTOR ALEXANDER PHAM IN
v.	)	SUPPORT OF FEDERAL DEFENDANTS'
	)	OPPOSITION TO TRO AND MOTION TO
DAVID JENNINGS, <i>et al.</i> ,	)	STAY IN LIGHT OF <i>FRAIHART</i>
	)	
Defendant.	)	

I, Alexander Pham, hereby declare:

1. I am an Assistant Field Office Director (“AFOD”) with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”), in the San Francisco Field Office (“ERO San Francisco”). I have held this position since April 2019. I am currently assigned to the Bakersfield Sub-Office within ERO San Francisco, which is responsible for oversight of the Mesa Verde Detention Facility (“MVDF”) in Bakersfield, California. Among my responsibilities as an AFOD, I oversee the management of the detained docket for the aliens who are detained at the MVDC. Prior to being an AFOD, I was a Supervisory Detention and Deportation Officer (“SDDO”) from February 2011 to April 2019. I have otherwise worked in various other positions within ICE since May 2005.

2. This declaration is based upon my personal and professional knowledge and information, belief, reasonable inquiry and review of information obtained from various records, systems, databases, other DHS employees, employees of DHS contract facilities, and information portals maintained and relied upon by DHS in the regular course of business.

3. ICE is charged with removing aliens who lack lawful immigration status in the United States. Detention is an important and necessary part of immigration enforcement. The Immigration and Nationality Act (“INA”) authorizes detention of aliens pending removal under sections 235, 236, and 241 of the INA. In some cases, aliens convicted of certain crimes are subject to mandatory custody under section 236(c) of the INA and are ineligible for release from ICE custody pending completion of removal proceedings. In other cases, aliens may be detained by ICE as a matter of discretion under sections 235 and 236(a) of the INA pending removal because they have been found to be a danger to the community or pose a flight risk. For aliens who have final administrative removal orders, custody is generally mandatory during the removal period under section 241(a)(2) of the INA, and once the removal period has expired custody becomes discretionary under section 241(a)(6) of the INA where release on supervision may be appropriate if there is no significant likelihood of removal in the foreseeable future.

4. To provide context for the reasons why each of the seven named Plaintiffs is in custody, ICE has conducted a preliminary review of their case histories and each follows.

Javier Alfaro

5. Javier Alfaro (“Alfaro”) is a 39-year old male native and citizen of El Salvador who illegally entered the United without admission or parole. On October 5, 2012, he was arrested for obstruction of a public officer in violation of section 148(a)(1) of the Cal. Penal Code (“CPC”). Exhibit (“Exh.”) 1. It appears that no charges were filed. *Id.* On May 10, 2018, he was arrested for infliction of corporal injury on a spouse/cohabitant (CPC § 273.5), felony false imprisonment with violence (CPC §§ 136/137), felony kidnapping (CPC § 207(a)) and threaten with intent to terrorize (CPC § 422). *Id.* On or about May 14, 2010, Alfaro was charged by felony complaint with felony kidnapping, two felony counts of terrorist threats, and two felony counts of dissuading a witness in violation of CPC § 136.1(c)(1). Exh. 2. At a preliminary hearing held on May 30, 2018, the District Attorney move to orally amend Count 3 of

the Complaint to charge infliction of corporal injury on a spouse or cohabitant (CPC § 273.5). *Id.* On June 27, 2018, Alfaro was convicted of felony infliction of corporal injury on a spouse/cohabitant in violation of CPC § 273.5 and the remaining charges were dismissed. Exhs. 1 & 2. Imposition of sentencing was suspended, and he was ordered to served 97 days in jail and three years of probation. Exh. 2. On June 19, 2019, Alfaro failed to appear for his court hearing and a warrant was issued for his arrest. *Id.* On June 26, 2019, Alfaro appeared in court with counsel and admitted that he knowingly violated probation by being terminated from Batterer's Treatment Program, failing to appear at a probation appointment and failing to appear to court. *Id.* He was sentenced to an additional 104 days jail and his probation was reinstated. *Id.* On October 2, 2019, Alfaro failed to appear for his court hearing and a warrant was issued for his arrest. *Id.* On October 5, 2018, Alfaro was encountered for driving without a license and no vehicle registration and was arrested for failing to appear on a felony charge. Exh. 1. On October 8, 2019, Alfaro appeared in court with counsel and admitted that he violated probation for driving on a suspended license. Exh. 2. Alfaro was sentenced to an additional 142 days in jail and his probation was reinstated. *Id.*

6. On January 14, 2020, Alfaro was arrested by ICE¹ and placed in removal proceedings and charged with inadmissibility under section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), as an alien present in the United States without being admitted or paroled by an immigration official. Exh. 3. Due to his criminal conviction, he is subject to mandatory custody under section 236(c) of the INA. He is scheduled for a hearing before an Immigration Judge on May 5, 2020.

7. All new arrivals are given a number of handouts, including the CDC educational handout on COVID-19, which advises detainees that they should avoid close contact with others. This information is also sent out via tablet messages and reinforced through posters and town hall meetings with the detainees. While it is true that detainees are given ten minutes in between meal periods to clean the cafeteria, post-meal periods, detainees are allowed as much time as it takes to complete a comprehensive cleaning. The towels that are provided to detainees for cleaning are used only for one area and are laundered daily. Due to a recent local press report concerning MVDF detainees on a

¹ Alfaro was arrested in accordance with ICE policy. *See* <https://www.ice.gov/ero/enforcement/sensitive-loc>.

possible hunger strike, MVDF staff identified those detainees as being housed in housing units C and D. Thereafter, MVDF staff held an in-person town hall for those detainees and provided information regarding formal hunger strike protocols, which is defined as missing at least nine consecutive meals. During the town-hall, MVDF staff informed detainees that according to protocol, after detainees have missed nine consecutive meals, they would lose access to their food commissary items. After the hunger strike protocols were announced, the dormitory representatives informed the facility administrator that detainees would be attending facility provided food services. Following this town hall, the detainees resumed regular meals. At this town hall, the detainees were also informed that they could continue to purchase non-food items from the commissary, including shampoo, soap and other toiletries. The items available for purchase in the commissary are brand name. MVDF provides each detainee, free of charge, bar soap, shampoo, toothpaste and a toothbrush. Reasonable requests for additional supplies of these items are furnished free of charge. Cleaning supplies, such as disinfectants, are supplied by the facility and are not available for purchase from the commissary for safety reasons.

8. According to the ICE Health Service Corps (“IHSC”) Field Medical Coordinator (“FMC”), Alfaro was diagnosed with hyperlipidemia which is controlled by medication. Lab tests conducted on February 15, 2020 showed that his lipid panel lab values were within normal limits.

9. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner’s A-File or the DHS’s databases:

Exhibit 1: FBI Record of Arrests and Prosecutions (RAP) Sheet, Apr. 2, 2020;

Exhibit 2: Fresno County Superior Court Documents – Case #F18903135.

Dung Tuan Dang

10. Dung Tuan Dang (“Dang”) is a 49-year old native and citizen of Vietnam who was admitted into the United States as a lawful permanent resident on October 30, 1989. He was arrested on three occasions, on January 6, 2004, April 23, 2011, and February 9, 2012, for disorderly conduct intoxication drugs and or alcohol, in violation of section CPC § 647(f). For these three arrests, he was detained for intoxication only, and no charges were filed. On April 14, 2014, he was convicted of CPC § 602(m), and sentenced to one (1) day jail, a fine, and two (2) years’ probation. On May 21, 2014,

Dang was charged with assault with a deadly weapon in violation of CPC § 245(a)(1) and vandalism in violation of CPC § 594(a)(b)(2)(A). Exh. 3. The charges were based on an incident wherein Dang entered a convenience store while intoxicated so the store clerk asked him to leave. Exh. 4. When Dang left, he shattered the front glass window of the store with a trash can, and then held a shard of glass in a threatening manner toward at the store clerk. *Id.* On July 10, 2014, he was convicted of assault with force likely to cause great bodily injury in violation of section 245(a)(4). Exh. 3. Sentencing was suspended and he was placed on probation, which he was found in violation of on November 17, 2016, because he was arrested and convicted on August 25, 2016 for driving under the influence (“DUI”) with a blood alcohol content (“BAC”) of 0.08% or above in violation of section 23152(b) of the Cal. Vehicle Code (“CVC”) and disturbing the peace (CPC § 415(2)). For these convictions, he was sentenced to twenty-seven (27) days and one day in jail, respectively, and placed on three (3) years of probation on each conviction. *Id.* The court reinstated Dang’s probation on the aggravated assault and vandalism case, which he was found in violation of again on November 15, 2018. *Id.* As a result of this second violation, Dang was remanded to state prison for two years for the aggravated assault, to run concurrent with the six-month sentence on the vandalism charge. *Id.*

11. Upon release from prison on June 7, 2019, Dang was taken into ICE custody and placed into removal proceedings and charged with removability pursuant to section 237(a)(2)(A)(iii) of the INA, an alien who after admission was convicted of an aggravated felony. Due to his aggravated felony convictions, he is subject to mandatory custody under section 236(c) of the INA. During removal proceedings, he requested and was granted five continuances. On November 21, 2019, an Immigration Judge issued a written decision and denied his applications for relief and ordered him removed to Vietnam. Exh. 5. On December 20, 2019, Dang appealed this decision to the Board of Immigration Appeals (“BIA”), which is pending. On March 20, 2020, San Francisco ERO received a request for humanitarian parole from his attorney citing medical conditions that may put him in at risk due to COVID-19. On the same date, San Francisco ERO contacted Mesa Verde Medical to obtain information regarding claimed medical conditions. On March 25, 2020, his humanitarian parole request was denied due to public safety and attorney was notified. If his appeal is ultimately denied, Vietnam has been issuing travel documents for its citizens who arrived prior to 1996.

12. The MVDF informed the IHSC FMC that hand sanitizer is not available to detainees because it is alcohol-based and poses a risk to detainee health if abused. However, MVDF stated that mounted hand sanitizer is available at the medical station and the lab station. Detainees have access to liquid soap and water for hand hygiene. As of April 20, 2020, IHSC FMC confirmed with the MVDF that each detainee received a surgical mask and was educated on proper wear to prevent infection and spread. At intake, new arrivals are also given surgical masks and instructed on how to properly wear them. In addition, instructional postings on how to wear face masks were placed in all the dorms in both English and Spanish. The masks will be replaced every Monday, Wednesday and Friday.

13. According to the IHSC FMC, MVDF medical staff diagnosed Dang with hypertriglyceridemia and latent tuberculosis (“TB”). A chest x-ray was completed on June 10, 2019, which showed no evidence of active tuberculosis. However, Dang was given a prophylactic course of medication for the TB that was completed in January 2020.² The MVDF medical staff will continue to monitor him for TB.

14. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner’s A-File or the DHS’s databases:

Exhibit 3: Santa Clara County Superior Court Documents – Case #C1483830;

Exhibit 4: Immigration Judge Written Decision and Removal Order, Nov. 21, 2019; and

Coraima Sanchez Nunez

15. Coraima Sanchez Nunez (“Sanchez Nunez”) is 26-year old native and citizen of Mexico who illegally entered the United without admission or parole. On December 9, 2017, 2012, she was arrested for felony driving under the influence (“DUI”) of drugs/alcohol in violation of section 23153(a) of the Cal. Vehicle Code (“CVC”). Exh. 6. The arrest was a result of a high-speed rear end collision wherein the vehicle Sanchez Nunez was trying collided with a vehicle that was stopped at a stoplight, which had three passengers, two adults and a six-year old child. Exh. 7. The driver of the stopped

² It appears that Isoniazid is being tested as a potential treatment for COVID-19. See Ali Rismanbaf, “Potential Treatments for COVID-19; a Narrative Literature Review,” 8 *Arch Acad Emerg Med.*, 8(1): e29 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7085862/#B26> (citing Smith M, Smith JC. Repurposing Therapeutics for COVID-19: Supercomputer-Based Docking to the SARS-CoV-2 Viral Spike Protein and Viral Spike Protein-Human ACE2 Interface (2020)).

vehicle suffered a laceration on her forehead and complained of chest and back pain and was transported to the hospital. *Id.* Sanchez Nunez's passenger who was sitting in her car suffered facial lacerations and had to be transported to the hospital for stitches. *Id.* Upon her arrest for DUI, she submitted to a blood test. *Id.* Sanchez Nunez was also searched and a small plastic baggie with a white powdery substance was discovered in her jacket pocket. *Id.* This substance later tested positive for cocaine. *Id.* On January 19, 2018, Sanchez Nunez was charged with three counts in total. Exh. 8. The first two counts were for felony DUI resulting in bodily injury in violation of CVC §§ 23153(a) & (b), both of which carried two enhancements, one for causing great bodily injury or death to more than one victim (CVC § 23558) and the second for having a blood alcohol level/content ("BAC") of 0.20% or more (CVC § 23538(b)(2)). *Id.* The third count was for possession of cocaine. *Id.* On May 8, 2018, Sanchez Nunez was convicted of DUI resulting in bodily injury with a BAC of 0.08% or above in violation of CVC § 23153(b), and admitted both the enhancements under CVC §§ 23558 and CVC § 23538(b)(2). *Id.* Her BAC was noted as 0.24%. *Id.* She was sentenced to 180 days in jail and 36 months of probation and ordered to complete a First Offender Drinking Driver Program for three months. *Id.* On July 9, 2019, Sanchez Nunez appeared in court with counsel and admitted to violating probation and was sentenced to an additional 53 days in jail and her probation was reinstated. *Id.*

16. On August 21, 2019, upon her release from Sonoma Jail, ICE arrested Sanchez Nunez and served her a Notice to Appear, charging her under §212 (a)(6)(A)(i) of the Immigration Nationality Act (INA), an alien present in the United States without being admitted or paroled by an immigration official. On October 17, 2019, an Immigration Judge held a bond hearing, found that Sanchez Nunez failed to establish that she is not a danger to the community, and denied bond. She reserved appeal of that order, but no appeal was ever taken. On November 13, 2019, an Immigration Judge denied all her applications for relief and ordered her removed to Mexico. On December 9, 2019, she filed an appeal with the BIA, which is currently pending. Even if Sanchez Nunez successfully reduced her DUI with bodily injury conviction from a felony to a misdemeanor, she would still be barred from DACA eligibility as any DUI conviction is considered a "significant misdemeanor." FAQs – Criminal Convictions, USCIS, https://www.uscis.gov/archive/frequently-asked-questions#criminal_convictions. In addition,

she is ineligible for adjustment of status in the United States as she has not been admitted or paroled. See INA § 245(a).

17. According to the IHSC FMC, during intake, Sanchez Nunez denied any medical conditions, but stated that she was feeling anxious and hopeless and was referred to mental health. She was diagnosed with anxiety and depression by a social worker and referred to a psychiatrist. She was placed on medication. When seen by a medical service provider in August 2019, she revealed for the first time that she was diagnosed with asthma in 2000 and stated that the frequency of her asthma is random and is aggravated by pets. She reported that her last hospitalization for asthma occurred in 2012. MVDF medical diagnosed Sanchez Nunez with mild/intermittent asthma that is controlled and treated with an inhaler and medication. Sanchez Nunez's mental and medical conditions are being monitored on a regular basis.

18. A variety of sanitation supplies are provided to detainees including a bathroom-specific cleaning solution. Detainees have regular access to two types of all-purpose cleaner (Tri-Base and Clean By Proxy), disinfectant (GS Disinfectant), and glass cleaner, which they are encouraged to use. Towels are distributed to detainees for cleaning purposes and are laundered on a daily basis. A soap and towel dispenser have been installed in the front of each dorm. In addition, each dorm has two bathroom areas, and two soap dispensers have been installed in each bathroom area with a total of five liquid soap dispensers in each dormitory. Sanchez Nunez is assigned to Dorm B. As of this week, all beds in Dorms A and B, have been staggered to allow six feet distancing.

19. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner's A-File or the DHS's databases:

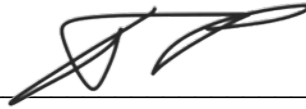
Exhibit 5: FBI Record of Arrests and Prosecutions (RAP) Sheet, Oct. 11, 2019;

Exhibit 6: California Highway Patrol Traffic Collision Report, Dec. 9, 2017; and

Exhibit 7: Sonoma County Superior Court Records.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed at Bakersfield, California.

Dated: April 24, 2020



Alexander Pham
Assistant Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

04/02/2020 14:27 EDT

Generated By: [REDACTED]

Page 1 of 6

REQUEST		
Request Message Detail	Date and Time	Seq
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Source	Date and Time	Status
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FL01NN67812615 [REDACTED] THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR RECORD REQUEST FOR FBI/[REDACTED]. INDIVIDUAL'S RECORD WILL BE COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES: FBI - FBI/[REDACTED] CALIFORNIA - STATE ID/CA33119054 END		

RESPONSE		
Source	Date and Time	Status
Nlets	04/02/2020 14:26:52	Unacknowledged



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

04/02/2020 14:27 EDT

Generated By: [REDACTED]

Page 2 of 6

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11:26 04/02/2020 16243 [REDACTED]
TXI
HDR
ATN/
***** CRIMINAL HISTORY RECORD *****
***** Introduction *****
This rap sheet was produced in response to the following request:
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Purpose Code         C
Attention            [REDACTED]
The information in this rap sheet is subject to the following caveats:
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CERTIFICATION PURPOSES(CA; 2020-04-02)
DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED, TYPED, AND UPLOADED
INTO THE CAL-DNA DATA BANK. FOR INFO (510) 620-3300 OR
PC296.PC296@DOJ.CA.GOV
(CA; 2018-07-09)
** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL
PALM.PRINT@DOJ.CA.GOV(CA; 2012-10-05)
***** IDENTIFICATION *****
Subject Name(s)
ALFARO, JAVIER
Subject Description
FBI Number          State Id Number
[REDACTED]           33119054
Driver's License Number
D5908297 ( )
Sex                 Race
Male               White
Height             Weight             Date of Birth
5'09"             140                [REDACTED]
Hair Color          Eye Color
Black              Brown
Scars, Marks, and Tattoos
Code               Description, Comments, and Images
TAT CHEST          ,
TAT L ARM          ,
Place of Birth      Citizenship          Ethnicity
EL SALVADOR        EL SALVADOR         Hispanic Or Latino
***** CRIMINAL HISTORY *****
===== Cycle 001 =====
Earliest Event Date  2012-10-05
-----
Arrest Date          2012-10-05
Arrest Case Number   12195422-478737
Arresting Agency     CA0100300 CAPDFIREBAUGH
Subject's Name       ALFARO, JAVIER
Comment(s)           ARREST/DETAINED/CITED
Charge              1
Charge Description    PD REPORT # 120002276.1
Statute              OBSTRUCT/ETC PUBLIC OFFICER/ETC (148(A)(1) PC )
State Offense Code    48122

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**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NSV Query Result**

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Severity	Misdemeanor
Disposition	(2013-01-28; PROS REL-DET ONLY-OTHER)
===== Cycle 002 =====	
Earliest Event Date	2018-05-10

Arrest Date	2018-05-10
Arrest Case Number	18338816-478737
Arresting Agency	CA0100900 CAPDMENDOTA
Subject's Name	ALFARO, JAVIER
Comment(s)	ARREST/DETAINED/CITED
Charge	1
Statute	INFL CRPL INJ:SPOUSE/COHAB/DATE (273.5(A) PC)
State Offense Code	38080
Severity	Felony
Charge	2
Statute	FALSE IMPRISONMENT W/VIOLENCE/ETC (236 PC)
State Offense Code	56020
Severity	Felony
Charge	3
Statute	KIDNAPPING (207(A) PC)
State Offense Code	10016
Severity	Felony
Charge	4
Statute	THREATEN CRIME WITH INTENT TO TERRORIZE (422 PC)
State Offense Code	16001
Severity	Felony

Court Disposition	(Cycle 002)
Court Case Number	F18903135
Final Disposition Date	2018-06-27
Court Agency	CA010023J CASCRESNO CENTRAL
Subject's Name	ALFARO, JAVIER
Charge	1
Statute	KIDNAPPING (207(A) PC)
State Offense Code	10016
Severity	Unknown
Disposition	(DISMISSED)
Charge	2
Statute	THREATEN CRIME WITH INTENT TO TERRORIZE (422 PC)
State Offense Code	16001
Severity	Unknown
Disposition	(DISMISSED)
Charge	3
Statute	THREATEN CRIME WITH INTENT TO TERRORIZE (422 PC)
State Offense Code	16001
Severity	Unknown
Disposition	(DISMISSED)
Charge	4
Statute	PREVNT/DISUADE WITNS THREAT/FORC (136.1(C)(1)PC)
State Offense Code	48058
Severity	Unknown
Disposition	(DISMISSED)
Charge	5
Statute	INFLECT CORPORAL INJ SPOUSE/COHAB (273.5(A) PC)
State Offense Code	38028
Severity	Felony
Disposition	(CONVICTED-PROB/JAIL)
Court Comment	(2019-06-26) CONVICTION CERT BY CLERK OF THE COURT
Court Comment	(2019-06-26) FOR CERT INFO SEE AUTOMATED ARCHIVE SYS
Court Comment	(2019-06-26) PROB VIOL/REV AND/OR REINSTATE W/SEN MOD
Court Comment	(2019-10-08) CONVICTION CERT BY CLERK OF THE COURT
Court Comment	(2019-10-08) FOR CERT INFO SEE AUTOMATED ARCHIVE SYS
Court Comment	(2019-10-08) PROB VIOL/REV AND/OR REINSTATE W/SEN MOD
Court Comment	(2019-10-08) SENTENCE MODIFIED
Court Comment	CONDITION OF PROB-FIREARM RESTRICTION
Court Comment	CONVICTION CERT BY CLERK OF THE COURT
Court Comment	COURT ACTION
Court Comment	FOR CERT INFO SEE AUTOMATED ARCHIVE SYS

Sentencing	(Cycle 002)
Sentence	IMP SEN SS; 036 MONTHS PROBATION; 097 DAYS JAIL

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Sentencing (Cycle 002)
Sentence 001 DAYS JAIL
-----
Sentencing (Cycle 002)
Sentence 104 DAYS JAIL
===== Cycle 003 =====
Earliest Event Date 2019-06-24
-----
Arrest Date 2019-06-24
Arrest Case Number 1924421-7089535
Arresting Agency CA0100000 CASOFRESNO
Arresting Agency CA010013G CAPRFRESNO
Subject's Name ALFARO, JAVIER
Comment(s) ARREST/DETAINED/CITED
Comment(s) WARRANT F18903135
Charge 1
      Statute PROBATION VIOL:REARREST/REVOKE (1203.2 PC )
      State Offense Code 50037
      Severity Other
      Disposition (DISPO SEE MATCH ARR/DET/CITE NUMB(FDSMN))
===== Cycle 004 =====
Earliest Event Date 2019-10-05
-----
Arrest Date 2019-10-05
Arrest Case Number 19368599-7089535
Arresting Agency CA0100300 CAPDFIREBAUGH
Subject's Name ALFARO, JAVIER
Comment(s) ARREST/DETAINED/CITED
Charge 1
      Statute BENCH WARRANT:FAIL APPEAR:FELONY CHG (979 PC )
      State Offense Code 66102
      Severity Felony
Charge 2
      Statute NO REG:VEHICLE/TRAILER/ETC (4000(A)(1) VC )
      State Offense Code 54657
      Severity Infraction
Charge 3
      Statute DRIVE W/O LICENSE (12500(A) VC )
      State Offense Code 54107
      Severity Misdemeanor

***** NON CRIMINAL INFORMATION *****
***** INDEX OF AGENCIES *****
Agency CASOFRESNO; CA0100000;
-----
Agency CAPRFRESNO; CA010013G;
-----
Agency CAPDFIREBAUGH; CA0100300;
-----
Agency CAPDMENDOTA; CA0100900;
-----
Agency CASCRESNO CENTRAL; CA010023J;

* * * END OF RECORD * * * </NLETS>

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RESPONSE		
Source	Date and Time	Status
Nlets	04/02/2020 14:26:51	Unacknowledged

FILED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

2010 MAY 14 3:07

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff

vs.

Javier Alfaro

Defendant(s)

COMPLAINT - CRIMINAL
FELONY COMPLAINT
FRESNO COUNTY
SUPERIOR COURTCOURT CASE NO. **F18903135**SEARCH WARRANT NO. **Other ID**DA FILE NO. 2018V12059 **\$140,000**

Agency: Mendota Police Department

Agency Report Number: 18-586

Defendant
Javier AlfaroBirth Date
[REDACTED] 1981JID
7089535Booking No.
1821326

Personally appeared before me, who first being duly sworn, complains and alleges:

COUNT 1

On or about May 10, 2018, in the above named judicial district, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a felony, was committed by Javier Alfaro, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain and arrest Jane Doe in Fresno County, California, and did take the said Jane Doe into another country, state, county and another part of Fresno County.

"Notice: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense as a felony will require you to provide two specimens of blood, a saliva sample, right thumbprints, and a full palm print impression of each hand pursuant to Penal Code section 296."

COUNT 2

On or about May 10, 2018, in the above named judicial district, the crime of CRIMINAL THREATS, in violation of PENAL CODE SECTION 422, a felony, was committed by Javier Alfaro, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Jane Doe, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to Jane Doe a gravity of purpose and an immediate prospect of execution. It is further alleged that Jane Doe was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

COUNT 3

On or about May 10, 2018, in the above named judicial district, the crime of DISSUADING A WITNESS BY FORCE OR THREAT, in violation of PENAL CODE SECTION 136.1(c)(1), a felony, was committed by Javier Alfaro, who did knowingly and maliciously do an act described in

subdivisions (a) or (b) and such act was accompanied by force or an express or implied threat of force or violence upon Bernard Medel or a third person or the property of a victim, witness or third person.

COUNT 4

On or about May 10, 2018, in the above named judicial district, the crime of DISSUADING A WITNESS BY FORCE OR THREAT, in violation of PENAL CODE SECTION 136.1(c)(1), a felony, was committed by Javier Alfaro, who did knowingly and maliciously do an act described in subdivisions (a) or (b) and such act was accompanied by force or an express or implied threat of force or violence upon Bernard Medel or a third person or the property of a victim, witness or third person.

COUNT 5

On or about May 10, 2018, in the above named judicial district, the crime of CRIMINAL THREATS, in violation of PENAL CODE SECTION 422, a felony, was committed by Javier Alfaro, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Bernard Medel, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to Bernard Medel a gravity of purpose and an immediate prospect of execution. It is further alleged that Bernard Medel was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

All of which is contrary to the form, force, and effect of the Statute in such case made and provided, and against the peace and dignity of the people of the State of California.

* * * * *

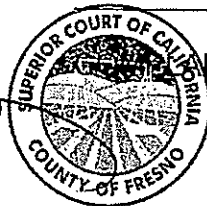
Pursuant to Penal Code Sections 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

Subscribed and sworn to before me on

DATE: 5/14/18

Attest.

[Signature]
DEPUTY CLERK



NANT

[Signature]

Case Information

F18903135 | The People of the State of California vs. Javier Alfaro

Case Number

F18903135

File Date

05/14/2018

Court

Criminal

Case Type

Domestic Violence

Judicial Officer

Whitehead, Denise

Case Status

Disposed

Party

Plaintiff

The People of the State of California

Active Attorneys

Lead Attorney

District Attorney

Defendant

Alfaro, Javier

DOB

XXXXXXXX

Active Attorneys

Lead Attorney

Ciummo & Associates

Court Appointed

Charge

Charges

Alfaro, Javier

	Description	Statute	Level	Date
001	Kidnapping	PC	Felony	05/10/2018
002	Criminal Threats	PC	Felony	05/10/2018
003	Corporal Injury - On Spouse/Cohabitant	PC	Felony	05/10/2018
004	Dissuade Witness By Force	PC	Felony	05/10/2018
005	Criminal Threats	PC	Felony	05/10/2018

Bond Settings

Setting Date

5/14/2018

5/15/2018

5/31/2018

6/19/2019

10/2/2019

10/8/2019

1/17/2020

Disposition Events

05/15/2018 Plea

Judicial Officer
Whitehead, Denise

001	Kidnapping	Not Guilty
002	Criminal Threats	Not Guilty
003	Corporal Injury - On Spouse/Cohabitant	Not Guilty
004	Dissuade Witness By Force	Not Guilty
005	Criminal Threats	Not Guilty

05/31/2018 Plea

Judicial Officer
Harrell, Alvin M, III

003	Corporal Injury - On Spouse/Cohabitant	Nolo Contendere
-----	--	-----------------

05/31/2018 Disposition

Judicial Officer
Harrell, Alvin M, III

001	Kidnapping	Dismissal - Before Trial (N- Plea Negotiation)
002	Criminal Threats	Dismissal - After Trial (N- Plea Negotiation)
003	Corporal Injury - On Spouse/Cohabitant	Pled Nolo Contendere
004	Dissuade Witness By Force	Dismissal - Before Trial (N- Plea Negotiation)
005	Criminal Threats	Dismissal - Before Trial (N- Plea Negotiation)

06/27/2018 Sentence

003	Corporal Injury - On Spouse/Cohabitant	Sentence
-----	--	----------

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 97 Actual: 49 GTWT: 48 Treatment: 0 Tentative Release Date: 06/27/2018)

Probation

Type: Formal Probation

Start Date: 06/27/2018

Term: 3 Years

End Date: 06/27/2021

Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/27/2018

Term Type: Incarcerated

Term: 97 Days

06/19/2019 Amended Amended Sentence

Amend Reason
Court Order

003	Corporal Injury - On Spouse/Cohabitant	Amended Sentence
-----	--	------------------

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 97 Actual: 49 GTWT: 48 Treatment: 0 Tentative Release Date: 06/27/2018)

Probation

Type: Formal Probation

Start Date: 06/27/2018

Term: 3 Years

End Date: 06/26/2021

Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	
Revoked	06/19/2019	

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/27/2018

Term Type: Incarcerated

Term: 97 Days

06/26/2019 Amended Amended Sentence

Amend Reason

Probation Violated, Revoked, and/or Reinstated With Sent Mod

003	Corporal Injury - On Spouse/Cohabitant	Amended Sentence
-----	--	------------------

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 97 Actual: 49 GTWT: 48 Treatment: 0 Tentative Release Date: 06/27/2018)

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 104 Actual: 52 GTWT: 52 Treatment: 0 Tentative Release Date: 6/26/19)

Probation

Type: Formal Probation

Start Date: 06/27/2018

Term: 3 Years

End Date: 07/03/2021

Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	
Revoked	06/19/2019	
Reinstated same Terms and Conditions	06/26/2019	

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/27/2018

Term Type: Incarcerated

Term: 97 Days

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/26/2019

Term Type: Incarcerated

Term: 104 Days

10/02/2019 Amended Amended Sentence

Amend Reason
Court Order

003 Corporal Injury - On Spouse/Cohabitant Amended Sentence

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 97 Actual: 49 GTWT: 48 Treatment: 0 Tentative Release Date: 06/27/2018)

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 104 Actual: 52 GTWT: 52 Treatment: 0 Tentative Release Date: 6/26/19)

Probation

Type: Formal Probation

Start Date: 06/27/2018

Term: 3 Years

End Date: 07/04/2021

Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	
Revoked	06/19/2019	
Reinstated same Terms and Conditions	06/26/2019	
Revoked	10/02/2019	

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/27/2018

Term Type: Incarcerated

Term: 97 Days

Adult Confinement

Type: Fresno County Jail

Facility: Fresno County Jail

Start Date: 06/26/2019

Term Type: Incarcerated

Term: 104 Days

10/08/2019 Amended Amended Sentence

Amend Reason

Probation Violated, Revoked, and/or Reinstated With Sent Mod

003 Corporal Injury - On Spouse/Cohabitant Amended Sentence

Comment

Comment (The Defendant's TIME CREDITS are as follows: Total: 112 Actual: 56 GTWT: 56 Treatment: 0 Tentative Release Date: 10/23/19)

Probation

Type: Formal Probation

Start Date: 06/27/2018

Term: 3 Years

End Date: 07/09/2021

Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	
Revoked	06/19/2019	
Reinstated same Terms and Conditions	06/26/2019	
Revoked	10/02/2019	
Reinstated same Terms and Conditions	10/08/2019	

Adult Confinement

Type: **Fresno County Jail**
Facility: **Fresno County Jail**
Start Date: **10/08/2019**
Term Type: **Incarcerated**
Term: **142 Days**

01/14/2020 Amended Amended Sentence

Amend Reason
Court Order

003 Corporal Injury - On Spouse/Cohabitant Amended Sentence

Comment:

Comment (The Defendant's TIME CREDITS are as follows: Total: 112 Actual: 56 GTWT: 56 Treatment: 0 Tentative Release Date: 10/23/19)

Probation

Type: **Formal Probation**
Start Date: **06/27/2018**
Term: **3 Years**
End Date: **07/12/2021**
Imposition of Sentence Suspended

Status

Status	Date	Comment
Active	06/27/2018	
Revoked	06/19/2019	
Reinstated same Terms and Conditions	06/26/2019	
Revoked	10/02/2019	
Reinstated same Terms and Conditions	10/08/2019	
Revoked	01/14/2020	

Adult Confinement

Type: **Fresno County Jail**
Facility: **Fresno County Jail**
Start Date: **10/08/2019**
Term Type: **Incarcerated**
Term: **142 Days**

Events and Hearings

05/14/2018 Charging Document - Formal Complaint Filed

05/14/2018 Defendant in Custody

Comment:

Defendant is in custody at the Fresno County Jail

05/14/2018 JUS 8716

Comment:

Filed

05/14/2018 Case has been designated a Domestic Violence filing

05/14/2018 Case Initiation Documents

05/15/2018 Arraignment

Judicial Officer Whitehead, Denise Hearing Time 8:30 AM Result Heard Comment Department 95
05/15/2018 Criminal Protective Order Issued in CCPDR
05/15/2018 Court appoints Public Defender to represent Defendant
05/15/2018 Public Defender appearing with Defendant
Comment Deputy Public Defender: T. Ishikawa Defendant Present: Yes
05/15/2018 District Attorney appearing on behalf of the People
Comment Deputy District Attorney: V. Lai
05/15/2018 Copy of charging document received by Defendant
Comment Document: Complaint
05/15/2018 Defendant waives reading/advisement
Comment The Defendant waives reading of the complaining document, waives formal arraignment and waives reading of constitutional and statutory rights.
05/15/2018 Defendant denies all enhancements and prior
05/15/2018 Tentative Preliminary Hearing date
Comment Date: 05/29/2018
05/15/2018 Defendant ordered to be present at next hearing
05/15/2018 Criminal Protective Order served in open court
05/15/2018 Criminal Protective Order Issued in open court
05/15/2018 Matter is Referred to the Probation Office
Comment Type of Report: Pre Trial Release
05/15/2018 Interpreter appearing with Defendant
Comment Name: P. Perez Language: Spanish
05/15/2018 Defendant remanded into custody
Comment Bail Set at Amount: \$140,000.00 without prejudice Convicted: No
05/22/2018 Pre Prelim
Judicial Officer Whitehead, Denise Hearing Time 8:30 AM Result Heard
05/22/2018 Attorney conflict, new counsel appointed
Comment It appearing there is an attorney conflict. New counsel is appointed. Attorney relieved: Public Defender's Office Attorney appointed: Ciummo and Associates Reason: Conflict
05/22/2018 Attorney relieved as Attorney of Record
Comment Attorney relieved: Public Defender's Office
05/22/2018 Ciummo and Associates appearing on behalf of Defendant

Comment Attorney: N. Nekumenish Defendant present: Yes
05/22/2018 District Attorney appearing on behalf of the People Comment Deputy District Attorney: V. Lai
05/22/2018 Interpreter appearing with Defendant Comment Name: P. Perez Language: Spanish
05/22/2018 Preliminary Hearing is a go Comment Time Estimate: 1 Hour
05/22/2018 Motion Comment Submitting Party: Defense Type of Motion: Pre-Trial Release Oral/Written: Oral
05/22/2018 Motion Denied Comment Reasons stated on record
05/22/2018 Defendant ordered to be present at next hearing
05/22/2018 Defendant remanded into custody Comment Bail Remains as Previously set. Convicted: No
05/29/2018 Preliminary Hearing Judicial Officer Whitehead, Denise Hearing Time 8:30 AM Result Continued at Request of People
05/29/2018 Attorney conflict: new counsel appointed Comment It appearing there is an attorney conflict. New counsel is appointed. Attorney relieved: Public Defender Attorney appointed: Ciummo and Associates Reason: Conflict
05/29/2018 Attorney relieved as Attorney of Record Comment Attorney relieved: Public Defender
05/29/2018 Ciummo and Associates appearing on behalf of Defendant Comment Attorney: N. Nekumanesh Defendant present: Yes
05/29/2018 District Attorney appearing on behalf of the People Comment Deputy District Attorney: V. Lai
05/29/2018 Interpreter appearing with Defendant Comment Name: Jose Torres Language: Spanish
05/29/2018 Motion Comment Submitting Party: People Type of Motion: Trial to 1:30 PM 05/30/2018 Officer not present Oral/Written: Oral
05/29/2018 Motion Granted
05/29/2018 Defendant ordered to be present at next hearing
05/29/2018 Witness ordered to return Comment Witness Name: Griselda Lopez Return Date: 05/30/2018 Return Time: 1:30 PM Dept.: 95 Hearing Type: Preliminary Hearing
05/29/2018 Defendant remains in custody at Fresno County Jail

05/30/2018 Preliminary Hearing
Judicial Officer Whitehead, Denise
Hearing Time 1:30 PM
Result Continued by Stipulation of All Parties
05/30/2018 Preliminary Hearing
Judicial Officer Harrell, Alvin M, III
Hearing Time 1:30 PM
Result Heard
05/30/2018 Case is assigned to
Comment Department 74 for Preliminary Hearing
05/30/2018 Defendant remains in custody at Fresno County Jail
05/30/2018 Ciummo and Associates appearing on behalf of Defendant
Comment Attorney: N. Nekumanesh Defendant present: Yes
05/30/2018 District Attorney appearing on behalf of the People
Comment Deputy District Attorney: Victor Lai
05/30/2018 Interpreter appearing with Defendant
Comment Name: Gabriela Delgado Language: Spanish
05/30/2018 Motion
Comment Submitting Party: People Type of Motion: amend Ct 3 to PC273.5(a) as a felony Oral/Written: oral
05/30/2018 Motion Granted
05/30/2018 Witness sworn and testified
Comment Witness: Griselda Lopez On behalf of: People
05/30/2018 Defendant ordered to be present at next hearing
05/30/2018 Defendant remains in custody at Fresno County Jail
05/31/2018 Preliminary Hearing
Judicial Officer Harrell, Alvin M, III
Hearing Time 8:30 AM
Result Heard
Comment 10am
05/31/2018 Copies of transcripts emailed by Court Reporter
Comment To: DA and Ciummo & Associates
05/31/2018 Ciummo and Associates appearing on behalf of Defendant
Comment Attorney: N. Nekumanesh Defendant present: Yes
05/31/2018 District Attorney appearing on behalf of the People
Comment Deputy District Attorney: V. Lai

05/31/2018 Interpreter appearing with Defendant
Comment Name: Alex Quintana Language: Spanish
05/31/2018 Text:
Comment Defense counsel notifies the court that a resolution has been agreed upon
05/31/2018 Withdraw plea
Comment Defendant's motion to withdraw plea granted. Plea: Not guilty Count(s): 3
05/31/2018 Change of plea form signed and filed
Comment The change of plea form is signed and filed in open court. Court accepts the plea and finds it was made knowingly, intelligently and voluntarily and that the plea is supported by a factual basis (People v Palmer"
05/31/2018 Defendant advised of rights in open court
05/31/2018 Matter is Referred to the Probation Office
Comment Type of Report: Report and Recommendation and Prop 63
05/31/2018 The remaining counts and allegations have been dismissed
Comment Reserving the right to comment and request restitution as to this case only.
05/31/2018 Defendant waives statutory bond for sentencing
05/31/2018 Defendant ordered to be present at next hearing
05/31/2018 Defendant remains in custody at Fresno County Jail
05/31/2018 Defendant remanded into custody
Comment Set at NO BAIL. Convicted: Yes
05/31/2018 Defendant agrees to Article waiver
05/31/2018 Prohibited Persons Relinquishment Form Received
Comment Pursuant to Penal Code 29810, Prohibited Persons Relinquishment Form received
05/31/2018 Exhibit List Filed
Comment Preliminary Hearing
06/27/2018 Sentencing - Report and Sentencing
Judicial Officer Peterson, Dennis
Hearing Time 8:30 AM
Result Heard
06/27/2018 Criminal Protective Order Issued in CCPOR
06/27/2018 Criminal Protective Order Terminated in CCPOR
06/27/2018 Ciummo and Associates appearing on behalf of Defendant
Comment Attorney: S. Kinney Defendant present: Yes
06/27/2018 District Attorney appearing on behalf of the People
Comment Deputy District Attorney: I. Aliyev
06/27/2018 Deputy Probation Officer present in court
Comment Probation Officer: A. Bosniak

06/27/2018 Interpreter appearing with Defendant

Comment

Name: P. Perez Language: Spanish

06/27/2018 Other participant present in court

Comment

Party: Maria Reyes Makes Statement in Open Court.

06/27/2018 Probation Report/Supplemental read and considered

Comment

Letters and attachments: with

06/27/2018 Prohibited Person Firearm Relinquishment Findings and Orders

Comment

filed

06/27/2018 Defendant waives formal arraignment/no legal cause

Comment

Defendant waives time and formal arraignment for judgment and sentencing and states there is no legal cause why judgment should not be pronounced.

06/27/2018 Defendant waives statutory time for sentencing

06/27/2018 Defendant is sentenced for willful

06/27/2018 Defendant has-has not completed

Comment

a Prohibited Persons Relinquishment form. Yes/No: Yes has Completed.

06/27/2018 The Court finds there is no evidence defendant has firearms

Comment

per the Probation Officer's Firearms Report.

06/27/2018 The Court grants probation

06/27/2018 Formal Probation imposed

06/27/2018 Criminal Protective Order Terminated in open court

Comment

Date of Order: 05/15/2018

06/27/2018 Criminal Protective Order issued in open court

06/27/2018 Criminal Protective Order served in open court

06/27/2018 Jail imposed

06/27/2018 Defendant ordered to report

Comment

Report To: Probation Department at 2048 N. Fine. Date: Within 2 Days of Release from Custody.

06/27/2018 The following fine and/or fee(s) payable through Probation:

06/27/2018 Court orders Defendant to pay fee pursuant to PC 1702.4

Comment

Amount: \$600.00.

06/27/2018 Probation Revocation Advisement pursuant to PC 1202.44

Comment

Amount: \$600.00.

06/27/2018 Court orders Domestic Violence fee pursuant to PC 1203.097(a)(5)

Comment

Pursuant to PC 1203.097(a)(5), payable thru Probation. Amount: \$500.00

06/27/2018 The following fees are not a condition of Probation

06/27/2018 Court Operations Fee pursuant to PC 1465.8 to the Court

Comment

Amount: \$40.00

06/27/2018 Criminal Conviction Fee pursuant to GC 76573 to the Court

Comment Amount: \$30.00
06/27/2018 Pay fee pursuant to PC 1203.1b Comment Court orders defendant to pay fine pursuant to PC1203.1b to the Probation Department. Type: Report and Supervision Fee
06/27/2018 Payment extended Comment To Date: 06/27/2019
06/27/2018 Defendant ordered to be present at next hearing
06/27/2018 Defendant to provide proof Comment Proof of: Enrollment and Progress Report
06/27/2018 Defendant Released on Probation
06/27/2018 Total Amount of Fines and Fees Due Comment Amount: \$ 1,170.00 as to count 003
06/27/2018 Minute Order Corrected/Amended Comment First Corrected
08/06/2018 DMV Non-Reportable Violation
09/26/2018 Hearing - Domestic Violence Review Judicial Officer Peterson, Dennis Hearing Time 8:30 AM Result Heard Comment Dept 1
09/26/2018 Defendant appearing without counsel
09/26/2018 Deputy Probation Officer present in court Comment Probation Officer: A. Bosniak
09/26/2018 Probation Report/Supplemental read and considered Comment Probation Hearing Memo
09/26/2018 Defendant ordered to report Comment Report To: Probation 2048 N Fine Date: 09/28/2018 11:00 AM
09/26/2018 Interpreter appearing with Defendant Comment Name: A. Quintana Language: Spanish
09/26/2018 Motion Comment Submitting Party: Probation Type of Motion: Continue Oral/Written: Oral
09/26/2018 Motion Granted
09/26/2018 Defendant ordered to be present at next hearing
09/26/2018 Defendant remains on Probation
12/19/2018 Hearing - Domestic Violence Review Judicial Officer Peterson, Dennis Hearing Time 8:30 AM

Result Heard
12/19/2018 Defendant appearing without counsel
12/19/2018 Deputy Probation Officer present in court
Comment Probation Officer: A. Bosniak
12/19/2018 Interpreter appearing with Defendant
Comment Name: E. Criego Language: Spanish
12/19/2018 Motion
Comment Submitting Party: Probation Type of Motion: Continue Oral/Written: Oral
12/19/2018 Motion Granted
12/19/2018 Defendant in substantial compliance
12/19/2018 Court Read and Considered
Comment Document: Probation Hearing Memo
12/19/2018 Defendant ordered to report
Comment Report To: Probation 2048 N. Fine Date: 1/6/19 at 4:00 pm
12/19/2018 Defendant ordered to be present at next hearing
12/19/2018 Defendant remains on Probation
12/20/2018 JUS @715
Comment Mailed
03/20/2019 Hearing - Domestic Violence Review
Judicial Officer Zepeda, Francine
Hearing Time 8:30 AM
Result Heard
03/20/2019 Defendant appearing without counsel
03/20/2019 Deputy Probation Officer present in court
Comment Probation Officer: A. Bosniak
03/20/2019 Defendant in compliance
Comment Court finds the Defendant is in compliance with terms and conditions.
03/20/2019 Defendant ordered to report
Comment Report To: Probation at 2212 N. Winery. Date: 04/04/2019 at 4:00 PM
03/20/2019 Defendant to provide proof
Comment Proof of: Update Progress Report at next hearing.
03/20/2019 Defendant ordered to be present at next hearing
03/20/2019 Defendant remains on Probation
03/20/2019 Probation Report/Supplemental read and considered
Comment Probation Hearing Memo
06/15/2019 Hearing - Domestic Violence Review

Judicial Officer Zepeda, Francine Hearing Time 8:30 AM Result Heard
06/19/2019 Deputy Probation Officer present in court Comment Probation Officer: A. Bosniak
06/19/2019 Case having been called at: Comment Time:: 4:39 PM Defendant not present.
06/19/2019 Warrant Ordered Issued Comment Type: Probation Violation Warrant Amount: \$0.00 NO Bail Conditions: Night Service - Yes
06/24/2019 Warrant Activated
06/25/2019 Defendant Arrested, Abstract Filed
06/25/2019 Defendant in Custody Comment Defendant is in custody at the Fresno County Jail
06/25/2019 Defendant is being held in FCJ on an alleged VOP Comment Hearing Notification received from the Probation Department. Defendant is being held in the Fresno County Jail on an alleged violation of probation. Matter set for hearing per request of Probation Officer: P.Vang
06/26/2019 Probation Hearing - Violation of Probation Arraignment Judicial Officer Zepeda, Francine Hearing Time 8:30 AM Result Heard Comment Department 95
06/26/2019 Clummo and Associates appearing on behalf of Defendant Comment Attorney: P. Brickey Defendant present: Yes
06/26/2019 District Attorney appearing on behalf of the People Comment Deputy District Attorney: S. Schroeder
06/26/2019 Defendant received copy of Probation Report
06/26/2019 Defendant waives reading/advisement of violation Comment The Defendant waives reading of the violation report, waives formal arraignment and waives reading of constitutional and statutory rights.
06/26/2019 Defendant admits Probation violation Comment Defendant waives right of Probation hearing.
06/26/2019 Court accepts admission of violation Comment Court Accepts Admission and Finds Defendant Knowingly, Intelligently and Voluntarily Admits Violation of Supervision.
06/26/2019 Court finds defendant in violation of probation Comment Reason: Terminated from Batterer's Treatment Program, Failed to appear at appointment at probation on 4/4 at 4 pm, Failed to appear at court on 6/19/19
06/26/2019 Interpreter appearing with Defendant

Comment
Name: P. Perez Language: Spanish
06/26/2019 Probation Remains Revoked
06/26/2019 Probation ordered reinstated on same terms and conditions.
06/26/2019 Jail Imposed
06/26/2019 Defendant ordered to report
Comment
Report To: Probation within 2 days of release.
06/26/2019 Defendant to provide proof
Comment
Proof of: Enrollment and Progress at next hearing.
06/26/2019 Defendant ordered to be present at next hearing.
06/26/2019 Defendant Released on Probation
06/26/2019 Clerk's Office sends JUS 8715 subsequent to D.O.J.
07/04/2019 Courtesy Notice - Failure To Pay Warning Letter
10/02/2019 Hearing - Domestic Violence Review
Judicial Officer
Zepeda, Francine
Hearing Time
8:30 AM
Result
Heard
10/02/2019 Deputy Probation Officer present in court
Comment
Probation Officer: K. Calles
10/02/2019 Case having been called at
Comment
Time: 5:07pm Defendant not present.
10/02/2019 Warrant Ordered Issued
Comment
Type: Probation Violation Warrant Amount: \$0.00 - NO BAIL Conditions: Night Service - Yes
10/03/2019 Warrant Activated
10/07/2019 Defendant Arrested; Abstract Filed
10/07/2019 Defendant in Custody
Comment
Defendant is in custody at the Fresno County Jail
10/08/2019 Probation Hearing - Violation of Probation Arraignment
Judicial Officer
Zepeda, Francine
Hearing Time
8:30 AM
Result
Heard
Comment
Dept 1
10/08/2019 Clummo and Associates appearing on behalf of Defendant
Comment
Attorney: E. Takeo Defendant present: Yes
10/08/2019 District Attorney appearing on behalf of the People
Comment
Deputy District Attorney: R. Burchett
10/08/2019 Deputy Probation Officer present in court

Comment: Probation Officer: K. Calles
10/08/2019 Interpreter appearing with Defendant
Comment: Name: A. Quintana Language: Spanish
10/08/2019 Defendant received copy of Probation Report
10/08/2019 Defendant waives reading/advisement of violation
Comment: The Defendant waives reading of the violation report, waives formal arraignment and waives reading of constitutional and statutory rights.
10/08/2019 Defendant admits Probation violation
Comment: Defendant waives right of Probation hearing.
10/08/2019 Court finds defendant in violation of probation
Comment: Reason: for driving on a suspended license
10/08/2019 Probation Remains Revoked
10/08/2019 Probation ordered reinstated on same terms and conditions
10/08/2019 Jail Imposed
10/08/2019 Defendant ordered to report
Comment: Report To: Probation Date: within 2 days of release
10/08/2019 Defendant to provide proof
Comment: Proof of: enrollment and progress at next hearing.
10/08/2019 Defendant ordered to be present at next hearing
10/08/2019 Defendant remanded into custody
Comment: Set at NO BAIL. Convicted: Yes
01/14/2020 Hearing - Domestic Violence Review
Judicial Officer: Zepeda, Francine
Hearing Time: 8:30 AM
Result: Heard
01/14/2020 Case having been called at
Comment: Time: 4:09 PM Defendant not present.
01/14/2020 Deputy Probation Officer present in court
Comment: Probation Officer: Keri Calles
01/14/2020 Warrant Ordered Issued
Comment: Type: Probation Violation Warrant Amount: \$0.00-No Bail Conditions: Night Service - Yes
01/17/2020 Warrant Activated
03/02/2020 Correspondence filed
Comment: From: San Francisco Public Defender Requesting: Certified Complaint, Plea, Minute Order, Abstract of Judgment
03/16/2020 Copy Provided To
Comment: To: San Francisco Public Defender Sent: Certified Complaint, Plea, Minute Order, Felony Return Letter

03/16/2020 Clerk's Certificate of Mailing

Comment

I certify that I am not a party to this cause and a true copy of the Certified Complaint, Plea, Minute Order, Felony Return Letter was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. Place of Mailing: Fresno, California on March 16, 2020 . Parties served: San Francisco Public Defender

Financial

Attno, Javier

Total Financial Assessment	\$70.00
Total Payments and Credits	\$0.00
6/27/2018 Transaction Assessment	\$70.00

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

B10418

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

FELONY COMPLAINT
CASE SUMMARY

vs.

DA NO: 140512452
CEN

DUNG TUAN DANG

SAN JOSE CA 95111

14022999 DTD HELD 05/21/2014

Defendant(s).

C1483830

CASE SUMMARY

Count	Charge	Charge Range	Defendant
1	PC245(a)(1)	2-3-4	Dung Tuan Dang
2	PC594(a)/(b)(2)(A)		Dung Tuan Dang

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
HALL OF JUSTICE

FILED

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

FELONY COMPLAINT

DA NO: 140512452
CEN

14022999 DTD HELD 05/21/2014

vs.

DUNG TUAN DANG

SAN JOSE CA 95111

Defendant(s).

01483830

The undersigned is informed and believes that:

COUNT 1

On or about May 18, 2014, in the County of Santa Clara, State of California, the crime of ASSAULT WITH A DEADLY WEAPON, in violation of PENAL CODE SECTION 245(a)(1), a Felony, was committed by DUNG TUAN DANG who did commit an assault upon the person of T [REDACTED] P [REDACTED] with a deadly weapon and instrument other than a firearm, a(n) glass shard.

COUNT 2

On or about May 18, 2014, in the County of Santa Clara, State of California, the crime of VANDALISM -- LESS THAN FOUR HUNDRED DOLLARS, in violation of PENAL CODE SECTION 594(a)/(b)(2)(A), a Misdemeanor, was committed by DUNG TUAN DANG who did maliciously damage and destroy property, window, not his/her own, in the amount of less than four hundred dollars (\$400).

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant DUNG TUAN DANG, for the above-listed crimes.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on May 21, 2014, in SANTA CLARA County, California.

FOR CASTILLO 3303

Castillo 3303

(Kurrie 3576)

SJPD (408) 277-4161 141380824 G

CHAN/ D476/ FELONY/ LD

[Handwritten signature]
3089

**FELONY ABSTRACT OF JUDGMENT—DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**
(Not to be used for multiple count convictions or for 1/3 consecutive sentences)

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SANTA CLARA - HALL OF JUSTICE		PEOPLE OF THE STATE OF CALIFORNIA vs. [REDACTED] DEFENDANT: Dung Dang AKA: CII NO.: A10541271 BOOKING NO.: 14022999		CASE NUMBER C1483830
FELONY ABSTRACT OF JUDGMENT ☒ PRISON COMMITMENT ☐ COUNTY JAIL COMMITMENT ☐ AMENDED ABSTRACT		DATE OF HEARING 11/15/18		
DEPT. NO. 24		JUDGE Linda R. Clark		
CLERK E. DeSantiago		PROBATION NO. OR PROBATION OFFICER Ramirez		
COUNSEL FOR PEOPLE M. Zarzana		COUNSEL FOR DEFENDANT K. Davis		

1. Defendant was convicted of the commission of the following felony:

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY	TERM (S., M., Y)	SERIOUS FELONY	VIOLENT FELONY	TIME IMPOSED (YRS./MOS.)
3	PC	245(a)(4)	Assault BMOF LTP GBI - p	2014	07/10/14	X	L			2 0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

4. Defendant sentenced: ☐ to county jail per PC 1170(h)(1) or (2) ☐ per PC 667(b)-(l) or PC 1170.12 (strike prior)☒ to prison per PC 1170(a) or 1170(h)(3) due to ☐ current or prior serious or violent felony ☐ PC 290 or ☐ PC 186.11 enhancement☐ PC 1170(a)(8). Pre-confinement credits equal or exceed time imposed. ☐ Defendant ordered to report to local parole or probation office upon release.

5. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

Restitution Fine(s): \$_____ per PC1202.4 (b) forthwith per PC 2085.6 if prison commitment \$300 per PC 1202.45 suspended unless parole is revoked.
\$300 per PC 1202.44 is now due, probation having been revoked.Restitution per PC1202.4 (f): ☐ \$_____ ☐ Amount to be determined to ☐ * victim(s) ☐ Restitution Fund* ☐ Victim name(s), if known, and amount breakdown in item 8, below. * ☐ Victim name(s) in probation officer's report.Fine(s): \$_____ per PC 1202.5. \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive☐ Includes: ☐ \$_____ Lab Fee per HS 11372.5(a) ☐ \$_____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.☐ Court Operations Assess.; \$_____ per PC 1465.8. ☐ Conviction Assess.; _____ per GC 70379. ☐ Other: \$_____ per (specify): _____6. TESTING: a. ☐ Compliance with PC 296 verified b. ☐ AIDS per PC 1202.1 a. ☐ other (specify): _____7. IMMEDIATE SENTENCING: ☐ Probation to prepare and submit a post sentence report to CDCR per PC 1203c. Def's Race / National Origin _____

8. Other orders (specify): All prev ord fines/fees remain (9/8/14). Probation remains revoked. Adv 3 yrs parole/PRCS. Adv appeal.

9. TOTAL TIME IMPOSED: _____ 2 _____ 0

10. ☐ MANDATORY SUPERVISION: Execution of a portion of the total jail time imposed in item 9 is suspended and deemed a period of mandatory supervision under PC 1170(h)(5)(B) as follows: Suspended portion: _____ Served forthwith: _____11. ☐ This sentence is to run concurrent with (specify): _____12. Registration Required: ☐ per (specify code section): _____13. Execution of sentence imposed: a. ☐ at initial sentencing hearing. b. ☐ at resentencing per decision on appeal. c. ☒ after revocation of probation.d. ☐ at resentencing per recall of commitment. (PC 1170(d).) e. ☐ other (specify): _____

DATE SENTENCE PRONOUNCED	CREDIT FOR TIME SPENT IN CUSTODY TOTAL DAYS	ACTUAL CONDUCT CREDITS	LOCAL CONDUCT CREDITS	TIME SERVED IN STATE INSTITUTION
11/15/18	265	☐ 2933 ☐ 2933.1 ☒ 4019	☐ 2933 ☐ 2933.1 ☒ 4019	DMH [] [] []

15. The defendant is remanded to the custody of the sheriff ☒ to the reception center designated by the court ☐ to the County of Santa Clara Corrections and Rehabilitation.☐ county jail ☐ Other (specify): _____

CLERK OF THE COURT: I hereby certify the foregoing to be a correct and true statement of the facts and of my action.

DEPUTY'S SIGNATURE _____ DATE 12/04/18

This form is prescribed under PC 1213.6 to satisfy the requirements of PC 1213 for defendant's abstract of judgment. Attachments may be used but must be referred to in this document.

Page 1 of 1

DISTRIBUTION: ORIGINAL - FILE GREEN - DOG BLUE - CUC / DOB PURPLE - REGRATION BROWN - RETRAVANT

C1483830[Print](#)

The State of California vs DANG, DUNG TUAN

Case Information**Case Type:** Complaint - Felony**Case Number:** C1483830**Filing Date:** 7/10/2014**Case Status:** Dismissed**Court Location:** Hall of Justice**PARTIES****HEARINGS**Show All  entriesSearch:

▲ Type	First Name	Middle Name	Last Name
Defendant	DUNG	TUAN	DANG

Showing 1 to 1 of 1 entries

[Previous](#) [1](#) [Next](#)**Attorneys**[Bold Shows Lead Attorney](#)Show All  entriesSearch:

▲ Representing	First Name	Middle Name	Last Name
DUNG TUAN DANG			Public Defender

Showing 1 to 1 of 1 entries

[Previous](#) [1](#) [Next](#)Show All  entriesSearch:

Department	Type	▼ Date	Time	Result
Department 24	VOP: Arraignment	11/15/2018	10:00AM	Held
Department 24	VOP: Arraignment	11/17/2016	8:30AM	Held
Department 35	Hearing: Probation and Sentencing	9/8/2014	9:00AM	Held

Showing 1 to 3 of 3 entries

[Previous](#) [1](#) [Next](#)

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 MONTGOMERY ST., SUITE 800
SAN FRANCISCO, CA 94104

Law Offices of Michael K. Mehr
Mehr, Michael Kenneth
100 Doyle St., Ste. A
Santa Cruz, CA 95062

In the matter of
DANG, DUNG TUAN

File A [REDACTED]

DATE: Nov 21, 2019

RECEIVED
U.S. DISTRICT COURT
OFFICE OF THE CLERK
SAN FRANCISCO, CA
2019 NOV 21 PM 4:08

— Unable to forward - No address provided.

X Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

— Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

IMMIGRATION COURT
100 MONTGOMERY ST., SUITE 800
SAN FRANCISCO, CA 94104

— Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.

— Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.

Other: _____

Lin
COURT CLERK
IMMIGRATION COURT

cc: CLARK, ASHLYN L.
100 MONTGOMERY STREET, STE 200
SAN FRANCISCO, CA, 94104

FF

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA**

In the matter of

DUNG TUAN DANG,

Respondent

Date: November 20, 2019

File Number: A [REDACTED]

In Removal Proceedings

Charges: Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act, as an alien who at any time after admission has been convicted of an aggravated felony, as defined under INA § 101(a)(43)(F), a crime of violence for which the term of imprisonment is at least one year.

Applications: [REDACTED]

On Behalf of the Respondent:

Michael K. Mehr, Esq.
Law Offices of Michael K. Mehr
100 Doyle St., Suite A
Santa Cruz, California 95062

On Behalf of DHS:

Ashlyn Clark
Office of the Chief Counsel
630 Sansome Street, 11th Floor
San Francisco, California 94111

DECISION OF THE IMMIGRATION JUDGE

I. PROCEDURAL HISTORY

On June 12, 2019, the Department of Homeland Security (Department) filed a Notice to Appear, thereby placing the respondent in removal proceedings. Exh. 1. In the Notice to Appear, the Department alleged that the respondent is a citizen of Vietnam, who was admitted to the United States as a lawful permanent resident on October 30, 1989. *Id.* Furthermore, the Department alleged that on July 10, 2014, the respondent was convicted of Assault with Means Likely to Produce Great Bodily Injury, in violation of California Penal Code (CPC) section 245(a)(4), for which he was ultimately sentenced to two years in prison. *Id.* Based on this conviction, the Department charged the respondent with removability under INA § 237(a)(2)(A)(iii). *Id.*

At a master calendar hearing on August 26, 2019, the respondent, through counsel, admitted all allegations and conceded the charge of removal. On September 17, 2019, the respondent filed [REDACTED] Exh. 6.

The Court held an individual hearing on the respondent's application on October 28, 2019. The respondent testified in support of his application. The Court also heard testimony from Dr. Robert McKelvey and Dr. Carolyn Murphy. Further, the Court accepted a proffer of testimony from Jimmy Miller. The Court has assessed the credibility of all witnesses pursuant to the REAL ID Act of 2005, and finds that all witnesses presented credible testimony.

The Court marked Exhibits 1-10 into the record. As noted during the individual hearing, the Court will disregard Exh. 8, Tab G., and will give limited weight to the declaration of Thu-Huong Nguyen-Vo, at Exh. 9, Tab E, because the Court is lacking any resume or curriculum vitae for this individual or any secondary evidence establishing the individual's position, experience, or knowledge. Furthermore, the respondent submitted copies of unpublished Board decisions in various cases. Exh. 9, Tabs G & H. The Court will give limited weight to these decisions, as the Court is unaware of the evidence and testimony relied upon in those decisions and due to the lack of precedential value.

Finally, on August 8, 2019, the respondent, through counsel, filed a Motion to Terminate, arguing that this Court lacks jurisdiction over these proceedings because the Notice to Appear does not accurately list the location of the court where the respondent's first hearing was set to take place, or the date and time of the first hearing. Exh. 3. The respondent argues that under *Karingithi v. Whitaker*, 913 F.3d 1158 (9th Cir. 2019), this defect in the Notice to Appear means it is not a proper charging document and that this court therefore does not retain jurisdiction. However, the holding in *Karingithi* addressed only whether a lack of date and time on a Notice to Appear strips a court of jurisdiction, not whether a lack of location affects jurisdiction. The Board has now held in several cases that a perceived defect in the Notice to Appear, including a lack of date, time, or location, is cured when a hearing notice with all pertinent information is served on the respondent. See *Matter of Bermudez-Cota*, 27 I&N Dec. 441 (BIA 2018); *Matter of L-E-A-*, 27 I&N Dec. 581 (A.G. 2019). Here, the respondent was sent all proper hearing notices, and she appeared for all scheduled hearings before the Court. Therefore, based on Board precedent squarely addressing the respondent's argument, the Court finds it has proper jurisdiction over these proceedings. Therefore, the Court denied the respondent's Motion to Terminate. Exh. 5.

II. REMOVABILITY

The Department charged the respondent as removable under INA § 237(a)(2)(A)(iii), as an alien who has been convicted of an aggravated felony, as defined under INA §101(a)(43)(F), a crime of violence described under 18 U.S.C. §16(a), for which the term of imprisonment is at least one year.

The respondent was convicted of violating Cal. Penal Code § 245(a)(4), which states:

(4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

Until recently, the statutory language above was codified in Cal. Penal Code § 245(a)(1), which stated in its entirety: “Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury.” See *Matter of Jing Wu*, 27 I&N Dec. 8, 9 n.2 (BIA 2017).

The Ninth Circuit Court of Appeals has held that a conviction under CPC §245(a)(1), before the language was bifurcated between 245(a)(1) and 245(a)(4), is categorically a crime of violence, as that term is defined under 18 U.S.C. § 16(a). See *United States v. Grajeda*, 581 F.3d 1186, 1197 (9th Cir. 2009); see also *United States v. Jimenez-Arzate*, 781 F.3d 1062 (9th Cir. 2015).

Therefore, now, even though the respondent’s statute of conviction only punishes committing the assault against another person by any means of force likely to produce great bodily injury, this course of conduct has already been found to categorically match both the mens rea requirement and the necessary use of force required to categorically qualify as a crime of violence.

Although the respondent was sentenced to two years for this offense following a violation of probation, this is sufficient to meet the one year threshold required for an aggravated felony under INA § 101(a)(43)(F). See *Matter of Perez Ramirez*, 25 I&N Dec. 203 (BIA 2010) (where a criminal alien’s sentence has been modified to include a term of imprisonment following a violation of probation, the resulting sentence to confinement is considered to be part of the penalty imposed for the original underlying crime).

Therefore, this Court follows the Ninth Circuit’s precedent and reasoning that assault by means likely to produce *great bodily injury* under CPC § 245(a)(4) has as an element the use or threatened use of “actual force,” as required under § 16(a). The Court therefore sustained the charge of removal under INA § 237(a)(2)(A)(iii).

III. [REDACTED]

The Department argues that the respondent has been convicted of a particularly serious crime and is thus ineligible [REDACTED]

[REDACTED] The respondent has the burden of establishing that he is eligible for any requested benefit or privilege. If the evidence indicates that one or more grounds for mandatory denial of the application for relief applies, the alien has the burden of proving by a preponderance of the evidence that such grounds do not apply. INA §§ 240(c)(4)(A), 208(b)(1)(B)(ii); 8 C.F.R. § 1240.8(d); see also *Matter of M-B-C-*, 27 I&N Dec. 31, 36-37 (BIA 2017).

An alien convicted by final judgment of a particularly serious crime is barred from a grant of [REDACTED] In the asylum [REDACTED] any alien convicted of an aggravated felony shall be considered to have been convicted of a particularly serious crime. [REDACTED] For [REDACTED] [REDACTED] defines as a particularly serious crime as including, but not being limited to, “an

aggravated felony (or felonies) for which the alien has been sentenced to an aggregate term of imprisonment of at least 5 years.”

First, because the respondent has been convicted of an aggravated felony, as analyzed above, he is statutorily ineligible for [REDACTED] and the Court denies the application.

However, the respondent remains statutorily eligible [REDACTED] because he was sentenced to less than five years for his offense. Where the *per se* bar is not applicable, the Court may find that a case-specific analysis of the facts and circumstances underlying the respondent’s crime or crimes render the crimes particularly serious. *See Delgado v. Holder*, 648 F.3d 1095, 1102-04 (9th Cir. 2011). In such instances, the Court looks at the individual facts and circumstances of the case. *Matter of N-A-M-*, 24 I&N Dec. 336 (BIA 2007). The Court’s analysis is guided by *Matter of N-A-M-*, 24 I&N Dec. at 342, and the modified *Matter of Frentescu*, 18 I&N Dec. 244, 247 (BIA 1982), factors. Such factors include, “the nature of the conviction, the circumstances and underlying facts of the conviction, [and] the type of sentence imposed[.]” *Matter of Frentescu*, 18 I&N Dec. at 247.

Once the elements of an offense are found to potentially bring it within the ambit of a particularly serious crime, all reliable information may be considered in making a particularly serious crime determination, including the conviction records and sentencing information, as well as other information outside the confines of the record of conviction. *Matter of N-A-M*, 24 I&N Dec. 336, 342 (BIA 2007); *see also Anaya-Ortiz v. Holder*, 594 F.3d 673 (9th Cir. 2010) (finding that a respondent’s reliable testimony is properly considered in a particularly serious crime analysis).

Although crimes against persons are more likely to be categorized as particularly serious, there may be instances where crimes against property will be considered to be particularly serious. *Frentescu*, 18 I&N Dec. at 247; *see also Matter of L-S-*, 22 I&N Dec. 645 (BIA 1999).

Here, the Court has considered the nature and circumstances of the respondent’s offense by considering the official court records, probation report, and the respondent’s testimony. The respondent’s conviction records indicate he was convicted of both Assault by Means Likely to Cause Great Bodily Injury, in violation of CPC § 245(a)(4), and Vandalism, in violation of CPC § 594(a). According to the record, the respondent entered a convenience store while intoxicated, and the store clerk asked him to leave. The respondent went outside and shattered the front glass window of the store with a trash can then held a glass shard in a threatening manner at the store clerk. The respondent remembers that he when he tried to enter the store again, the store clerk threatened him with a knife. The respondent testified that he became angry, broke the glass window, and picked up a glass shard to defend himself. He testified that he never hurt anyone with the glass shard but thought he needed it for self-defense. Only the respondent was arrested due to this incident. The respondent admits he had a drinking problem at that time, and that he experienced a lot of sadness and loneliness because he was not married and had no children. He turned to drinking to turn to his problems during that time of his life.

Although the Court takes into account that the respondent was feeling depressed and was intoxicated at the time of his offense, the Court finds that the nature of the offense was sufficient serious to bring it within the ambit of a particularly serious crime. The respondent shattered the

glass window of a public establishment out of anger and wielded a glass shard towards the store employee. His actions were sufficiently serious to cause his arrest and prosecution for Assault by Means Likely to Produce Great Bodily Injury. The language of the statute certainly brings it within the ambit of a particularly serious crime because it involves using force against a person by means likely to produce great bodily injury to that person. And here, the respondent used a deadly weapon that could have caused great injury to death to those involved in the incident. The respondent victimized another person by placing them under threat of injury or death, while in an unpredictable state and after causing severe property damage. Therefore, for these reasons, the Court finds the respondent has been convicted of a particularly serious crime.

The Court therefore denies [REDACTED]

IV. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Because of the respondent's aggravated felony convictions, the Court finds the respondent is statutorily ineligible for cancellation of removal for certain permanent residents under INA § 240A(a) and voluntary departure under INA § 240A(b).

Therefore, in light of the foregoing findings of the Court, the following orders will enter:

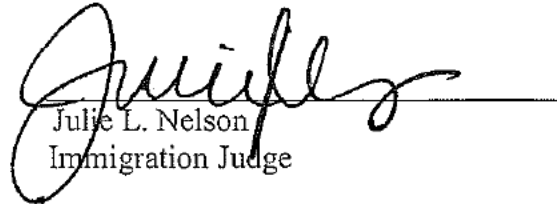
V. **ORDERS**

IT IS HEREBY ORDERED that the respondent's application for [REDACTED] is **DENIED**.

IT IS FURTHER ORDERED that the respondent's applications [REDACTED] are **DENIED**.

IT IS FURTHER ORDERED that the respondent's application for [REDACTED] is **DENIED**.

IT IS FURTHER ORDERED that the respondent be removed from the United States to **VIETNAM**.


Julie L. Nelson
Immigration Judge

*Appeal Reserved for Both Parties

*Appeal due to the Board of Immigration Appeals by **December 20, 2019**

PUR/C.ATN/[REDACTED]
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/[REDACTED]. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
FBI - FBI/[REDACTED]
CALIFORNIA - STATE ID/CA37307911
END

FEDERAL RESPONSE (WVFBINF00)

REQUESTING ORI: [REDACTED]

HDR/[REDACTED]

ATN/[REDACTED]

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number [REDACTED]
Request Id [REDACTED]
Purpose Code C
Attention [REDACTED]

The information in this rap sheet is subject to the following caveats:

This record is based only on the FBI number in your request-UCN:
[REDACTED] Because additions or deletions may be made at any time, a new
copy should be requested when needed for subsequent use. (US;
2019-10-11)

All entries contained in this FBI record are based on fingerprint
comparisons and pertain to the same individual. (US; 2019-10-11)

The use of this record is regulated by law. It is provided for official
use only and may be used only for the purpose requested. (US;
2019-10-11)

* FEDERAL DEOXYRIBONUCLEIC ACID (DNA) INDICATOR * * * * DNA NOT IN
CODIS - COLLECT DNA * * * *
----- (US; 2019-10-11)

***** IDENTIFICATION *****

Subject Name(s)

SANCHEZ NUNEZ, CORAIMA YARITZA
SANCHEZ NUNEZ, CORAIMA (AKA)
SANCHEZ, CORAIMA (AKA)
SANCHEZNUNEZ, CORAIMA YARITZA (AKA)

Subject Description

FBI Number [REDACTED] State Id Number
CA37307911 (CA)

Social Security Number
[REDACTED]

Miscellaneous Numbers

1166175170
207176568
A207176568

FN
AR
AR

Sex Female Race White

Height 5'02" Weight 128 Date of Birth [REDACTED]

Hair Color Brown Eye Color Brown Fingerprint Pattern
LSLSLSLSLSLSLSLSLS (Other)

Place of Birth Citizenship

Mexico Unknown
Mexico

Fingerprint Images

Photo Images

Photo Image Available

Capture Date 2019-08-21

(No Photo Image Transmitted)

***** CRIMINAL HISTORY *****

===== Cycle 001 =====

Earliest Event Date 2019-08-21

Arrest Date 2019-08-21

Arrest Case Number 6051262170

Arresting Agency CAICE1600 ICE/ERO SAN FRAN SAN FRANCISCO

Subject's Name SANCHEZ NUNEZ, CORAIMA YARITZA

Charge 1

Charge Literal 2019-08-21 212A6AI ALIEN PRESENT WITHOUT

ADMISSION OR PAROLE - (PWAS)

Severity Unknown

***** INDEX OF AGENCIES *****

Agency ICE/ERO SAN FRAN; CAICE1600;

Agency Email Address

Address

6TH FL

630 SANSOME ST

SAN FRANCISCO, CA 94111

* * * END OF RECORD * * * </NLETS>

NCICWS ID:MESSAGE SWITCH

NCICWS Correlation ID:177381872

End Federal Response

STATE RESPONSE:gov.dhs.ice.model.CodeTableVO@b1a59bb9(CAIII0000)

REQUESTING ORI:

HDR/

ATN/

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number 37307911 ()

Purpose Code C

Attention

The information in this rap sheet is subject to the following caveats:

RESTRICTED - DO NOT USE FOR EMPLOYMENT, LICENSING, PLACEMENT OR
CERTIFICATION PURPOSES(CA; 2019-10-11)DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED, TYPED, AND UPLOADED
INTO THE CAL-DNA DATA BANK. FOR INFO (510) 620-3300 OR
PC296.PC296@DOJ.CA.GOV

(CA; 2018-01-12)

** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL
PALM.PRINT@DOJ.CA.GOV(CA; 2017-12-10)

***** IDENTIFICATION *****

Subject Name(s)

SANCHEZNUNEZ, CORAIMA YARITZA

Subject Description

FBI Number

State Id Number

37307911

Social Security Number

Sex
Female

Race
White

Height
5'02"

Weight
120

Date of Birth

Hair Color
Brown

Eye Color
Brown

Place of Birth
MEXICO

Citizenship
UNKNOWN

Ethnicity
Hispanic Or Latino

***** CRIMINAL HISTORY *****

===== Cycle 001 =====
Earliest Event Date 2017-12-09

Arrest Date 2017-12-09
Arrest Case Number 10169776-D0262907
Arresting Agency CA0490001 CACJSANTA ROSA
Subject's Name SANCHEZNUNEZ,CORAIMA YARITZA
Comment(s) ARR AGY SRO1716246
Comment(s) ARREST/DETAINED/CITED
Charge 1
Statute DUI ALCOHOL/DRUGS CAUSE BODILY INJ (23153(A) VC)
State Offense Code 42069
Severity Felony
Charge 2
Statute POSSESS NARC CONTROL SUBSTANCE (11350(A) HS)
State Offense Code 35422
Severity Misdemeanor

===== Cycle 002 =====
Earliest Event Date 2018-01-19

Arrest Date 2018-01-19
Arrest Case Number 1716246
Arresting Agency CA0490500 CAPDSANTA ROSA
Subject's Name SANCHEZNUNEZ,CORAIMA YARITZA
Comment(s) ARREST/DETAINED/CITED
Charge 1
Statute NO ARREST RECEIVED ()
State Offense Code 00001
Severity Other
Charge 2
Statute DUI ALCOHOL:CAUSING BODILY INJURY (23153(A) VC)
State Offense Code 42107
Severity Felony
Charge 3
Statute DUI .08 ALCOHOL:CAUSE BODILY INJ (23153(B) VC)
State Offense Code 42074
Severity Felony
Charge 4
Charge Description CHRG 11350 HS
Statute SEE COMMENT FOR CHARGE ()
State Offense Code 66085
Severity Other

Court Disposition (Cycle 002)
Court Case Number SCR-712030-1
Final Disposition Date 2018-05-08
Court Agency CA049013J CASCSONOMA
Subject's Name SANCHEZNUNEZ,CORAIMA YARITZA
Charge 1
Statute DUI ALCOHOL:CAUSING BODILY INJURY (23153(A) VC)
State Offense Code 42107
Severity Unknown
Disposition (DISMISSED)
Charge 2
Charge Description CHRG 11350 HS

Statute SEE COMMENT FOR CHARGE ()
State Offense Code 66085
Severity Unknown
Disposition (DISMISSED)
Charge 3
Statute DUI .08 ALCOHOL:CAUSE BODILY INJ (23153(B) VC)
State Offense Code 42074
Severity Felony
Enhancing Factor USE F/ARM:COMMISSION OF FELONY
Disposition (CONVICTED-PROB/JAIL)
Court Comment (2018-05-08) CONDITION OF PROB-FIREARM
RESTRICTION
Court Comment CONVICTION CERTIFIED BY ARLENE JUNIOR, COURT
EXECUTIVE OFFICER, CASCSONOMA
Court Comment COURT ACTION
Court Comment FOR CERT INFO SEE AUTOMATED ARCHIVE SYS

Sentencing (Cycle 002)
Sentence FINE; 036 MONTHS PROBATION; 180 DAYS JAIL; FINE
SS; RESTN

----- Cycle 003 -----
Earliest Event Date 2019-01-02-----
Sentencing (Cycle 003)
Sentence 115 DAYS JAIL

Corrections (Cycle 003)
Supervision Date 2019-01-02
Corrections Agency CA0490001 CACJSANTA ROSA
Subject's Name SANCHEZNUNEZ, CORAIMA YARITZA
Supervision Case Number 10189301-D0262907
Correction Action LAW ENFORCEMENT CUSTODY
Charge 1

Statute DUI .08 ALCOHOL:CAUSE BODILY INJ (23153(B) VC)
State Offense Code 42074
Severity Unknown
Correction Comment LAW ENFORCEMENT CUSTODY

----- Cycle 004 -----
Earliest Event Date 2019-07-07

Arrest Date 2019-07-07
Arrest Case Number 10198837-D0262907
Arresting Agency CA0490001 CACJSANTA ROSA
Subject's Name SANCHEZNUNEZ, CORAIMA YARITZA
Comment(s) ARREST/DETAINED/CITED
Charge 1

Statute DUI .08 ALCOHOL:CAUSE BODILY INJ (23153(B) VC)
State Offense Code 42074
Severity Felony

***** NON CRIMINAL INFORMATION *****

***** INDEX OF AGENCIES *****

Agency CACJSANTA ROSA; CA0490001;

Agency CAPDSANTA ROSA; CA0490500;

Agency CASCSONOMA; CA049013J;

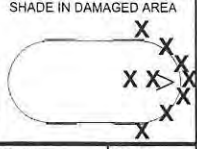
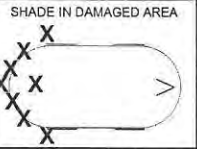
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End State Response: gov.dhs.ice.model.CodeTableVO@b1a59bb9

STATE OF CALIFORNIA

TRAFFIC COLLISION REPORT

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Page 1 of 9

SPECIAL CONDITIONS		NUMBER INJURED 3	HIT & RUN FELONY ☐	CITY SANTA ROSA	JUDICIAL DISTRICT CENTRAL		LOCAL REPORT NUMBER 17-0016246	
		NUMBER KILLED 0	HIT & RUN MISDEMEANOR ☐	COUNTY SONOMA COUNTY	REPORTING DISTRICT 1060100003	BEAT 1		
LOCATION	COLLISION OCCURRED ON COFFEY LN				MO DAY YEAR 12/09/2017	TIME (2400) 2310	NCIC # 4905	OFFICER I.D. SR469
	MILEPOST INFORMATION				DAY OF WEEK S M T W T F S	TOW AWAY ☒ YES ☐ NO	PHOTOGRAPHS BY ☐ NONE KERTIANIS	
	OF							
	☐ AT INTERSECTION WITH ☒ OR: 45 Feet E OF PINER RD				STATE HWY REL ☐ YES ☒ NO			
PARTY 1	DRIVERS LICENSE NUMBER F8095372 VAL		STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH YEAR 2015	MAKE/MODEL/COLOR NISSAN / ALTIMA / GRY
DRIVER ☒	NAME (FIRST, MIDDLE, LAST) CORAIMA YARITZA SANCHEZ-NUNEZ				OWNER'S NAME ☐ SAME AS DRIVER		LICENSE NUMBER [REDACTED]	
PEDES- TRIAN ☐	STREET ADDRESS [REDACTED]				OWNER'S ADDRESS ☐ SAME AS DRIVER			
PARKED VEHICLE ☐	CITY/STATE/ZIP [REDACTED]				DISPOSITION OF VEHICLE ON ORDERS OF ☐ OFFICER ☒ DRIVER ☐ OTHER			
BICY- CLIST ☐	SEX F	HAIR BRO	EYES BRO	HEIGHT 5'02	WEIGHT 120	BIRTHDATE Mo. [REDACTED] Day [REDACTED] Year [REDACTED]	RACE H	PERFORMANCE
OTHER ☐	HOME PHONE [REDACTED]		BUSINESS PHONE [REDACTED]		PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE			
INSURANCE CARRIER UNKNOWN		POLICY NUMBER UNKNOWN		VEHICLE IDENTIFICATION NUMBER: 01		DESCRIBE VEHICLE DAMAGE ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER		SHADE IN DAMAGED AREA 
DIR OF TRAVEL W		ON STREET OR HIGHWAY PINER RD		SPEED LIMIT 35		CA DOT CAL-T TCP/PSC MC/MX		
PARTY 2	DRIVERS LICENSE NUMBER [REDACTED]		STATE CA	CLASS C	AIR BAG M	SAFETY EQUIP. G	VEH YEAR 2010	MAKE/MODEL/COLOR TOYOTA / RAV4 / BLU
DRIVER ☒	NAME (FIRST, MIDDLE, LAST) [REDACTED]				OWNER'S NAME ☒ SAME AS DRIVER		LICENSE NUMBER [REDACTED]	
PEDES- TRIAN ☐	STREET ADDRESS [REDACTED]				OWNER'S ADDRESS ☒ SAME AS DRIVER			
PARKED VEHICLE ☐	CITY/STATE/ZIP [REDACTED]				DISPOSITION OF VEHICLE ON ORDERS OF ☐ OFFICER ☒ DRIVER ☐ OTHER			
BICY- CLIST ☐	SEX F	HAIR BLK	EYES BRO	HEIGHT 5'00	WEIGHT 125	BIRTHDATE Mo. [REDACTED] Day [REDACTED] Year [REDACTED]	RACE H	CREAMS
OTHER ☐	HOME PHONE [REDACTED]		BUSINESS PHONE [REDACTED]		PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE			
INSURANCE CARRIER [REDACTED]		POLICY NUMBER [REDACTED]		VEHICLE IDENTIFICATION NUMBER: 01		DESCRIBE VEHICLE DAMAGE ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER		SHADE IN DAMAGED AREA 
DIR OF TRAVEL W		ON STREET OR HIGHWAY PINER RD		SPEED LIMIT 35		CA DOT CAL-T TCP/PSC MC/MX		
PARTY	DRIVERS LICENSE NUMBER		STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH YEAR	MAKE/MODEL/COLOR
DRIVER	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME		LICENSE NUMBER	
PEDES- TRIAN	STREET ADDRESS				OWNER'S ADDRESS			
PARKED VEHICLE	CITY/STATE/ZIP				DISPOSITION OF VEHICLE ON ORDERS OF			
BICY- CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	
OTHER	HOME PHONE		BUSINESS PHONE		PRIOR MECHANICAL DEFECTS:			
INSURANCE CARRIER		POLICY NUMBER		VEHICLE IDENTIFICATION NUMBER:		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
DIR OF TRAVEL		ON STREET OR HIGHWAY		SPEED LIMIT		CA DOT		
PREPARER'S NAME KERTIANIS, JOSHUA J		DISPATCH NOTIFIED ☒ YES ☐ NO ☐ N/A		REVIEWER'S NAME FARRINGTON, JUSTIN F		DATE REVIEWED 12/10/2017		

SANTA ROSA POLICE DEPARTMENT
CONTROLLED DOCUMENT
DO NOT DUPLICATE

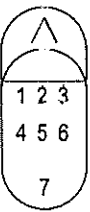
STATE OF CALIFORNIA

TRAFFIC COLLISION CODING

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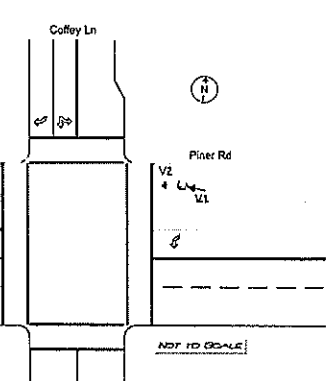
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DATE OF COLLISION (MO. DAY YEAR) 12/09/2017		TIME (2400) 2310	HCIC # 4905	OFFICER ID. SR469	NUMBER 17-0016246
PROPERTY DAMAGE	OWNER		OWNER ADDRESS		NOTIFIED ☐ YES ☐ NO
	DESCRIPTION OF DAMAGE				

SEATING POSITION  1 - DRIVER 2 TO 6 - PASSENGERS 7 - STATION WAGON REAR 8 - REAR OCC. TRK. OR VAN 9 - POSITION UNKNOWN 0 - OTHER	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	SAFETY EQUIPMENT L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE	M / C BICYCLE - HELMET DRIVER PASSENGER V - NO X - NO W YES Y YES EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELLPHONE HANDHELD B - CELLPHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
---	--	--	--	---

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	SPECIAL INFORMATION	1	2	MOVEMENT PRECEDING COLLISION
1 A VC SECTION VIOLATION: CITED ☒ YES ☐ NO 23153 (A) VC	X A CONTROLS FUNCTIONING			A HAZARDOUS MATERIAL		X	A STOPPED
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*			B CELL PHONE HANDHELD IN USE	X		B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSCURED			C CELL PHONE HANDSFREE IN USE			C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT / FACTOR*	X	X	D CELL PHONE NOT IN USE			D MAKING RIGHT TURN
	TYPE OF COLLISION			E SCHOOL BUS RELATED			E MAKING LEFT TURN
	A HEAD-ON			F 75 FT MOTORTRUCK COMBO			F MAKING U TURN
	B SIDE SWIPE			G 32 FT TRAILER COMBO			G BACKING
WEATHER (MARK 1 TO 2 ITEMS)	X C REAR END			H			H SLOWING / STOPPING
X A CLEAR	D BROADSIDE			I			I PASSING OTHER VEHICLE
B CLOUDY	E HIT OBJECT			J			J CHANGING LANES
C RAINING	F OVERTURNED			K			K PARKING MANEUVER
D SNOWING	G VEHICLE / PEDESTRIAN			L			L ENTERING TRAFFIC
E FOG / VISIBILITY FT.	H OTHER*			M			M OTHER UNSAFE TURNING
F OTHER*	MOTOR VEHICLE INVOLVED WITH			N			N XING INTO OPPOSING LANE
G WIND	A NON - COLLISION			O			O PARKED
	B PEDESTRIAN						P MERGING
LIGHTING	X C OTHER MOTOR VEHICLE	1	2	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)			Q TRAVELING WRONG WAY
A DAYLIGHT	D MOTOR VEHICLE ON OTHER ROADWAY			A VC SECTION VIOLATION: CITED ☐ YES ☐ NO			R OTHER*
B DUSK - DAWN	E PARKED MOTOR VEHICLE			B VC SECTION VIOLATION: CITED ☐ YES ☐ NO			
X C DARK - STREET LIGHTS	F TRAIN			C VC SECTION VIOLATION: CITED ☐ YES ☐ NO	1	2	SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
D DARK - NO STREET LIGHTS	G BICYCLE			D		X	A HAD NOT BEEN DRINKING
E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL:			E VISION OBSCUREMENT:	X		B HBD - UNDER INFLUENCE
ROADWAY SURFACE	I FIXED OBJECT:			F INATTENTION*			C HBD - NOT UNDER INFLUENCE*
X A DRY	J OTHER OBJECT:			G STOP & GO TRAFFIC			D HBD - IMPAIRMENT UNKNOWN*
B WET				H ENTERING / LEAVING RAMP			E UNDER DRUG INFLUENCE*
C SNOWY - ICY	PEDESTRIAN'S ACTIONS			I PREVIOUS COLLISION			F IMPAIRMENT - PHYSICAL*
D SLIPPERY (MUDDY, OILY, ETC.)	X A NO PEDESTRIANS INVOLVED			J UNFAMILIAR WITH ROAD			G IMPAIRMENT NOT KNOWN
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)	B CROSSING IN CROSSWALK AT INTERSECTION			K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO			H NOT APPLICABLE
A HOLES, DEEP RUT*	C CROSSING IN CROSSWALK - NOT AT INTERSECTION			L UNINVOLVED VEHICLE			I SLEEPY / FATIGUED
B LOOSE MATERIAL ON ROADWAY*	D CROSSING - NOT IN CROSSWALK			M OTHER*			
C OBSTRUCTION ON ROADWAY*	E IN ROAD - INCLUDES SHOULDER			N NONE APPARENT			
D CONSTRUCTION - REPAIR ZONE	F NOT IN ROAD	X	X	O RUNAWAY VEHICLE			
E REDUCED ROADWAY WIDTH	G APPROACHING / LEAVING SCHOOL BUS						
F FLOODED*							
G OTHER*							
X H NO UNUSUAL CONDITIONS							

SKETCH 	MISCELLANEOUS Class II
--	---

STATE OF CALIFORNIA

INJURED / WITNESS / PASSENGERS

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Page 3 of 9

DATE OF COLLISION (MO. DAY YEAR) 12/09/2017				TIME (2400) 2310		NCIC # 4905		OFFICER I.D. SR469				NUMBER 17-0016246						
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER						
☒ #1	☐	24	M	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐					
NAME / D.O.B. / ADDRESS SH / /												TELEPHONE / /						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:						
DESCRIBE INJURIES																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
☐ #	☐	26	M	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	1	03	M	H	0
NAME / D.O.B. / ADDRESS J / /												TELEPHONE / /						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO: SANTA ROSA MEMORIAL						
DESCRIBE INJURIES facial lacerations																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
☐ #	☐	35	F	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	2	01	M	G	0
NAME / D.O.B. / ADDRESS C / /												TELEPHONE / /						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO: KAISER						
DESCRIBE INJURIES Facial laceration and complaint of back pain																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
☐ #	☐	45	M	☐	☐	☐	☒	☐	☒	☐	☐	☐	☐	2	04	P	G	0
NAME / D.O.B. / ADDRESS D / /												TELEPHONE / /						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:						
DESCRIBE INJURIES Complaint of back pain																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
☐ #	☒	06	F	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	2	05	P	Q	0
NAME / D.O.B. / ADDRESS C / /												TELEPHONE / /						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:						
DESCRIBE INJURIES None																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐	☐					
NAME / D.O.B. / ADDRESS												TELEPHONE						
(INJURED ONLY) TRANSPORTED BY:												TAKEN TO:						
DESCRIBE INJURIES																		
☐ VICTIM OF VIOLENT CRIME NOTIFIED																		
PREPARED BY KERTIANIS, JOSHUA J				I.D. NUMBER SR469		MO. DAY YEAR 12/9/2017		REVIEWER'S NAME FARRINGTON, JUSTIN F				MO. DAY YEAR 12/10/2017						

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

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DATE OF INCIDENT/OCCURRENCE 12/09/2017		TIME (2400) 2310	NCIC NUMBER 4905	OFFICER I.D. NUMBER SR469	NUMBER 17-0016246
"X" ONE ☒ NARRATIVE ☐ SUPPLEMENTAL		"X" ONE ☐ COLLISION REPORT ☐ OTHER:		TYPE SUPPLEMENTAL ("X" APPLICABLE) ☐ BA UPDATE ☐ HAZARDOUS MATERIALS ☐ FATAL ☐ SCHOOL BUS ☐ HIT & RUN UPDATE ☐ OTHER:	
CITY / COUNTY / JUDICIAL DISTRICT SANTA ROSA / SONOMA COUNTY / CENTRAL				REPORTING DISTRICT / BEAT 1060100003 / 1	CITATION NUMBER
LOCATION/SUBJECT COFFEY LN / 45 Feet E OF PINER RD					STATE HIGHWAY RELATED ☐ YES ☒ NO

Assisting Officers:

(SR524) LARON, TYLER

NOTIFICATION:

On 12/9/17, at 2310 hours, I was on patrol in the area of Piner Rd. and Coffey Ln. While traveling eastbound on Piner Rd. I saw what appeared to be two vehicles involved in a collision and a marked CHP patrol vehicle on scene blocking traffic.

I observed a grey Nissan Altima (CA license plate [REDACTED]) -V1- straddling the number one and two westbound lanes of Piner Rd. just east of Coffey Ln. V1 had major front-end damage. A blue Toyota Rav 4 (CA license plate [REDACTED]) -V2- was in the number two lane in front of V1 and had major rear end damage.

A male, later identified as [REDACTED], was laying in the parking lot of the adjacent gas station holding his head and his face was covered in blood. A female, later identified as Coraima Sanchez Nunez, was crying next to [REDACTED] and saying she was sorry. Sanchez Nunez was later identified as the driver of V1.

A female, later identified as [REDACTED], was standing on the sidewalk with a male, later identified as [REDACTED], and a child, later identified as [REDACTED]. [REDACTED] had blood on her forehead and was later identified as the driver of V2.

All times, speed, and measurements are approximations.

STATEMENTS:

I contacted [REDACTED] who told me the following in essence:

[REDACTED] was driving westbound on Piner Rd. in the number two lane in V2.

PREPARER'S NAME KERTIANIS, JOSHUA J	I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F	MONTH / DAY / YEAR 12/10/2017
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STATE OF CALIFORNIA

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DATE OF INCIDENT/OCCURRENCE 12/09/2017		TIME (2400) 2310	NOI# NUMBER 4905	OFFICER I.D. NUMBER SR469	NUMBER 17-0016246
"X" ONE ☒ NARRATIVE ☐ SUPPLEMENTAL		"X" ONE ☐ COLLISION REPORT ☐ OTHER:		TYPE SUPPLEMENTAL ("X" APPLICABLE) ☐ BA UPDATE ☐ HAZARDOUS MATERIALS ☐ FATAL ☐ SCHOOL BUS ☐ HIT & RUN UPDATE ☐ OTHER:	
CITY/COUNTY/JUDICIAL DISTRICT SANTA ROSA / SONOMA COUNTY / CENTRAL				REPORTING DISTRICT / BEAT 1060100003/1	CITATION NUMBER
LOCATION/SUBJECT COFFEY LN / 45 Foot E OF PINER RD					STATE HIGHWAY RELATED ☐ YL6 ☒ NO
[REDACTED] was stopped at the intersection with Coffey Ln. at a red signal. There were no vehicles in front of [REDACTED]. V1 collided with V2 from the rear. [REDACTED] had a laceration on her forehead and complaint of chest and back pain. [REDACTED] was later transported to Kaiser Hospital by AMR. I contacted a witness on scene, identified as [REDACTED], and he told me the following in essence: [REDACTED] was traveling westbound on Piner Rd. approaching Coffey Ln. As Ward came around a curve in the roadway he heard V1's tires lock up and collided with V2 who was stopped at a red signal. V2 was in the number one car in the number two lane on westbound Piner Rd. stopped at the intersection of Coffey Ln. [REDACTED] believed V1 was traveling between 45 to 50 miles per hour as it had passed him prior to the collision. V1 was in the number one lane and was changing to the number two lane prior to the collision. [REDACTED] identified Sanchez Nunez as the driver of V1 and [REDACTED] as the passenger in V1. I contacted [REDACTED] who told me the following in essence: [REDACTED] was in the left rear passenger seat of V2. [REDACTED] was sitting next to his six-year-old daughter, [REDACTED], who was in a booster seat in the center rear passenger seat. [REDACTED], his wife, was driving. [REDACTED] was sleeping and awoke when the collision occurred. [REDACTED] had complaint of back pain and [REDACTED] was uninjured. I went to contact Sanchez Nunez who was seated on the ground in the parking lot. Sanchez Nunez had both of her arms extended to her sides. I asked Sanchez Nunez why she had her hands out and she replied, "because you're going to arrest me, aren't you?" I asked Sanchez Nunez to stand up and she did. I asked Sanchez Nunez what happened and she didn't respond. I asked Sanchez Nunez if she was driving the					
PREPARED BY NAME KERTIANIS, JOSHUA J		I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F	MONTH / DAY / YEAR 12/10/2017

STATE OF CALIFORNIA

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DATE OF INCIDENT/ OCCURRENCE 12/09/2017		TIME (2400) 2310	NOI# NUMBER 4905	OFFICER I.D. NUMBER SR469	NUMBER 11-0016246
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CITY / COUNTY / JUDICIAL DISTRICT SANTA ROSA / SONOMA COUNTY / CENTRAL				REPORTING DISTRICT / BEAT 1060100003 / 1	CITATION NUMBER
LOCATION/SUBJECT COFFEY LN / 45 Feet E OF PINER RD					STATE HIGHWAY RELATED ☐ YES ☒ NO
vehicle and she didn't respond. It appeared that Sanchez Nunez was very concerned about the health of [REDACTED] so I decided to wait to conduct my interview until after [REDACTED] was transported. I asked Officer Van Gundy to stand by with Sanchez Nunez. While I was speaking with Sanchez Nunez I noted that she had the smell of alcohol coming from her person and glassy and watery eyes. I contacted [REDACTED] who was on a backboard being treated by AMR. I asked [REDACTED] if he knew what happened? He said "no." I asked [REDACTED] where he was sitting and he said "no." I asked [REDACTED] if he knew his name and he said "no." CHP officers had told me [REDACTED] was telling Sanchez Nunez "don't tell them shit" already so it was apparent to me that [REDACTED] was just being uncooperative. [REDACTED] was transported to Memorial Hospital with facial lacerations. At the time of this report I had not received the results from CT scans that were taken of [REDACTED] but was notified that [REDACTED] was going to need stitches for the laceration. DUI INVESTIGATION: Based on my contact with Sanchez Nunez I decided to conduct a DUI investigation. I asked Sanchez Nunez the DUI investigation questions. Sanchez Nunez refused to answer most of my questions, her answers are on the DUI Investigation Report form. I checked Sanchez Nunez's eyes for Horizontal Gaze Nystagmus and noticed lack of smooth pursuit in both eyes and distinct and continuous Nystagmus at maximum deviation in in both eyes. I asked Sanchez Nunez if she would be willing to perform some field sobriety tests to help me determine if she was under the influence of alcohol. Sanchez Nunez said she would not. I asked Sanchez Nunez if she would be willing to perform the PAS test and she told me she would not. Based on my investigation I believed Sanchez Nunez was under the influence of					
PREPARER'S NAME KERTIANIS, JOSHUA J		I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F	MONTH / DAY / YEAR 12/10/2017

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CITY / COUNTY / JUDICIAL DISTRICT SANTA ROSA / SONOMA COUNTY / CENTRAL			REPORTING DISTRICT / BEAT 1060100003 / 1		CITATION NUMBER
LOCATION/SUBJECT COFFEY LN / 45 Feet E OF PINER RD					STATE HIGHWAY RELATED ☐ YES ☒ NO
alcohol. I subsequently placed Sanchez Nunez under arrest for 23153(a) VC. I placed Sanchez Nunez in handcuffs, checked them for tightness, and double locked them. It should be noted that throughout my involvement in this incident portions of the incident were recorded as I was equipped with a body worn camera. This report is merely a summary of the incident and is not intended to be an exact transcription of the entire investigation or of what may have been captured with the camera. Video captured was later booked into VeriPic. PC TO SEARCH: I informed Sanchez Nunez of implied consent and Trombetta. Sanchez Nunez chose to submit to the blood test. I searched Sanchez Nunez incident to arrest prior to placing her in my patrol vehicle. In her right front jacket pocket, I located the keys to V1. In the same pocket, I located a small plastic baggie with a white powdery substance. The bag has a slight tear and the powdery substance had gotten all over the keys. Based on my training and experience I believed this to be cocaine. I placed Sanchez Nunez in the back seat of my patrol vehicle and advised her of her Miranda Rights. I asked Sanchez Nunez about the cocaine and she told me she did not know what was in the bag, why it was in her pocket, or who it belonged to. I transported Sanchez Nunez to Memorial Hospital for a blood draw and medical clearance. RN Evans conducted the blood draw at 0029 hours. I later booked the sample into SRPD Evidence along with the cocaine which was weighed at 0.2 grams. I used a Narcotic Identification Kit (NIK) on the substance and it tested positive for cocaine. I placed Sanchez Nunez in the back of my patrol car and transported her to					
PREPARER'S NAME KERTIANIS, JOSHUA J		I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F	
				MONTH / DAY / YEAR 12/10/2017	

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CITY / COUNTY / JUDICIAL DISTRICT SANTA ROSA / SONOMA COUNTY / CENTRAL					REPORTING DISTRICT / BEAT 1060100003 / 1
LOCATION / SUBJECT COFFEY LN / 45 Feet E OF PINER RD					STATE HIGHWAY RELATED ☐ YES ☒ NO
Sonoma County MADF where she was booked for 23153(a) VC and 11350(a) H&S. SUMMARY: Sanchez Nunez was traveling westbound on Piner Rd. approaching Coffey Ln. Due to Sanchez Nunez's level of intoxication she collided with the rear of V2 which had been stopped at a red signal. The passenger in V1 and driver of V2 both sustained facial lacerations and were transported to the hospital. Sanchez Nunez was determined to be under the influence of alcohol and had cocaine in her possession. Sanchez Nunez was booked at Sonoma County MADF for 23153(a) VC and 11350(a) H&S. V1 was towed by Performance Towing for 22651(h) VC. AREA OF IMPACT: The Area of Impact (AOI) was located approximately 45' east of the east curb prolongation of Coffey Ln. and approximately 8' south of the north curb of Piner Rd. CAUSE: Sanchez Nunez caused the collision by driving under the influence of alcohol, in violation of 23153(a) VC which states, "It is unlawful for a person, while under the influence of any alcoholic beverage, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver." RECOMMENDATIONS: Case closed, forward to the Sonoma County District Attorney's Office for					
PREPARER'S NAME KERTIANIS, JOSHUA J		I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F	
				MONTH / DAY / YEAR 12/10/2017	

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

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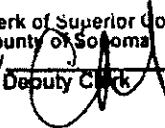
DATE OF INCIDENT/ OCCURRENCE 12/09/2017		TIME (2400) 2310	NCIC NUMBER 4905	OFFICER I.D. NUMBER SR469	NUMBER 17-0016246
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LOCATION/SUBJECT COFFEY LN / 45 Feet E OF PINER RD					STATE HIGHWAY RELATED ☐ YES ☒ NO
prosecution.					
PREPARER'S NAME KERTIANIS, JOSHUA J		I.D. NUMBER SR469	MONTH / DAY / YEAR 12/9/2017	REVIEWER'S NAME FARRINGTON, JUSTIN F MONTH / DAY / YEAR 12/10/2017	

JILL R. RAVITCH, #129787
District Attorney, County of Sonoma
Scott K Uemura, #280412
Deputy District Attorney
600 Administration Dr, Room 212J
Santa Rosa, CA 95403
Telephone: (707) 565-2311

Attorney for the People

FILED

JAN 19 2018

Clerk of Superior Court of California,
County of Sonoma
By 
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

vs.

CORAIMA YARITZA SANCHEZ NUNEZ
DOB: [REDACTED] ID NO. 651441

Defendant.

COURT CASE NO.

FELONY COMPLAINT
Section(s) VC23153(a), VC23153(b),
HS11350

DA CASE NO. 0936642

Appearance Date: January 19, 2018

The District Attorney of the County of Sonoma, State of California, hereby accuses the
above named defendant of the following criminal offenses:

COUNT 1

On or about December 9, 2017, in the County of Sonoma, State of California, the
crime of Driving Under the Influence Of An Alcoholic Beverage Causing Injury in violation
of VC23153(a), a **Felony**, was committed in that CORAIMA YARITZA SANCHEZ NUNEZ
drove a vehicle while under the influence of an alcoholic beverage and concurrently acted

1 illegally and/or negligently in driving the vehicle, thus causing bodily injury to J ■■■ E ■■■

2 M ■■■ -M ■■■

3
4 **ENHANCEMENT 1**

5 **VC23558: Special Allegation-Bodily Injury To More Than One Victim**

6 It is further alleged as to Count 1 that the Defendant, CORAIMA YARITZA
7 SANCHEZ NUNEZ, in violation of Vehicle Code section 23558, proximately caused bodily
8 injury and death to ■■■ V ■■■
9

10
11 **ENHANCEMENT 2**

12 **VC23538(b)(2): Blood Alcohol Level .20 or More**

13 It is further alleged that the defendant's concentration of blood alcohol was 0.20
14 percent by weight or more, within the meaning of Vehicle Code section 23538(b)(2).
15

16 **COUNT 2**

17 On or about December 9, 2017, in the County of Sonoma, State of California, the
18 crime of Driving With A .08% Blood Alcohol Content Causing Injury in violation of
19 VC23153(b), a **Felony**, was committed in that CORAIMA YARITZA SANCHEZ NUNEZ
20 drove a vehicle while having a 0.08 percent or more, by weight, of alcohol in her blood and
21 concurrently acted illegally and/or negligently in driving the vehicle, thus causing bodily
22 injury to J ■■■ E ■■■ M ■■■ -M ■■■
23
24
25
26
27
28

ENHANCEMENT 1

VC23558: Special Allegation-Bodily Injury To More Than One Victim

It is further alleged as to Count 2 that the Defendant, CORAIMA YARITZA

SANCHEZ NUNEZ, in violation of Vehicle Code section 23558, proximately caused bodily injury and death to [REDACTED].

ENHANCEMENT 2

VC23538(b)(2): Blood Alcohol Level .20 or More

It is further alleged that the defendant's concentration of blood alcohol was 0.20 percent by weight or more, within the meaning of Vehicle Code section 23538(b)(2).

COUNT 3

On or about December 9, 2017, in the County of Sonoma, State of California, the crime of Possessing A Controlled Substance in violation of HS11350, a **Misdemeanor**, was committed in that CORAIMA YARITZA SANCHEZ NUNEZ did possess cocaine, a controlled substance.

NOTICE: Conviction for these offenses may require you to provide specimens and samples pursuant to Penal Code Section 296 if you are convicted of a felony offense or have a prior qualifying offense in your criminal background. Willful refusal to provide the specimens and samples is a crime.

NOTICE: PURSUANT TO PENAL CODE SECTION 29810(a)(1)

NOTICE: Conviction of this offense will require you to relinquish all firearms you own, possess, or have under your custody or control in the manner provided in Penal Code section 29810.

1 NOTICE. PURSUANT TO PENAL CODE SECTION 29810(a)(2)

2 NOTICE: Conviction of this offense will prohibit you from owning, purchasing, receiving,
3 possessing, or having under your custody or control any firearms, ammunition, and ammunition
4 feeding devices, including but not limited to magazines.

5
6 MARSY'S LAW

7 Information contained in the reports being distributed as discovery in this case may contain
8 confidential information protected by Marsy's Law and the amendments to the State of California
9 Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be safe and
10 free from intimidation, harassment, and abuse. The defendant(s), defense counsel, and any other
11 person acting on behalf of the defendant(s) is admonished not to use any information contained in
12 the reports to locate or harass any victim or the victim(s)' family and to not disclose any
13 information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor
14 violation of Penal Code Section 1054.2(a)(3) to disclose the address and telephone number of a
15 victim or witness to a defendant, defendant's family member, or anyone else. Note exceptions
16 provided in Penal Code Section 1054.2(a)(1) and (2).

17 Discovery Request: Pursuant to Penal Code Section 1054.5(b), the People are hereby
18 informally requesting that defense counsel provide discovery to the people as required by Penal
19 Code Section 1054.3.

20 Complainant therefore prays that a warrant issue and that said defendant be dealt with
21 according to law. I declare under penalty of perjury under the laws of the State of California, based
22 on information and belief, that the foregoing is true and correct.

23 Dated: January 17, 2018

24 JILL R. RAVITCH
25 DISTRICT ATTORNEY

26 By: 
27 SCOTT K UEMURA
28 DEPUTY DISTRICT ATTORNEY

SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	VC23153(a)	16-2-3 Prison+\$390- 1,000	Coraima Yaritza Sanchez Nunez	VC23558, VC23538(b)(2)	
2	VC23153(b)	16-2-3 Prison + \$390-1,000	Coraima Yaritza Sanchez Nunez	VC23558, VC23538(b)(2)	
3	HS11350	0-365+\$0- 1,000	Coraima Yaritza Sanchez Nunez		

*****IN CUSTODY*****

☐ It appearing that the offense(s) of _____

_____ in the complaint has been committed and there is sufficient cause to believe the defendant guilty, I order that he be held to answer to the Superior Court. It is further ordered that he _____, be committed to the Sheriff of the County of Sonoma, and be held in custody until bail is posted in the amount of (\$ _____) dollars.

*****OUT OF CUSTODY*****

☐ It appearing that the offense(s) of _____

_____ in the complaint has been committed and there is sufficient cause to believe the defendant guilty, I order that he be held to answer to the Superior Court. The defendant remains released as follows:

- ☐ Own Recognizance
 - ☐ Supervised Own Recognizance
 - ☐ Cited to Appear
 - ☐ Cash Bail in the amount of \$ _____ having been posted
 - ☐ Bail Bond # _____ in the amount of \$ _____
- remains in full force and effect.

Judge of the Superior Court

Dated _____



CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

People vs. SANCHEZ NUNEZ, CORAIMA
YARITZA

§
§
§
§
§

Location: Criminal
DMV Court Code: 49100 Superior Court,
Criminal
Filed on: 01/19/2018
Case Number History: SRO-1716246-1

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony
Jurisdiction: Santa Rosa					
002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint) Arrest: 12/09/2017	23153(b)	F	12/09/2017	Case Flags:	Bail To Appear Firearm Prohibition Advisement Required
002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)	23558	E	12/09/2017		
002. BAC .20 OR GREATER (ORIGINAL Complaint)	23538(b)(2)	E	12/09/2017		

Statistical Closures

03/12/2018 Conviction - Plea of Guilty/Nolo Contendere

Bonds

Surety Bond #SV100-4873143 \$100,000.00
12/11/2017 Posted
5/8/2018 Exonerated
Counts: 002, 002, 002

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number SCR-712030-1
Court Criminal
Date Assigned 01/19/2018
DMV Court Code 49100 Superior Court, Criminal

DATE

EVENTS & ORDERS OF THE COURT

INDEX

08/02/2019

 **Violation of Probation** (9:00 AM) (Judicial Officer: Wong, Cerena)

Sentencing: TASC Update

Resource: Court Reporter Hertel, Lucia

Resource: Courtroom Clerk Carroll, Jennifer

Resource: Location Courtroom 9

MINUTES

Amended Sentence (Judicial Officer: Wong, Cerena) Reason: Violation of Probation

002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

Violation of Probation

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/31/2021

Status: Reinstated (Active)

Status Date: 08/02/2019

Condition

- 1 Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

3. Defendant is to submit to warrantless search and seizure of person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
18. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
23. Restitution Reserved, 05/08/2018, Active 05/08/2018
24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given , 05/08/2018, Active 05/08/2018
28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019
29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019
30. T1, Defendant may be released to TASC/Women's

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CASE SUMMARY

CASE NO. SCR-712030-1

Recovery Services/Probation for placement in a residential treatment program if/when bed space becomes available., 08/02/2019, Active 08/02/2019

31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019

32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019

33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019

34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

DL Conditions

Type: DUI Conviction

BAC/Drugs: Alcohol

BAC Level 0.24

Adult Confinement

Type: *Jail

Start Date: 08/02/2019

Term Type: Jail Term

Term: 53 Days

Credit for Time Served - Actual: 27 Days

Conduct Credit: 26 Days

Comment: For VOP Total credit for time served of 53 days

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Violation of Probation

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/31/2021

Status: Reinstated (Active)

Status Date: 08/02/2019

Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018

2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018

3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018

4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018

5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018

6. Although not a term of probation, you will be responsible, to pay a chemical test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018

7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018

8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018

9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood.,

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CASE SUMMARY**CASE NO. SCR-712030-1**

05/08/2018, Active 05/08/2018
 10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
 11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
 12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
 13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
 14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
 15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
 16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
 17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
 18. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
 19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
 20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
 21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
 22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
 23. Restitution Reserved, 05/08/2018, Active 05/08/2018
 24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018
 28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019
 29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019
 30. T1, Defendant may be released to TASC/Women's Recovery Services/Probation for placement in a residential treatment program if/when bed space becomes available., 08/02/2019, Active 08/02/2019
 31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019
 32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019
 33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019
 34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

DL Conditions

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Type: DUI Conviction
BAC/Drugs: Alcohol
BAC Level 0.24

Adult Confinement

Type: *Jail
Start Date: 08/02/2019
Term Type: Jail Term
Term: 53 Days
Credit for Time Served - Actual: 27 Days
Conduct Credit: 26 Days
Comment: For VOP Total credit for time served of 53 days

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Violation of Probation

Probation

Type: Formal Probation
Start Date: 05/08/2018
Term: 36 Months
End Date: 05/31/2021
Status: Reinstated (Active)
Status Date: 08/02/2019
Condition

1. Defendant is to participate and complete programs of assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law, 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
18. Restitution fine per 1202.44 PC, suspended unless,

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CASE SUMMARY

CASE NO. SCR-712030-1

Probation is revoked, \$300.00, 05/08/2018, Active 05/08/2018
 19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
 20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
 21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
 22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
 23. Restitution Reserved, 05/08/2018, Active 05/08/2018
 24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018
 28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019
 29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019
 30. T1, Defendant may be released to TASC/Women's Recovery Services/Probation for placement in a residential treatment program if/when bed space becomes available., 08/02/2019, Active 08/02/2019
 31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019
 32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019
 33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019
 34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program
 Ordered
 Order Date: 05/08/2018
 Duration: 3 Months

DL Conditions

Type: DUI Conviction
 BAC/Drugs: Alcohol
 BAC Level 0.24

Adult Confinement

Type: *Jail
 Start Date: 08/02/2019
 Term Type: Jail Term
 Term: 53 Days
 Credit for Time Served - Actual: 27 Days
 Conduct Credit: 26 Days
 Comment: For VOP Total credit for time served of 53 days

Held;

Journal Entry Details

Deputy District Attorney Robert Blade is present Defendant is present in custody Defense counsel appearing: J. Passalacqua Probation Officer is present and gives oral report: S. Misetich Probation reinstated Modification to Terms of Probation ;

Held

Parties

Plaintiff

THE PEOPLE OF THE STATE OF CALIFORNIA

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Present. *Attorney* OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
Defendant SANCHEZ NUNEZ, CORAIMA YARITZA
Attorney Fussalacqua, Joe

08/02/2019

Amended Sentence (Judicial Officer: Wong, Cerena) Reason: Violation of Probation
 002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

Violation of Probation

Probation

Type: Formal Probation
 Start Date: 05/08/2018
 Term: 36 Months
 End Date: 05/31/2021
 Status: Reinstated (Active)
 Status Date: 08/02/2019
 Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement , 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
18. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018

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CASE SUMMARY**CASE NO. SCR-712030-1**

21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
23. Restitution Reserved, 05/08/2018, Active 05/08/2018
24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018
28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019
29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019
30. T1, Defendant may be released to TASC/Women's Recovery Services/Probation for placement in a residential treatment program if/when bed space becomes available., 08/02/2019, Active 08/02/2019
31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019
32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019
33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019
34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program
 Ordered
 Order Date: 05/08/2018
 Duration: 3 Months

DL Conditions

Type: DUI Conviction
 BAC/Drugs: Alcohol
 BAC Level 0.24

Adult Confinement

Type: *Jail
 Start Date: 08/02/2019
 Term Type: Jail Term
 Term: 53 Days
 Credit for Time Served - Actual: 27 Days
 Conduct Credit: 26 Days
 Comment: For VOP Total credit for time served of 53 days

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Violation of Probation
 Probation

Type: Formal Probation
 Start Date: 05/08/2018
 Term: 36 Months
 End Date: 05/31/2021
 Status: Reinstated (Active)
 Status Date: 08/02/2019
 Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for

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CASE SUMMARY
CASE NO. SCR-712030-1

DNA Testing, 05/08/2018, Active 05/08/2018

3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018

4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018

5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018

6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018

7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018

8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018

9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018

10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018

11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018

12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018

13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018

14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018

15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018

16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018

17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018

18. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018

19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018

20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018

21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018

22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018

23. Restitution Reserved, 05/08/2018, Active 05/08/2018

24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018

25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018

26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018

27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018

28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019

29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019

30. T1, Defendant may be released to TASC/Women's Recovery Services/Probation for placement in a residential treatment

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

program if/when bed space becomes available., 08/02/2019, Active 08/02/2019

31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019

32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019

33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019

34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

DL Conditions

Type: DUI Conviction

BAC/Drugs: Alcohol

BAC Level 0.24

Adult Confinement

Type: *Jail

Start Date: 08/02/2019

Term Type: Jail Term

Term: 53 Days

Credit for Time Served - Actual: 27 Days

Conduct Credit: 26 Days

Comment: For VOP Total credit for time served of 53 days

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Violation of Probation

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/31/2021

Status: Reinstated (Active)

Status Date: 08/02/2019

Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018

2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018

3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018

4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018

5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018

6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018

7. Do not possess or use any alcohol, 05/08/2018, Active 03/08/2018

8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018

9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018

10. Stay out of places where alcohol is the primary item of sale,

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CASE SUMMARY

CASE NO. SCR-712030-1

05/08/2018, Active 05/08/2018
 11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
 12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
 13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
 14. Seek/maintain employment or enroll in educational program, 05/08/2018 Active 05/08/2018
 15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
 16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
 17. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
 18. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
 19. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
 20. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
 21. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
 22. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
 23. Restitution Reserved, 05/08/2018, Active 05/08/2018
 24. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 25. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 26. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 27. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018
 28. All other terms and conditions remain in full force, and effect., 08/02/2019, Active 08/02/2019
 29. Other Orders, Four month program at Women's Recovery Services including aftercare. Report to Probation within 1 working day if you leave treatment or are asked to leave, 08/02/2019, Active 08/02/2019
 30. T1, Defendant may be released to TASC/Women's Recovery Services/Probation for placement in a residential treatment program if/when bed space becomes available., 08/02/2019, Active 08/02/2019
 31. Defendant to remain in custody until bed space becomes, available, 08/02/2019, Active 08/02/2019
 32. Defendant is to participate and complete residential drug, rehabilitation program and not leave without prior written consent of the program director or Probation Officer., 08/02/2019, Active 08/02/2019
 33. Although not a condition of probation, defendant waives, custody credits while in residential treatment program, 08/02/2019, Active 08/02/2019
 34. Report to Probation Department, within 2 working days of release from treatment., 08/02/2019, Active 08/02/2019

Programs

First Offender Drinking Driver Program
 Ordered
 Order Date: 05/08/2018
 Duration: 3 Months

DL Conditions

Type: DUI Conviction
 BAC/Drugs: Alcohol
 BAC Level 0.24

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Adult Confinement

Type: *Jail
 Start Date: 08/02/2019
 Term Type: Jail Term
 Term: 53 Days
 Credit for Time Served - Actual: 27 Days
 Conduct Credit: 26 Days
 Comment: For VOP Total credit for time served of 53 days

07/09/2019

 Violation of Formal Probation (1.30 PM) (Judicial Officer: Urioste, Mark A.)

Hearing Added successfully using Integration with Justicehub

Resource: Court Reporter Hertel, Lucia

Resource: Courtroom Clerk Carroll, Jennifer

Resource: Location Courtroom 9

MINUTES

 Probation Report - Filed (Judicial Officer: Urioste, Mark A.)

Held;

Journal Entry Details:

Deputy District Attorney Robert Blade is present. Probation Officer Jose Farias is present. Defendant is present in custody. Defense counsel appearing: M. Fiumara, not present. Defense counsel relieved. Defense counsel appearing: Joe Passalacqua. Defense counsel is appearing generally. No Bail. Probation Report Filed. Probation Summarily Revoked. Defendant informed of right to a Violation of Probation hearing. Defendant waives Violation of Probation hearing. Defendant admits Violation of Probation. Court finds Defendant in Violation of Probation. Refer to TASC. Matter continued to: 08/02/19 at 9:00 a.m. in Dept. 9 for VOP Sentencing; TASC Update.;

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA
	Attorney	Passalacqua, Joe

SCHEDULED HEARINGS

 Violation of Probation (08/02/2019 at 9:00 AM) (Judicial Officer: Wong, Cerena)

Sentencing; TASC Update

Resource: Court Reporter Hertel, Lucia

Resource: Courtroom Clerk Carroll, Jennifer

Resource: Location Courtroom 9

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA
	Attorney	Passalacqua, Joe

07/09/2019

 Probation Report - Filed (Judicial Officer: Urioste, Mark A.)

07/09/2019

Bond Setting

No Bail

02/27/2019

Defendant completed jail time and released

NO COMMENT

01/18/2019

New Turn In Date by Work Release

1/18/2019

01/07/2019

 Enrollment in Supervised Electric Confinement - Filed

01/02/2019

Defendant booked into Jail to commence serving jail time

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

NO COMMENT

10/09/2018  Notice of Completion of FODDP Program - Filed

06/28/2018  Notice of Enrollment in FODDP Program - Filed

05/08/2018 *Conviction Certified By Clerk of the Court

05/08/2018  Probation Report - Filed

05/08/2018 Pretrial Release Terminated

05/08/2018  **Sentencing (9:00 AM)** (Judicial Officer: Thistlethwaite, Jamie E)
 Resource: Court Reporter Ferronato, Rose
 Resource: Courtroom Clerk Rossi, Jennifer
 Resource: Location Courtroom 9

MINUTES

Pretrial Release Terminated

 Probation Report - Filed

*Conviction Certified By Clerk of the Court

Disposition (Judicial Officer: Thistlethwaite, Jamie E)

Interim Condition for SANCHEZ NUNEZ, CORAIMA YARITZA (Judicial Officer: Thistlethwaite, Jamie E Exp: 05/08/2018)

- Do not own, possess, or use any weapons or ammunition
 - Although not a term of probation, you will be responsible *for a fee per chemical test in the amount of:*
 - Report to the Jail Lobby, located in the Main Adult Detention Facility (MADF) as directed or immediately upon release
 - Inform your Probation Officer *as to your residence and employment and contact telephone numbers*
 - Make all court appearance & appointments (including intake)
 - Do not possess or use any controlled substances *or associated paraphernalia without a valid prescription.*
 - Do not possess or use any alcohol
 - Submit to random chemical testing as directed either by *Probation or Law Enforcement*
 - Defendant to submit to warrantless search and seizure of *person, property, effects, business or vehicle any time of day or night.*
 - Do not own, possess, or use any firearms
 - Do not leave Sonoma County without notifying your *Probation Officer. Do not leave the State of California without Court approval.*
 - Be of good conduct and abide by all laws.
 - Pay Pre-Trial Services fee in an amount to be determined by *the Probation Department*
 - Defendant agrees with all terms and conditions
 - Other Orders
Wear CAM monitor for 60 days or until further order of the court. Contat CAM within 48 hours.
 - Release to Pretrial Services with Basic Supervision
- Sentence** (Judicial Officer: Thistlethwaite, Jamie E)
 002. DUI .08 ALCOHOL:BODILY INJ (ORIGINAL Complaint)

Jail Sentence:

Adult Confinement

Type: *Jail
 Facility: Main Adult Detention Facility
 Start Date: 06/22/2018
 Start Time: 7:00 PM
 Term Type: Jail Term
 Term: 180 Days

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Comment: Total CTS: 1 day; Supervised electronic confinement; Jail alternative programs approved

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/08/2021

Status: Summarily Revoked (Inactive)

Status Date: 07/09/2019

Condition

1. Defendant is to participate and complete programs of assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018
18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

24. Restitution Reserved, 05/08/2018, Active 05/08/2018
 25. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 28. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018

Programs**First Offender Drinking Driver Program**

Ordered
 Order Date: 05/08/2018
 Duration: 3 Months

Work Release

Recommended
 Order Date: 05/08/2018
 Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction
 BAC/Drugs: Alcohol
 BAC Level 0.24

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)**Jail Sentence****Adult Confinement**

Type: *Jail
 Facility: Main Adult Detention Facility
 Start Date: 06/22/2018
 Start Time: 7:00 PM
 Term Type: Jail Term
 Term: 180 Days
 Comment: Total CTS: 1 day; Supervised electronic confinement; Jail alternative programs approved

Probation

Type: Formal Probation
 Start Date: 05/08/2018
 Term: 36 Months
 End Date: 05/08/2021
 Status: Summarily Revoked (Inactive)
 Status Date: 07/09/2019
 Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018

CRIMINAL

CASE SUMMARY

CASE No. SCR-712030-1

9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
 10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
 11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
 12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
 13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
 14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
 15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
 16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
 17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018
 18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
 19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
 20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
 21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
 22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
 23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
 24. Restitution Reserved, 05/08/2018, Active 05/08/2018
 25. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 28. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given , 05/08/2018, Active 05/08/2018

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

Work Release

Recommended

Order Date: 05/08/2018

Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction

BAC/Drugs: Alcohol

BAC Level 0.24

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Jail Sentence

Adult Confinement

Type: *Jail

Facility: Main Adult Detention Facility

Start Date: 06/22/2018

Start Time: 7:00 PM

Term Type: Jail Term

Term: 180 Days

Comment: Total CTS: 1 day; Supervised electronic confinement; Jail

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

alternative programs approved

Probation

Type: Formal Probation
 Start Date: 05/08/2018
 Term: 36 Months
 End Date: 05/08/2021
 Status: Summarily Revoked (Inactive)
 Status Date: 07/09/2019
 Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed. 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018
18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
24. Restitution Reserved, 05/08/2018, Active 05/08/2018

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

25. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 28. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

Work Release

Recommended

Order Date: 05/08/2018

Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction

BAC/Drugs: Alcohol

BAC Level 0.24

Held;

Journal Entry Details:

Deputy District Attorney Scott Uemura is present. Probation Officer is present: J. Farias Defendant present Defense counsel appearing: J. Milligan Bail exonerated Pre Trial Release terminated Probation Report Filed Court has read and reviewed reports and other documents. Defendant waives formal arraignment. No legal cause why judgment should not be pronounced Defendant having been convicted, Court pronounces sentence. Defendant sentenced Imposition of sentence suspended Defendant waives time for sentencing People's Exhibit #1: Color photograph People's Exhibit #1 withdrawn and returned to Mr. Uemura Medical records of the victim, Villabona is ordered sealed Have no contact with Villabona, her husband and child Formal Probation granted with standard terms for 36 months Balance of counts dismissed;

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	FIUMARA, MICHAEL A
	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA

05/08/2018 Bail Bond Exonerated

05/08/2018 **Sentence** (Judicial Officer: Thistlethwaite, Jamie E)
 002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

Jail Sentence

Adult Confinement

Type: *Jail

Facility: Main Adult Detention Facility

Start Date: 06/22/2018

Start Time: 7:00 PM

Term Type: Jail Term

Term: 180 Days

Comment: Total CTS: 1 day; Supervised electronic confinement; Jail alternative programs approved

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/08/2021

Status: Summarily Revoked (Inactive)

Status Date: 07/09/2019

Condition

CRIMINAL

CASE SUMMARY**CASE NO. SCR-712030-1**

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018
15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018
17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018
18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
24. Restitution Reserved, 05/08/2018, Active 05/08/2018
25. Defendant advised of right to restitution hearing, per 1214 PC (Civantes) within 90 days, 05/08/2018, Active 05/08/2018
26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
28. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018

Programs

CRIMINAL

CASE SUMMARY
CASE NO. SCR-712030-1

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

Work Release

Recommended

Order Date: 05/08/2018

Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction

BAC/Drugs: Alcohol

BAC Level 0.24

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Jail Sentence

Adult Confinement

Type: *Jail

Facility: Main Adult Detention Facility

Start Date: 06/22/2018

Start Time: 7:00 PM

Term Type: Jail Term

Term: 180 Days

Comment: Total CTS: 1 day; Supervised electronic confinement; Jail alternative programs approved

Probation

Type: Formal Probation

Start Date: 05/08/2018

Term: 36 Months

End Date: 05/08/2021

Status: Summarily Revoked (Inactive)

Status Date: 07/09/2019

Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
2. Provide two blood and saliva samples pursuant to 296 PC, for DNA Testing, 05/08/2018, Active 05/08/2018
3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018
4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018
5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018
6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018
7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018
8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018
9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018
10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018
11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018
12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018
13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018
14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018
 16. Be of good conduct and obey all laws , 05/08/2018, Active 05/08/2018
 17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018
 18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018
 19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018
 20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018
 21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018
 22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018
 23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018
 24. Restitution Reserved, 05/08/2018, Active 05/08/2018
 25. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018
 26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018
 27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018
 28. Other Orders, Driving privilege will not be restored until proof of DDP is given to DMV. Oral Watson advisement given., 05/08/2018, Active 05/08/2018

Programs

First Offender Drinking Driver Program
 Ordered
 Order Date: 05/08/2018
 Duration: 3 Months
 Work Release
 Recommended
 Order Date: 05/08/2018
 Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction
 BAC/Drugs: Alcohol
 BAC Level 0.24

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Jail Sentence

Adult Confinement

Type: *Jail
 Facility: Main Adult Detention Facility
 Start Date: 06/22/2018
 Start Time: 7:00 PM
 Term Type: Jail Term
 Term: 180 Days
 Comment: Total CTS: 1 day; Supervised electronic confinement; Jail alternative programs approved

Probation

Type: Formal Probation
 Start Date: 05/08/2018
 Term: 36 Months
 End Date: 05/08/2021
 Status: Summarily Revoked (Inactive)
 Status Date: 07/09/2019
 Condition

1. Defendant is to participate and complete programs of, assistance and counseling as directed by Probation Officer. Do not leave the program without prior written consent., 05/08/2018, Active 05/08/2018
 2. Provide two blood and saliva samples pursuant to 296 PC, for

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

DNA Testing, 05/08/2018, Active 05/08/2018

3. Defendant is to submit to warrantless search and seizure of, person, property, personal business or vehicle at any time of the day or night., 05/08/2018, Active 05/08/2018

4. Defendant is to submit to warrantless search and seizure of, residence anytime day or night and any reasonable hour of the night by any probation officer or law enforcement officer., 05/08/2018, Active 05/08/2018

5. Submit to random chemical testing as directed either, by Probation or Law Enforcement., 05/08/2018, Active 05/08/2018

6. Although not a term of probation, you will be responsible, to pay a chemical fee test in the amount of, \$9.00, 05/08/2018, Active 05/08/2018

7. Do not possess or use any alcohol, 05/08/2018, Active 05/08/2018

8. Do not possess or use controlled substances or associated, paraphernalia without a valid prescription, 05/08/2018, Active 05/08/2018

9. Do not commit a criminal offense, refuse a blood alcohol, test, or drive with any measurable amount of alcohol in blood., 05/08/2018, Active 05/08/2018

10. Stay out of places where alcohol is the primary item of sale, 05/08/2018, Active 05/08/2018

11. Do not drive without California license and insurance, in effect., 05/08/2018, Active 05/08/2018

12. Defendant referred to 3 Month First Offender Drinking, Driver Program., 05/08/2018, Active 05/08/2018

13. Enroll within 21 days and complete as directed, 05/08/2018, Active 05/08/2018

14. Seek/maintain employment or enroll in educational program, 05/08/2018, Active 05/08/2018

15. Defendant is not to own, possess, have under custody or, control any firearms or ammunition pursuant to Federal and State Law., 05/08/2018, Active 05/08/2018

16. Be of good conduct and obey all laws., 05/08/2018, Active 05/08/2018

17. Defendant ordered to report to Probation Department, today 5/8/18 after court, 05/08/2018, Active 05/08/2018

18. Pay restitution fine pursuant to 1202.4(a)(3)(b) PC, which includes a 10% Administration fee, \$330.00, 05/08/2018, Active 05/08/2018

19. Restitution fine per 1202.44 PC, suspended unless, Probation is revoked., \$300.00, 05/08/2018, Active 05/08/2018

20. Although not a condition of probation, pay a report, preparation fee of, \$890.00, 05/08/2018, Active 05/08/2018

21. Although not a condition of probation, pay a Probation, supervision fee of, \$890.00, 05/08/2018, Active 05/08/2018

22. Other Orders, Waives hearings, minimum \$25 per month each beginning 8/1/18, 05/08/2018, Active 05/08/2018

23. Pay fine of, \$2242; Administration fee \$71, 05/08/2018, Active 05/08/2018

24. Restitution Reserved, 05/08/2018, Active 05/08/2018

25. Defendant advised of right to restitution hearing, per 1214 PC (Cervantes) within 90 days., 05/08/2018, Active 05/08/2018

26. All fines, fees and/or restitution to be paid to Probation, as directed by Probation Officer., 05/08/2018, Active 05/08/2018

27. Do not drive with any alcohol in system., 05/08/2018, Active 05/08/2018

28. Other Orders. Driving privilege will not be restored until proof of DDP is given to DMV Oral Waiver advisement given , 05/08/2018, Active 05/08/2018

Programs

First Offender Drinking Driver Program

Ordered

Order Date: 05/08/2018

Duration: 3 Months

Work Release

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Recommended
Order Date: 05/08/2018
Enroll By Date: 05/18/2018

DL Conditions

Type: DUI Conviction
BAC/Drugs: Alcohol
BAC Level 0.24

05/08/2018 **Interim Condition for SANCHEZ NUNEZ, CORAIMA YARITZA** (Judicial Officer: Thistlethwaite, Jamie E Exp: 05/08/2018)

- Do not own, possess, or use any weapons or ammunition
- Although not a term of probation, you will be responsible for a fee per chemical test in the amount of:
- Report to the Jail Lobby, located in the Main Adult Detention Facility (MADF) as directed or immediately upon release
- Inform your Probation Officer as to your residence and employment and contact telephone numbers
- Make all court appearance & appointments (including intake)
- Do not possess or use any controlled substances or associated paraphernalia without a valid prescription.
- Do not possess or use any alcohol
- Submit to random chemical testing as directed either by Probation or Law Enforcement
- Defendant to submit to warrantless search and seizure of person, property, effects, business or vehicle any time of day or night.
- Do not own, possess, or use any firearms
- Do not leave Sonoma County without notifying your Probation Officer. Do not leave the State of California without Court approval.
- Be of good conduct and abide by all laws.
- Pay Pre-Trial Services fee in an amount to be determined by the Probation Department
- Defendant agrees with all terms and conditions
- Other Orders
- Wear CAM monitor for 60 days or until further order of the court. Contact CAM within 48 hours.

05/08/2018 **Release to Pretrial Services with Basic Supervision**
Disposition (Judicial Officer: Thistlethwaite, Jamie E)

05/03/2018  Defendant's Sentencing Memorandum - Filed Supplement

04/24/2018 Pretrial Release Continued

04/24/2018  **Report from Probation Officer (9:00 AM)** (Judicial Officer: Thistlethwaite, Jamie E)
Presentence
Resource: Court Reporter Simson, Luel
Resource: Courtroom Clerk Rossi, Jennifer
Resource: Location Courtroom 9

MINUTES

Pretrial Release Continued

Held;

Journal Entry Details:

Deputy District Attorney Scott Uemura is present. Defendant present Defense counsel appearing: M. Fiumara, not present, J. Milligan appearing Probation Officer is present. J. Farias Pre Trial Release continued,

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	FIUMARA, MICHAEL A
	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

SCHEDULED HEARINGS

 **Sentencing** (05/08/2018 at 9:00 AM) (Judicial Officer: Thistlethwaite, Jamie E)

Resource: Court Reporter Ferronato, Rose

Resource: Courtroom Clerk Rossi, Jennifer

Resource: Location Courtroom 9

Held

<i>Parties</i>	<i>Plaintiff</i>	<i>THE PEOPLE OF THE STATE OF CALIFORNIA</i>
<i>Present.</i>	<i>Attorney</i>	<i>FIUMARA, MICHAEL A</i>
	<i>Attorney</i>	<i>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA</i>
	<i>Defendant</i>	<i>SANCHEZ NUNEZ, CORAIMA YARITZA</i>

04/20/2018  Defendant's Sentencing Memorandum - Filed

03/12/2018  Fingerprint Form Filed

03/12/2018  Tahl Waiver - Filed

03/12/2018  **Plea** (8:30 AM) (Judicial Officer: Thistlethwaite, Jamie E)

Resource: Court Reporter Ferronato, Rose

Resource: Courtroom Clerk Rossi, Jennifer

Resource: Location Courtroom 9

MINUTES

Defendant understands and waives each right

Defendant knowingly and intelligently waives rights

 Tahl Waiver Filed

 Addendum to Tahl Waiver Filed

 Fingerprint Form Filed

Plea (Judicial Officer: Thistlethwaite, Jamie E)

002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

*No Contest

Charge #: 002 Allegation:

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Admit

Charge #: 002 Allegation: E01

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Admit

Charge #: 002 Allegation: E02

Disposition (Judicial Officer: Thistlethwaite, Jamie E)

002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

Found Guilty - Plea of Guilty/Nolo Contendere

Charge #: 002 Allegation:

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Admitted

Charge #: 002 Allegation: E01

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Admitted

Charge #: 002 Allegation: E02

Held;

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

Journal Entry Details:

Deputy District Attorney Scott Uemura is present. Defendant present Defense counsel M. Fiumara, not present, J. Milligan appearing. Watson Waiver Filed Pre Trial Release continued Defendant advised of future consequences Defendant understands and waives each right TAHL waiver filed Defendant enters a plea of No Contest to Count 2 Enhancements 23558 VC and 23538(b)(2) VC admitted Defendant stipulates to factual basis for plea, counsel's investigation Defendant knowingly, intelligently, freely, voluntarily waives rights Court finds defendant guilty People's motion to dismiss counts remaining at sentencing granted Plea per 1192.5PC, 36 months 17(b) PC after 18 months, restitution reserved, custody term to be determined by the Court Fingerprint form filed Referred to Probation Dept. for RPO re: Presentence Referred to Probation Dept. for RPO: Prop 63 Report due 4/17/18 Report to Probation today to set up interview Oral Watson advisement given Defendant is prohibited from owning, purchasing, receiving, possessing or having custody or control of any firearms, ammunition and ammunition feeding devices, including but not limited to magazines. Defendant provided with firearm relinquishment forms. Continued to 4/24/18 at 9:00am in Courtroom 9;

Held

SCHEDULED HEARINGS

 **Report from Probation Officer** (04/24/2018 at 9:00 AM) (Judicial Officer: Thistlethwaite, Jamie E)

Presentence

Resource: Court Reporter Simson, Luel
Resource: Courtroom Clerk Rossi, Jennifer
Resource: Location Courtroom 9

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	FIUMARA, MICHAEL A
	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA

03/12/2018 *Defense Counsel Concurred in Defendants Plea or Admission

03/12/2018 *Charges and Direct Consequence of Plea

03/12/2018 *Court Found Plea - Knowledgeable, Intelligently Made, Volun

03/12/2018 *Right to Confront And Cross Examine Witnesses

03/12/2018 *Privilege Against Compulsory Self-Incrimination

03/12/2018 *Right to Trial by Jury Waived

03/12/2018 **Disposition (Judicial Officer: Thistlethwaite, Jamie E)**

002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

Found Guilty - Plea of Guilty/Nolo Contendere

Charge #: 002 Allegation:

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Admitted

Charge #: 002 Allegation: E01

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Admitted

Charge #: 002 Allegation: E02

03/12/2018 **Plea (Judicial Officer: Thistlethwaite, Jamie E)**

002. DUI .08 ALCOHOL:BODLY INJ (ORIGINAL Complaint)

***No Contest**

Charge #: 002 Allegation:

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

002. GBI INJURY/DEATH MULTIPLE (ORIGINAL Complaint)

Admit

Charge #: 002 Allegation: E01

002. BAC .20 OR GREATER (ORIGINAL Complaint)

Admit

Charge #: 002 Allegation: E02

03/12/2018

 Addendum to Tahl Walver Filed

03/12/2018

Defendant knowingly and intelligently waives rights

03/12/2018

Defendant understands and waives each right

02/27/2018

Pretrial Release Continued

02/27/2018

 **Plea (8:30 AM)** (Judicial Officer: Thistlethwaite, Jamie E)

Resource: Court Reporter Ferronato, Rose

Resource: Courtroom Clerk Shields, Julia

Resource: Location Courtroom 9

MINUTES

Pretrial Release Continued

Held;

Journal Entry Details:

Deputy District Attorney Scott Uemura is present. Defendant present Defense counsel appearing: J. Milligan Pre Trial Release continued Parties stip to chain of custody for subpoenaed records Medical Records from Santa Rosa Memorial Hospital may be released to the People for copying purposes Continued to 3-12-18 @ 830am in 9;

Held

<i>Parties</i>	<i>Plaintiff</i>	<i>THE PEOPLE OF THE STATE OF CALIFORNIA</i>
<i>Present:</i>	<i>Attorney</i>	<i>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA</i>
	<i>Defendant</i>	<i>SANCHEZ NUNEZ, CORAIMA YARITZA</i>

SCHEDULED HEARINGS **Plea (03/12/2018 at 8:30 AM)** (Judicial Officer: Thistlethwaite, Jamie E)

Resource: Court Reporter Ferronato, Rose

Resource: Courtroom Clerk Rossi, Jennifer

Resource: Location Courtroom 9

Held

01/19/2018

Pretrial Release Granted

01/19/2018

Defendant arraigned on Complaint by Court /Stipulation

01/19/2018

 Complaint Filed

01/19/2018

 **Re: Complaint or Discharge (8:30 AM)** (Judicial Officer: Owen, Knoel)

Resource: Court Reporter Cooper, Ellen

Resource: Courtroom Clerk Rossi, Jennifer

Resource: Location Courtroom 9

MINUTES

Defendant arraigned on Complaint by Court /Stipulation

Pretrial Release Granted

Interim Condition for SANCHEZ NUNEZ, CORAIMA YARITZA (Judicial Officer: Owen, Knoel Exp: 05/08/2018)

- Do not own, possess, or use any weapons or ammunition

CRIMINAL

CASE SUMMARY

CASE NO. SCR-712030-1

- Although not a term of probation, you will be responsible for a fee per chemical test in the amount of:
- Report to the Jail Lobby, located in the Main Adult Detention Facility (MADF) as directed or immediately upon release
- Inform your Probation Officer as to your residence and employment and contact telephone numbers
- Make all court appearance & appointments (including intake)
- Do not possess or use any controlled substances or associated paraphernalia without a valid prescription.
- Do not possess or use any alcohol
- Submit to random chemical testing as directed either by Probation or Law Enforcement
- Defendant to submit to warrantless search and seizure of person, property, effects, business or vehicle any time of day or night.
- Do not own, possess, or use any firearms
- Do not leave Sonoma County without notifying your Probation Officer. Do not leave the State of California without Court approval.
- Be of good conduct and abide by all laws.
- Pay Pre-Trial Services fee in an amount to be determined by the Probation Department
- Defendant agrees with all terms and conditions
- Other Orders
- Wear CAM monitor for 60 days or until further order of the court. Contact CAM within 48 hours.
- Release to Pretrial Services with Basic Supervision

Held;

Journal Entry Details:

Deputy District Attorney Scott Uemura is present. Defendant present Defense counsel appearing: M. Fiumara Defense counsel is appearing generally Defense provided with copy of Complaint Defendant stipulates to arraignment Defendant waives reading of Complaint Defendant waives reading of constitutional rights Pre Trial release granted Pre Trial conditions attached Stipulation to chain of custody for medical records from Kaiser to be provided to the People Proof of self-help meetings shown to the court by counsel Bail bond remains in place Continued to 2/27/18 8:30 am Dept. 9;

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	FIUMARA, MICHAEL A
	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA

SCHEDULED HEARINGS

 **Plea** (02/27/2018 at 8:30 AM) (Judicial Officer: Thistlethwaite, Jamie E)

Resource: Court Reporter Ferronato, Rose

Resource: Courtroom Clerk Shields, Julia

Resource: Location Courtroom 9

Held

Parties	Plaintiff	THE PEOPLE OF THE STATE OF CALIFORNIA
Present:	Attorney	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA
	Defendant	SANCHEZ NUNEZ, CORAIMA YARITZA

01/19/2018

Interim Condition for SANCHEZ NUNEZ, CORAIMA YARITZA (Judicial Officer: Owen, Noel Exp: 05/08/2018)

- Do not own, possess, or use any weapons or ammunition
- Although not a term of probation, you will be responsible for a fee per chemical test in the amount of:
- Report to the Jail Lobby, located in the Main Adult Detention Facility (MADF) as directed or immediately upon release
- Inform your Probation Officer as to your residence and employment and contact telephone numbers
- Make all court appearance & appointments (including intake)
- Do not possess or use any controlled substances or associated paraphernalia without a valid prescription.

CRIMINAL

CASE SUMMARY

CASE No. SCR-712030-1

- Do not possess or use any alcohol
- Submit to random chemical testing as directed either by
Probation or Law Enforcement
- Defendant to submit to warrantless search and seizure of
person, property, effects, business or vehicle any time of day or night.
- Do not own, possess, or use any firearms
- Do not leave Sonoma County without notifying your
Probation Officer. Do not leave the State of California without Court approval.
- Be of good conduct and abide by all laws.
- Pay Pre-Trial Services fee in an amount to be determined by
the Probation Department
- Defendant agrees with all terms and conditions
- Other Orders
Wear CAM monitor for 60 days or until further order of the court. Contact CAM within 48 hours.
- Release to Pretrial Services with Basic Supervision

12/20/2017

Bail to Appear (8:30 AM) (Judicial Officer: Averill, Shelly J)

Resource: Court Reporter Martinez, Carlos
Resource: Courtroom Clerk McKinney, Erica
Resource: Location Courtroom 9

MINUTES

Held;

Journal Entry Details:

Deputy District Attorney Scott Uemura is present Defendant present Defense counsel appearing: M. Fiumara Proof of AA meetings provided to Court Continued for filing of Complaint Matter continued to 01/19/2018 at 8:30 a.m. in Courtroom 9 for Complaint;

Held

<i>Parties</i>	<i>Plaintiff</i>	<i>THE PEOPLE OF THE STATE OF CALIFORNIA</i>
<i>Present:</i>	<i>Attorney</i>	<i>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA</i>
	<i>Defendant</i>	<i>SANCHEZ NUNEZ, CORAIMA YARITZA</i>

SCHEDULED HEARINGS

Re: Complaint or Discharge (01/19/2018 at 8:30 AM) (Judicial Officer: Owen, Knoel)

Resource: Court Reporter Cooper, Ellen
Resource: Courtroom Clerk Rossi, Jennifer
Resource: Location Courtroom 9

Held

<i>Parties</i>	<i>Plaintiff</i>	<i>THE PEOPLE OF THE STATE OF CALIFORNIA</i>
<i>Present:</i>	<i>Attorney</i>	<i>FUMARA, MICHAEL A</i>
	<i>Attorney</i>	<i>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA</i>
	<i>Defendant</i>	<i>SANCHEZ NUNEZ, CORAIMA YARITZA</i>

12/12/2017

CANCELED On View (1:30 PM) (Judicial Officer: Averill, Shelly J)

Canceled due to one of the Case Flags added
Party Bailed to Appear, Cite To Appear, OR

12/11/2017

Bail Bond Filed
SV100-4873143

12/10/2017

Bond Setting
Jail Bail Setting \$100,000.00
Any

DAVID L. ANDERSON (CABN 149604)
United States Attorney
SARA WINSLOW (DCBN 457643)
Chief, Civil Division
WENDY M. GARBERS (CABN 213208)
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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL DE JESUS ZEPEDA RIVAS, <i>et al.</i> ,	)	Case No. 20-cv-02731 VC
	)	
Plaintiffs,	)	DECLARATION OF ASSISTANT FIELD
	)	OFFICE DIRECTOR DANA L. FISBURN IN
v.	)	SUPPORT OF FEDERAL DEFENDANTS'
	)	OPPOSITION TO TRO AND MOTION TO
DAVID JENNINGS, <i>et al.</i> ,	)	STAY IN LIGHT OF <i>FRAIHART</i>
	)	
Defendant.	)	

I, Dana L. Fishburn, declare as follows:

1. I am an Assistant Field Office Director (“AFOD”) with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) in the San Francisco Field Office (“ERO San Francisco”). I have held this position since October 2, 2016. Prior to this, I was a Detention Standards Compliance Officer (“DSCO”) from January 2011 to October 2016 assigned at the Yuba County Jail (“YCJ”). I am currently assigned to the Sacramento Sub-Office within the San Francisco Field Office which is responsible for oversight of the ICE Detainees held at Yuba County Jail in Marysville, California. I have worked in various other positions within ICE since 1996.

2. Among my responsibilities as the AFOD, I oversee the management of the detained docket for the aliens who are detained at YCJ. This declaration is based upon my personal and professional knowledge and information, belief, reasonable inquiry, and review of information obtained from various records, systems and databases maintained by DHS and YCJ in the regular course of business.

3. ICE is charged with removing aliens who lack lawful immigration status in the United States. Detention is an important and necessary part of immigration enforcement. The Immigration and Nationality Act (“INA”) authorizes detention of aliens pending removal under sections 235, 236, and 241 of the INA. In some cases, aliens convicted of certain crimes are subject to mandatory custody under section 236(c) of the INA and are ineligible for release from ICE custody pending completion of removal proceedings. In other cases, aliens may be detained by ICE as a matter of discretion under sections 235 and 236(a) of the INA pending removal, because they have been found to be a danger to the community and/or pose a flight risk. For aliens who have final administrative removal orders, custody is generally mandatory during the removal period under section 241(a)(2) of the INA, and once the removal period has expired custody becomes discretionary under section 241(a)(6) of the INA where release on supervision may be appropriate if there is no significant likelihood of removal in the foreseeable future.

4. To provide context for the reasons why each of the seven named Plaintiffs is in custody, ICE has conducted a preliminary review of their case histories and each follows.

Angel de Jesus Zepeda Rivas

5. Angel de Jesus Zepeda Rivas (“Zepeda”) is a 32-year old male native and citizen of El Salvador who illegally re-entered the United States after having been lawfully removed on October 4, 2007. Exhibit (“Exh.”) 1. On September 2, 2018, he was arrested for infliction of corporal injury on a spouse/cohabitant in violation of section 273.5 of the Cal. Penal Code (“CPC”). Exh. 2. No charges were filed due to victim unavailability. *Id.*

6. On November 21, 2019, ICE arrested Zepeda during a targeted fugitive operation in Oakland, California. He was taken into ICE custody and was issued a Notice of Intent to Reinstate a

prior order of removal (“Form I-871”). As he claimed fear of return to El Salvador, his case was referred for an asylum interview, and the officer found that Zepeda demonstrated a reasonable fear of return to his country. He was placed in withholding only proceedings and has a status conference before the Immigration Judge on April 24, 2020. He is currently detained at YCJ and assigned to C-Dorm. Zepeda becomes eligible for an *Aleman-Gonzalez* bond hearing in less than three weeks. *See Aleman Gonzalez v. Barr*, No. 18-16465, 2020 WL 1684034 (9th Cir. Apr. 7, 2020).

7. YCJ has provided education on COVID-19 to detainees to include the importance of handwashing, sanitizing common surfaces (including telephones before and after each use), and other health and wellness information by video for detainees. YCJ has implemented ICE COVID-19 screening protocols, including a 14-day quarantine for new book-ins, regardless if they were transferred from another detention facility or not. Due to COVID-19, detainees are no longer cleaning, instead, officers are doing this to ensure CDC guidelines are met. YCJ medical staff only allows one detainee in each room that is located six feet apart. During pill calls, a deputy is present to remind detainees not to get too close and to maintain social distance. Per protocol, YCJ medical staff clean all medical equipment between patients. YCJ has issued washable cloth masks to all detainees to wear.

8. According to the ICE Health Service Corps (“IHSC”) Field Medical Coordinator (“FMC”), at intake, Zepeda’s vital signs were within normal limits and his blood sugar levels were normal. Labs were drawn on January 7, 2020 and March 23, 2020, which showed that Zepeda’s hemoglobin were in pre-diabetic range. Labs were drawn on April 17, 2020 showed his glucose level is 86, which is within normal range. On various other dates, Zepeda was treated for headaches, allergies and flu-like symptoms, which were treated with medication and subsided. On April 16, 2020, Zepeda presented to medical with swollen feet, which YCJ medical determined was the result of untreated hypertension. He was prescribed Lisinopril (Prinivil Zestril). YCJ medical staff is regularly monitoring his blood sugar levels and his hypertension.

9. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner’s A-File or the DHS’s databases:

Exhibit 1: Warrant of Removal/Deportation (Form I-205); and

Exhibit 2: FBI Record of Arrests and Prosecutions (RAP) Sheet, Mar. 9, 2020.

Lawrence Mwaura

10. Lawrence Mwaura (“Mwaura”) is a 27-year-old native and citizen of Kenya, who entered the United States on October 20, 2002 at Atlanta, Georgia as a B-2 visitor. On June 19, 2003, an application for relief from removal was filed on his behalf, which was granted on August 8, 2003. On October 3, 2006, he was arrested for grand theft (CPC § 487(a)), but no charges were filed. Exh. 3. On February 11, 2010, Mwaura was arrested for battery on a person; the case was handled informally, and no charges were filed. *Id.* On February 2, 2011, Mwaura adjusted his status to that of a lawful permanent resident. On February 11, 2012, Mwaura was arrested for felony charges of robbery (CPC § 211), burglary (CPC § 459), and conspiracy to commit a crime. *Id.* The arrest stemmed from an armed robbery of two victims wherein Mwaura pointed a handgun at the victim demanding her purse, which he took from her person. Exh. 5. On July 20, 2012, while the robbery and burglary charges were pending, Mwaura was arrested for felony possession of concentrated cannabis. *Id.* On May 2, 2013, he was convicted of two counts of robbery in violation of CPC § 211 and sentenced to four years on the first charge and one year on the second charge, to run consecutive, for a total of a five-year term. Exh. 4. While in prison, Mwaura was charged with felony possession of drugs in prison. Exh. 3. There is no disposition for that case. *Id.*

11. On April 12, 2019, ICE officers arrested him upon his release from prison and placed him in removal proceedings by charging him with removability under section 237(a)(2)(A)(iii) of the INA, as an alien convicted of an aggravated felony. He is currently detained at YCJ and assigned to C-Dorm. Due to his aggravated felony convictions, he is subject to mandatory custody under section 236(c) of the INA. On September 6, 2019, an Immigration Judge denied all his applications for relief and ordered him removed to Kenya. On October 7, 2019, he filed an appeal with the Board of Immigration Appeals (“BIA”). On February 21, 2020, the BIA affirmed the Immigration Judge’s decision and dismissed Mwaura’s appeal. On February 25, 2020, he filed a Petition for Review (“PFR”) with the Ninth Circuit Court of Appeals, which is currently pending. On March 20, 2020, ICE received a request for humanitarian parole from his attorney citing medical conditions that may put him in at risk due to COVID-19. On March 26, 2020, his attorney was notified that his humanitarian parole request was denied due to public safety concerns.

12. YCJ has provided education on COVID-19 to detainees to include the importance of handwashing, sanitizing common surfaces (including telephones before and after each use), and other health and wellness information by video for detainees. YCJ has implemented ICE COVID-19 screening protocols, including a 14-day quarantine for new book-ins, regardless if they were transferred from another detention facility or not. Due to COVID-19, detainees are no longer doing any of the cleaning, instead, officers are doing this to ensure CDC guidelines are met. YCJ medical staff only allows one detainee in each room that is located six feet apart. During pill calls, a deputy is present to remind detainees not to get too close and to maintain social distance. Per protocol, YCJ medical staff clean all medical equipment between patients. YCJ has issued washable cloth masks to all detainees to wear.

13. According to the IHSC FMC, YCJ medical staff stated that Mwaura was previously diagnosed with Valley Fever in 2018 and prescribed Voriconazole, which he is currently taking. Labs were drawn on May 20, 2019, July 24, 2019, July 25, 2019, September 13, 2019 and November 22, 2019, which all shows that his labs are within normal limits.

14. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner's A-File or the DHS's databases:

Exhibit 3: Criminal History Report, Aug. 21, 2019;

Exhibit 4: Los Angeles County Superior Court Documents – Case #SA080009-01; and

Exhibit 5: Los Angeles County Superior Court Documents Probation Report, Mar. 19, 2012.

Luciano Gonzalo Mendoza Jeronimo

15. Luciano Gonzalo Mendoza Jeronimo ("Mendoza") is a 31-year old male native and citizen of Guatemala who illegally re-entered the United States after having been lawfully removed from the United States to Guatemala on April 24, 2009 to Guatemala. Exh. 6. On February 11, 2020, a San Francisco targeted fugitive operation located and arrested Mendoza at his residence and issued him a Notice of Intent to Reinstate his prior order of removal. As he expressed fear of returning to Guatemala, he was referred to the asylum office for a reasonable fear interview. On February 28, 2020, Stockton ERO received a request for release from custody on own recognizance, alternative to

detention, bond or humanitarian parole from his attorney. On March 2, 2020, APSO determined that Mendoza had established a reasonable fear of returning to Guatemala and referred the case to Immigration Judge for review in withholding only proceedings. On March 27, 2020, ICE informed his attorney that his parole request was denied as he is ineligible for parole since he was not an arriving alien. On April 24, 2020, his case was scheduled for a hearing on his application for relief on April 30, 2020.

16. YCJ has provided education on COVID-19 to detainees to include the importance of handwashing, sanitizing common surfaces (including telephones before and after each use), and other health and wellness information by video for detainees. YCJ is screening all staff and vendors when they enter the facilities including body temperatures. YCJ has implemented ICE COVID-19 screening protocols, including a 14-day quarantine for new book-ins, regardless if they were transferred from another detention facility or not. YCJ has added two handwashing stations within the facility to encourage and aid in recommended handwashing. Each detainee is issued a bar of soap that may be replaced when requested by the detainee. Signs are posted in the English and Spanish languages stating that if any detainee needs extra soap, that s/he should make a request and it is free. YCJ has issued washable cloth masks to all detainees to wear.

17. According to the IHSC FMC, Mendoza does not have any medical conditions.

18. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner's A-File or the DHS's databases:

Exhibit 6: Warrant of Removal/Deportation (Form I-205).

Brenda Rubi Ruiz Tovar

19. Brenda Rubi Ruiz Tovar ("Ruiz") is a 32-year-old native and citizen of Mexico, who was admitted to the United States as a lawful permanent resident on February 20, 2002 at El Paso, Texas. On July 18, 2014, she was arrested in Fresno, California for possession of methamphetamine with intent to distribute, in violation of Title 21 USC §§ 841(a)(1) and 841(b)(1)(C). On January 11, 2016, she was convicted of charges and sentenced to 36 months in federal prison.

20. On May 9, 2017, Ruiz was encountered and interviewed by an ICE officer pursuant to her incarceration at Federal Correctional Institution located in Dublin, California. She was placed in removal proceedings and charged with deportability under section 237(a)(2)(A)(iii) of the INA, as an alien convicted of an aggravated felony. Due to her aggravated felony conviction, she is subject to mandatory custody under section 236(c) of the INA. On October 3, 2018, upon completion of her criminal sentence, she was released into ICE custody. She is detained at the YCJ and currently assigned to R-Dorm. On January 29, 2019, an Immigration Judge ordered her removed to Mexico, but granted her application for the removal to be deferred; DHS appealed. On February 19, 2019, DHS filed a notice of appeal with the BIA. On July 18, 2019, BIA vacated the Immigration Judge's decision and remanded for a new decision. On September 19, 2019 the Immigration Judge again granted relief. On October 2, 2019, DHS filed a second notice of appeal with the BIA, which is currently pending. On April 1, 2020, ICE received a request for humanitarian parole from her attorney citing medical conditions that may put her at risk due to COVID-19. ICE reviewed that request and notified her attorney that the request for release was denied due to her public safety risk.

21. As of April 24, 2020, the IHSC FMC confirmed with YCJ that there have been zero suspected cases of COVID-19 and zero confirmed cases of COVID-19 at YCJ. YCJ has the capability to conduct on-site testing of COVID-19 and has to date tested two asymptomatic ICE detainees out of an abundance of caution as one of the detainees at intake claimed to have been previously quarantined in another jail due to possible exposure to someone who may have had COVID-19 prior to arriving at YCJ, and the other ICE detainee was transported with that detainee to YCJ. They were immediately quarantined for the 14-day period and monitored, did not develop any symptoms, and have been released into the general population. YCJ is utilizing a procedure known as cohorting, which is an infection-prevention strategy that involves housing detainees together who may have been exposed to disease but are asymptomatic. Cohorting is discontinued when the 14-day incubation period completes with no new cases. Due to COVID-19, detainees are no longer doing any of the cleaning, instead, officers are doing this to ensure CDC guidelines are met.

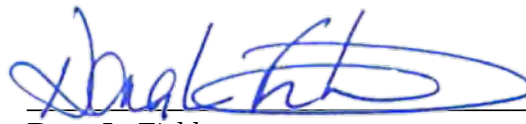
22. According to the IHSC FMC, Ruiz does not have any medical conditions. She has received treatment for toenail fungus, eczema, rash, constipation, headaches, cough and sore throat.

23. I obtained copies of the documents attached to this declaration, which are true and correct copies of documents from the above-named Petitioner's A-File or the DHS's databases:

Exhibit 7: U.S. District Court for the Eastern District of California Second Amended Judgement and Plea Agreement.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed at Sacramento, California.

Dated: April 24, 2020



Dana L. Fishburn
Assistant Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

U.S. Department of Justice
Immigration & Naturalization Service

Warrant of Removal/Deportation

File No: A [REDACTED] 415
Date: NOVEMBER 7, 2005

To any officer of the United States Department of Homeland Security:

ZEPEDA-RIVAS, ANGEL DE JESUS
(Full name of alien)

Who entered the United States at EAGLE PASS, TX On JUNE 15, 2005
(Place of entry) (Date of entry)

Is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a district director or a district director's designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge
- ☐ the United States 5th Circuit Court of Appeals

and pursuant to the following provisions of the Immigration and Nationality Act:
SECTION 212 (a)(6)(A)(i) OF THE ACT

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: the appropriation: "Salaries and Expenses, Department of Homeland Security, 2005" including the expenses of an attendant, if necessary.

Return To:
BUFFALO FEDERAL DETENTION FACILITY
4250 FEDERAL DRIVE
BATAVIA, NY 14020

ATTN: Officer: _____


MARC J. MOORE

(Signature of DHS official)
Field Office Director

(Title of DHS official)

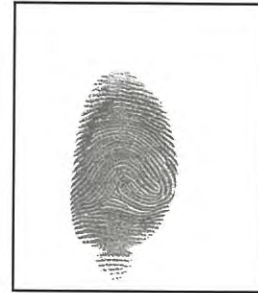
NOVEMBER 7, 2005/San Antonio, TX

(Date and office location)

To be completed by Service officer executing the warrant:

Name of alien being removed: ZEPEDA-RIVAS, ANGEL DE JESUS

Port, date, and manner of removal: HLG Airport 10-4-07 JEATS



Right index fingerprint
of alien removed

FINS No. _____

ALERT EID No. _____

EA.

Departure witnessed by:

[Signature]
(Signature and title of DHS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removed (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of DHS official)



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 1 of 6

REQUEST		
Request Message Detail	Date and Time	Seq
2L01NN60258450.QR.CAICE39T1.FBI[REDACTED].PUR/C.ATN/[REDACTED]	03/09/2020 19:13:01	60258450

RESPONSE		
Source	Date and Time	Status
III	03/09/2020 19:13:01	Unacknowledged
FL01NN60258450 CAICE39T1 THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR RECORD REQUEST FOR FBI/[REDACTED] INDIVIDUAL'S RECORD WILL BE COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES: FBI - FBI/[REDACTED] CALIFORNIA - STATE ID/CA37900930 END		

RESPONSE		
Source	Date and Time	Status
Nlets	03/09/2020 19:13:03	Unacknowledged



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 2 of 6

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CR.CAIII0000
16:13 03/09/2020 00000
16:13 03/09/2020 40213 CAICE39T1
*NN60258450
TXT
HDR/2L01NN60258450
ATN/[REDACTED]
***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number      37900930 ( )
Purpose Code         C
Attention            [REDACTED]

The information in this rap sheet is subject to the following caveats:

RESTRICTED - DO NOT USE FOR EMPLOYMENT, LICENSING, PLACEMENT OR
CERTIFICATION PURPOSES(CA; 2020-03-09)

DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED, TYPED, AND UPLOADED
INTO THE CAL-DNA DATA BANK. FOR INFO (510) 620-3300 OR
PC296.PC296@DOJ.CA.GOV

(CA; 2018-10-15)

** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE E-MAIL
PALM.PRINT@DOJ.CA.GOV(CA; 2018-09-03)

***** IDENTIFICATION *****

Subject Name(s)
RIVAS, ANGEL JESUS

Subject Description

FBI Number          State Id Number
[REDACTED]           37900930

Sex                  Race
Male                 White

Height              Weight          Date of Birth
5'04"               215                [REDACTED]

Hair Color           Eye Color
Black                Brown

Place of Birth       Citizenship      Ethnicity
EL SALVADOR          EL SALVADOR        Hispanic Or Latino

***** CRIMINAL HISTORY *****

===== Cycle 001 =====
Earliest Event Date   2018-09-02
-----
Arrest Date           2018-09-02
Arrest Case Number     0118AD5235-010BMA268
Arresting Agency       CA0010000 CAS00AKLAND
Subject's Name          RIVAS,ANGEL JESUS
Comment(s)              ARREST/DETAINED/CITED
Charge                 1
                        Statute      INFL CRPL INJ:SPOUSE/COHAB/DATE (273.5(A) PC )
                        State Offense Code 38080
                        Severity      Felony
                        Disposition   (PROS REL-DET ONLY-VIC UNAV/DECLINE TEST)

***** NON CRIMINAL INFORMATION *****

***** INDEX OF AGENCIES *****

Agency                CAS00AKLAND; CA0010000;

```

For Official Use Only / Law Enforcement Sensitive



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 3 of 6

* * * END OF RECORD * * * </NLETS>

RESPONSE

Source	Date and Time	Status
Nlets	03/09/2020 19:13:03	Unacknowledged



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 4 of 6

CR.WVFBINF00

16:13 03/09/2020 00000

16:13 03/09/2020 40211 CAICE39T1

*NN60258450

TXT

HDR/2L01NN60258450

ATN/ [REDACTED]

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number [REDACTED]

Request Id NN60258450

Purpose Code C

Attention [REDACTED]

The information in this rap sheet is subject to the following caveats:

This record is based only on the FBI number in your request-UCN:

[REDACTED] Because additions or deletions may be made at any time, a new
copy should be requested when needed for subsequent use.(US;
2020-03-09)All entries contained in this FBI record are based on fingerprint
comparisons and pertain to the same individual.(US; 2020-03-09)The use of this record is regulated by law. It is provided for official
use only and may be used only for the purpose requested.(US;
2020-03-09)

- - - - -
* FEDERAL DEOXYRIBONUCLEIC ACID (DNA) INDICATOR * * * * DNA NOT IN
CODIS - COLLECT DNA * * * *
- - - - - (US; 2020-03-09)

***** IDENTIFICATION *****

Subject Name(s)

ZEPEDA-RIVAS, ANGEL DE JESUS

RIVAS, ANGEL JESUS (AKA)

ZEPEDA RIVAS, ANGEL DE JESUS (AKA)

ZEPEDA-RIVAS, ANGEL (AKA)

Subject Description

FBI Number [REDACTED]

State Id Number
CA37900930 (CA)

Miscellaneous Numbers

[REDACTED]
17209646AR
FN

Sex

Male

Race

White

Height

5'04"

Weight

138

Date of Birth

[REDACTED]

Hair Color

Black

Eye Color

Brown

Fingerprint Pattern

LSLSLSLSLSLSLSLS (Other)

Scars, Marks, and Tattoos

Code

SC ABDOM

Description, Comments, and Images
, SCAR ON ABDOMEN

Place of Birth

El Salvador

Citizenship

El Salvador

Unknown

Fingerprint Images

Photo Images

Photo Image Available

Capture Date

2005-06-15

(No Photo Image Transmitted)

Photo Image Available

For Official Use Only / Law Enforcement Sensitive



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 5 of 6

Capture Date 2005-06-15
(No Photo Image Transmitted)
Photo Image Available
Capture Date 2019-11-21
(No Photo Image Transmitted)

***** CRIMINAL HISTORY *****

===== Cycle 001 =====
Earliest Event Date 2005-06-15

Arrest Date 2005-06-15
Arrest Case Number 34762215
Arresting Agency TXCBP9000 CBP-OBP STATION EAGLE PASS
Charge 1
Charge Literal ALIEN INADMISSIBILITY UNDER SECTION 212
Severity Unknown

Court Disposition (Cycle 001)
Court Case Number
Court Agency
Charge 1
Charge Literal 8 USC 1182 REM PROC
Disposition (REMOVED TO EL SALVADOR ON 10-4-2007)

===== Cycle 002 =====
Earliest Event Date 2007-08-17

Arrest Date 2007-08-17
Arrest Case Number 69716857
Arresting Agency NYCBP0200 DHS-CUST BOR PAT ROCHESTER
Charge 1
Charge Literal ALIEN REMOVAL UNDER SECTION 212 AND 237
Severity Unknown

Court Disposition (Cycle 002)
Court Case Number
Court Agency
Charge 1
Charge Literal ALIEN REMOVAL UNDER SECTION 212 AND 237
Disposition (BAG AND BAGGAGE)

===== Cycle 003 =====
Earliest Event Date 2019-11-21

Arrest Date 2019-11-21
Arrest Case Number 6324440239
Arresting Agency CAICE1600 ICE/ERO SAN FRAN SAN FRANCISCO
Subject's Name ZEPEDA-RIVAS, ANGEL DE JESUS
Charge 1
Charge Literal 2019-11-21 212A9CIII PREVIOUSLY ORDERED REMOVED
AND ENTERED OR ATTEMPTED TO ENTER WITHOUT BEING
ADMI
Severity Unknown
Charge 2
Charge Literal 2019-11-21 8 USC 1326 RE-ENTRY OF REMOVED ALIENS
Severity Unknown

***** INDEX OF AGENCIES *****

Agency CBP-OBP STATION; TXCBP9000;
Agency Email Address
Address 2285 DEL RIO BLVD
EAGLE PASS, TX 78852

Agency DHS-CUST BOR PAT; NYCBP0200;
Agency Email Address
Address 171 PATTONWOOD DR
ROCHESTER, NY 14617

Agency ICE/ERO SAN FRAN; CAICE1600;
Agency Email Address [REDACTED]
Address 6TH FL
630 SANSOME ST
SAN FRANCISCO, CA 94111

* * * END OF RECORD * * * </NLETS>



**U.S. Customs and Border Protection
U.S. Department of Homeland Security
NNSV Query Result**

03/09/2020 19:13 EDT

Generated By: [REDACTED]

Page 6 of 6

FROM: CLET ISN: 12096 DATE: 08/21/19 TIME: 11:24:31 RESP MSG
TO: [REDACTED] OSN: 00242 DATE: 08/21/19 TIME: 11:24:44

USERID:

T*

CR.WVFBINF00
08/21/2019 11:24 13027
08/21/2019 11:24 66252 CAICE39S0

TXT

HDR/

ATN/

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number

Request Id

Purpose Code

Attention

The information in this rap sheet is subject to the following caveats:

(US; 2019-08-21)

(US; 2019-08-21)

(US; 2019-08-21)

(US: 2019-08-21)

This record is based only on the FBI number in your request-UCN:

Because additions or deletions may be made at any time, a new copy should be requested when needed for subsequent use. (US; 2019-08-21)

All entries contained in this FBI record are based on
fingerprint
comparisons and pertain to the same individual. (US; 2019-08-21)
The use of this record is regulated by law. It is provided for

official use only and may be used only for the purpose requested.

(US; 2019-08-21)

.....

-

* FEDERAL DEOXYRIBONUCLEIC ACID (DNA) INDICATOR

*

*

+

*

1

- (US; 2019-08-21)

***** IDENTIFICATION *****

Subject Name(s)

MWAURA, LAWRENCE KURIA
 JURIA, X (AKA)
 MONIKER, JURIA (AKA)
 MWAURA, LAWRENCE (AKA)
 MWAURA, LAWRENCE K (AKA)
 MWAURA, LAWRENCE KURIN (AKA)

Subject Description

FBI Number
 [REDACTED] **State Id Number**
 CA30137959 (CA)

Social Security Number
 [REDACTED]

Miscellaneous Numbers
 [REDACTED]

Sex
 Male **Race**
 Black

Height
 5'10" **Weight**
 130 **Date of Birth**
 [REDACTED]

Hair Color
 Black **Eye Color**
 Brown **Fingerprint Pattern**
 LSLSLSLSAULSLSLSLSL (Other)

Scars, Marks, and Tattoos
Code **Description, Comments, and Images**
 TAT CHEST , TATTOO ON CHEST

Place of Birth
 Kenya **Citizenship**
 Unknown
 Kenya

Fingerprint Images

Photo Images
Available Image **Other**
Capture Date 2019-04-09 **of Birth**
 (No Photo Image Transmitted) 13-02-05
Comment:BSI: 40265063359

***** CRIMINAL HISTORY *****

Cycle 001	
Earliest Event Date	2019-04-09
Arrest Date	2019-04-09
Arrest Case Number	5682965673
Arresting Agency	CAICE3100 ICE/ERO STOCKTON
Subject's Name	MWAURA, LAWRENCE KURIA
Charge	1
Charge Literal	2019-04-09 237A2AIII AGGRAVATED FELONY: 101(A)(43)(G) THEFT OR BURGLARY OFFENSE WITH MINIMUM ONE YEAR IMPRISONMENT
Severity	Unknown
Charge	2
Charge Literal	2019-04-09 8 USC 1229A ALIEN REMOVAL UNDER

SECTION 212 AND 237

Severity Unknown

***** INDEX OF AGENCIES *****

Agency
Agency Email Address
Address

ICE/ERO STOCKTON; CAICE3100;

STOCKTON, CA 95203

* * * END OF RECORD * * *

FROM: CLET
TO: [REDACTED]
ISN: 12097 DATE: 08/21/19 TIME: 11:24:33 RESP MSG
OSN: 00243 DATE: 08/21/19 TIME: 11:24:56

USERID: [REDACTED]

I*

CR.CAIII0000
08/21/2019 11:24 13397
08/21/2019 11:24 66255 CAICE39S0

TXT

HDR/ [REDACTED]

ATN/ [REDACTED]

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

State Id Number 30137959 ()
Purpose Code C
Attention [REDACTED]

The information in this rap sheet is subject to the following caveats:

RESTRICTED - DO NOT USE FOR EMPLOYMENT, LICENSING, PLACEMENT OR
CERTIFICATION PURPOSES (CA; 2019-08-21)

DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED, TYPED, AND
UPLOADED
INTO THE CAL-DNA DATA BANK. FOR INFO (510) 620-3300

***** (CA; 2012-11-26)
** PALM PRINT ON FILE AT DOJ FOR ADDITIONAL INFORMATION PLEASE
E-MAIL
PALM.PRINT@DOJ.CA.GOV (CA; 2010-07-01)

***** IDENTIFICATION *****

Subject Name(s)

MWAURA, LAWRENCE KURIA
MONIKER, JURIA (AKA)
MWAURA, LAWRENCE (AKA)
MWAURA, LAWRENCE KURIN (AKA)

Subject Description

FBI Number [REDACTED] State Id Number 30137959 DOC Number CDC-AR01093

Driver's License Number
D6325901 ()

Sex Male Race Black

Height [REDACTED] Weight [REDACTED] Date of Birth [REDACTED]

6'00" 160 [REDACTED]

Hair Color Black
Eye Color Brown

Scars, Marks, and Tattoos

Code Description, Comments, and Images
TAT CHEST

Place of Birth KENYA
Citizenship KENYA
Ethnicity Black Or African American

Employment Occupation COLLECTOR
Employer
Occupation STUDENT
Employer

***** CRIMINAL HISTORY *****

===== Cycle 001 =====
Earliest Event Date 2009-04-24

Arrest Date 2009-04-24
Arrest Case Number 1886621-33002200
Arresting Agency CA0194207 CAPDLA WILSHIRE DIV REC
Subject's Name MWAURA, LAWRENCE KURIA
Comment(s) ARREST/DETAINED/CITED
Comment(s) PHOTO AVAILABLE
Charge 1
Charge Description REL PET REQ
Statute GRAND THEFT:MONEY/LABOR/PROP (487(A) PC)
State Offense Code 23132
Severity Felony
Disposition (2009-04-24; RELEASED TO PARENT/GUARD)

===== Cycle 002 =====
Earliest Event Date 2009-05-05

Arrest Date 2009-05-05
Arrest Case Number 90505P5190
Arresting Agency CA0194200 CAPDLOS ANGELES
Subject's Name MWAURA, LAWRENCE KURIA
Comment(s) ARREST/DETAINED/CITED
Charge 1
Statute NO ARREST RECEIVED
State Offense Code 00001
Severity Other
Charge 2
Statute GRAND THEFT:MONEY/LABOR/PROP (487(A) PC)
State Offense Code 23157
Severity Misdemeanor
Disposition (RELEASED/HANDLED INFORMALLY)

===== Cycle 003 =====
Earliest Event Date 2010-02-11

Arrest Date 2010-02-11
Arrest Case Number 00211P5190
Arresting Agency CA0190000 CASOLOS ANGELES

Subject's Name MWAURA, LAWRENCE KURIA
 Comment(s) ARREST/DETAINED/CITED
 Charge 1
 Statute NO ARREST RECEIVED. ()
 State Offense Code 00001
 Severity Other
 Charge 2
 Statute BATTERY ON PERSON (242 PC)
 State Offense Code 13048
 Severity Misdemeanor
 Disposition (RELEASED/HANDLED INFORMALLY)
 Cycle 004

Earliest Event Date 2012-02-11

Arrest Date 2012-02-11
 Arrest Case Number 3047371-33002200
 Arresting Agency CA0196500 CAPDSANTA MONICA
 Subject's Name MWAURA, LAWRENCE KURIA
 Comment(s) ARREST/DETAINED/CITED
 Comment(s) PHOTO AVAILABLE
 Charge 1
 Statute ROBBERY (211 PC)
 State Offense Code 12004
 Severity Felony
 Charge 2
 Statute BURGLARY (459 PC)
 State Offense Code 22004
 Severity Felony
 Charge 3
 Statute CONSPIRACY: COMMIT CRIME (182(A)(1) PC)
 State Offense Code 46028
 Severity Felony

Court Disposition (Cycle 004)
 Court Case Number XWESA08000901
 Final Disposition Date 2013-05-02
 Court Agency CA019293J CASCLOS ANGELES S MONICA
 Subject's Name MWAURA, LAWRENCE KURIA
 Charge 1
 Statute ROBBERY (211 PC)
 State Offense Code 12004
 Severity Unknown
 Disposition (DISMISSED/FOJ/PLEA TO OTHER CHARGE)
 Charge 2
 Statute GET CREDIT/ETC:USE OTHER'S ID (530.5(A) PC)
 State Offense Code 44050
 Severity Unknown
 Disposition (DISMISSED/FOJ/PLEA TO OTHER CHARGE)
 Charge 3
 Statute BURGLARY (459 PC)
 State Offense Code 22004
 Severity Unknown
 Disposition (DISMISSED/FOJ/PLEA TO OTHER CHARGE)
 Charge 4
 Statute BURGLARY (459 PC)
 State Offense Code 22004
 Severity Unknown
 Disposition (DISMISSED/FOJ/PLEA TO OTHER CHARGE)
 Charge 5
 Statute POSSESS CONCENTRATED CANNABIS (11357(A) HS)

State Offense Code 35179
 Severity Unknown
 Disposition (DISMISSED/FOJ/PLEA TO OTHER CHARGE)
 Charge 6
 Statute ROBBERY (211 PC)
 State Offense Code 12004
 Severity Felony
 Disposition (CONVICTED COMMITTED TO PRISON)
 Charge 7
 Statute ROBBERY (211 PC)
 State Offense Code 12004
 Severity Felony
 Disposition (CONVICTED COMMITTED TO PRISON)
 Court Comment (2013-05-02) CONDITION OF PROB-FIREARM
 RESTRICTION
 Court Comment CONVICTION CERTIFIED BY JOHN A CLARKE, EXECUTIVE
 OFFICER CLERK, CASCLOS ANGELES S MONICA
 Court Comment COURT ACTION
 Court Comment FOR CERT INFO SEE AUTOMATED ARCHIVE SYS

 Sentencing (Cycle 004)
 Sentence 001 YEARS PRISON

Sentencing (Cycle 004)
 Sentence 004 YEARS PRISON

===== Cycle 005 =====
 Earliest Event Date 2012-07-20

Arrest Date 2012-07-20
 Arrest Case Number 3237266-33002200
 Arresting Agency CA0190009 CASOLA WEST HOLLYWOOD
 Subject's Name MWAURA, LAWRENCE
 Comment(s) ARREST/DETAINED/CITED
 Comment(s) PHOTO AVAILABLE
 Charge 1
 Statute ROBBERY (211 PC)
 State Offense Code 12004
 Severity Felony
 Charge 2
 Statute POSSESS CONCENTRATED CANNABIS (11357(A) HS)
 State Offense Code 35179
 Severity Felony

===== Cycle 006 =====
 Earliest Event Date 2013-08-22

Sentencing (Cycle 006)
 Sentence 005 YEARS PRISON

Sentencing (Cycle 006)
 Sentence 005 YEARS PRISON

 Corrections (Cycle 006)
 Supervision Date 2013-08-22
 Corrections Agency CA015045C CASDCORR DELANO
 Subject's Name MWAURA, LAWRENCE KURIA
 Supervision Case Number AR1093
 Correction Action CDC CUSTODY
 Charge 1
 Statute ROBBERY: SECOND DEGREE (212.5(C) PC)
 State Offense Code 12036

Severity Unknown
 Charge 2
 Statute ROBBERY:SECOND DEGREE (212.5(C) PC)
 State Offense Code 12036
 Severity Unknown
 Correction Comment CDC CUSTODY
 Correction Comment CRT CASE SA08000901

===== Cycle 007 =====

Earliest Event Date 2015-10-14-----

Sentencing (Cycle 007)
 Sentence 003 YEARS PRISON

 Corrections (Cycle 007)
 Supervision Date 2015-10-14
 Corrections Agency CA039015C CASDCORR TRACY
 Subject's Name MWAURA,LAWRENCE KURIA
 Supervision Case Number AR1093
 Correction Action CDC CUSTODY
 Charge 1
 Charge Description CS CASE NBR SA080009
 Statute POSSESS DRUGS/ETC IN PRISON/JAIL/ETC (4573.8 PC)
 State Offense Code 35287
 Severity Unknown
 Correction Comment CDC CUSTODY
 Correction Comment CRT CASE 16CR10733

===== Cycle 008 =====

Earliest Event Date 2016-03-25-----

Arrest Date 2016-03-25
 Arrest Case Number 560039919
 Arresting Agency CA0110000 CASOWILLOWS
 Subject's Name MWAURA,LAWRENCE KURIN
 Comment(s) ARREST/DETAINED/CITED
 Comment(s) WARRANT 16NCR107333
 Charge 1
 Statute POSSESS DRUGS/ETC IN PRISON/JAIL/ETC (4573.8 PC)
 State Offense Code 35287
 Severity Felony

***** NON CRIMINAL INFORMATION *****

***** INDEX OF AGENCIES *****

Agency CASOWILLOWS; CA0110000;

 Agency CASDCORR DELANO; CA015045C;

 Agency CASOLOS ANGELES; CA0190000;

 Agency CASOLA WEST HOLLYWOOD; CA0190009;

 Agency CAPDLOS ANGELES; CA0194200;

Agency CAPDLA WILSHIRE DIV REC; CA0194207;

Agency CAPDSANTA MONICA; CA0196500;

Agency CASDCORR TRACY; CA039015G;

Agency CASCLOS ANGELES S MONICA; CA019293J;

* * * END OF RECORD * * *

OK'D TO GO S/W NOTED

AUG 15 2013 MW

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - DETERMINATE
[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: L.A., WEST DISTRICT COURT, ID # 190011								
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: LAWRENCE KURIA MWAURA						SA080009-01 -A		
AKA:						-B		
CII NO.: A30137959						-C		
BOOKING NO.: 3237266			-D					
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT			☐ AMENDED ABSTRACT					
DATE OF HEARING 05-02-13		DEPT. NO. LXD		JUDGE KATHERINE MADER				
CLERK GATANYA JONES		REPORTER TRACI THOMAS		PROBATION NO. OR PROBATION OFFICER X-2088057 ☐ IMMEDIATE SENTENCING				
COUNSEL FOR PEOPLE KARINE C. FONG, DA				COUNSEL FOR DEFENDANT ARNA ZLOTNIK, BPA ☒ APPTD.				

1. Defendant was convicted of the commission of the following felonies:

- ☐ Additional counts are listed on attachment
 (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (date to term)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA								YRS.	MOS.
01	PC	211**	2 ND DEGREE ROBBERY	2012	05-02-13			X	M							4	
06	PC	211	ROBBERY	2012	05-02-13			X	M			X				1	

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

4. ☐ Deft. sentenced per: ☐ PC 667(b)-(i) or PC 1170.12 (two strikes) ☐ PC 1170(a)(3). Pre-confinement credits equal or exceed time imposed. (Paper Commitment.) Deft. ordered to report to local Parole Office upon release.

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES:

7. ☐ Additional indeterminate term (see CR-292).

8. TOTAL TIME EXCLUDING COUNTY JAIL TERM: 5

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

PEOPLE OF THE STATE OF CALIFORNIA vs.

DEFENDANT: LAWRENCE KURIA MWAURA

SA080009-01

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fine(s):

Case A: \$280.00 per PC 1202.4(b) forthwith per PC 2085.5; \$280.00 per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.

Case B: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.

Case C: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.

Case D: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.
 \$ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

Case A: \$280.00 ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

Case B: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

Case C: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

Case D: \$ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

☐ * Victim name(s), if known, and amount breakdown in item 11, below. ☒ * Victim names(s) in probation officer's report.

c. Fine(s):

Case A: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case B: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case C: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case D: \$ per PC 1202.5. \$ per VC 23550 or days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ \$50 Lab Fee per HS 11372.5(a) ☐ \$ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

d. Court Security Fee: \$80.00 per PC 1465.8.

e. Criminal Conviction Assessment: \$60.00 per GC 70373.

10. TESTING a. ☒ Compliance with PC 296 verified b. ☐ AIDS per PC 1202.1 c. ☐ other (specify):

11. Other orders (specify):

THE COURT RECOMMENDS FIRE CAMP FOR THE DEFENDANT.

12. IMMEDIATE SENTENCE:

☐ Probation to prepare and submit
 Post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin: BLACK

13. EXECUTION OF SENTENCE IMPOSED:

- a. ☒ at initial sentencing hearing.
- b. ☐ at resentencing per decision on appeal.
- c. ☐ after revocation of probation.
- d. ☐ at resentencing per recall of commitment. (PC1170(d).)
- e. ☐ other (specify):

14. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	364	317	47 ☐ 4019 ☐ 2933.1
B			☐ 4019 ☐ 2933.1
C			☐ 4019 ☐ 2933.1
D			☐ 4019 ☐ 2933.1
Date Sentence Pronounced:		Time Served in State Institution:	
05-02-13		DMH	CDCR CRC
		()	() ()

15. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.
 To be delivered to ☒ the reception center designated by the director of the California Department of Corrections and Rehabilitation.
☐ other (specify):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

C. HERRERA

DATE

06-12-13

NOT FOR PUBLIC RELEASE**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES****PROBATION OFFICER'S REPORT**

THE PEOPLE OF THE STATE OF CALIFORNIA,

REPORT SEQUENCE NO.: 1

vs

Plaintiff

LAWRENCE KURIA MWAURA

Defendant

ADDRESS PRESENT

[REDACTED]

BIRTH DATE	GENDER	ETHNICITY
[REDACTED]	MALE	BLACK
DRIVER'S LICENSE - EXPIRATION DATE: D6325901 02/05/2016		
PROBATION NO.	SID NO.	MAIN NO.
X- 2088057	A30137959	33002200
CITIZENSHIP STATUS: CITIZEN		
ALIEN REGISTRATION NO.:		
ESTIMATED DAYS IN JAIL THIS CASE: 21 BOOKING NO.: 3047371		
CUSTODY STATUS: RELEASED ON BOND		
RELEASE DATE: 03/02/2012		

HEARING DATE 03/19/2012	COURT-DEPT/DIV LX - D	COURT CASE NO./DEF. ID SA080009-01
JUDGE MADER	ATTORNEY BLAIR	PROSECUTOR HOULE
DPO AVERY, A25	AREA OFFICE SM	

PRE-CONVICTION (PC 1203.7) REPORT**RECOMMENDATION:**

☐ PROBATION	☐ CDCR-DIV OF JUVENILE JUSTICE
☒ DENIAL	☐ DIAGNOSTIC STUDY
☐ COUNTY JAIL	☐ WIC707.2
☒ STATE PRISON	☐ PC1203.03
☐ OTHER: _____	☐ 730 EC

PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)
 COUNT 01 & 02: 211 PENAL CODE (SECOND DEGREE ROBBERY)
 COUNT 03: 530.5(A) PENAL CODE (IDENTITY THEFT)
 COUNT 04 & 05: 459 PENAL CODE (SECOND DEGREE COMMERCIAL BURGLARY)

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)
 MATTER REFERRED PER 1203.7 PENAL CODE

CONVICTED BY N/A	DATE OF REFERRAL 03/05/2012	COUNT(S) CONTINUED TO P&S UNKNOWN
PROPOSED PLEA AGREEMENT UNKNOWN	SOURCES OF INFORMATION DA'S PACKAGE	
DATE(S) OF OFFENSE 02/11/2012	TIME(S) VARIOUS	
DEFENDANT: ☒ N/A ☐ SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE (SEE PRIOR ☐ ON FORMAL/SUMMARY PROBATION ☐ PENDING NEW CASE _____ RECORD ☐ PENDING PROBATION VIOLATION ☐ ON PAROLE - REMAINING TIME SECTION)		HOLDS/WARRANTS ☒ NO ☐ YES

PRESENT OFFENSE:
(CONTINUED)

SOURCES OF INFORMATION (THIS PAGE)

☒ POLICE REPORT (S) ☒ DISTRICT ATTORNEY
☐ COURT RECORDS ☐ OTHER:

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
02/11/2012	2000 HRS	LAWRENCE MWAURA	211 PC	LA BREA AND 8 TH STR	SANTA MONICA POLICE DEPT.

CO-DEFENDANT(S)	COURT CASE NO.	DISPOSITION
R [REDACTED] C [REDACTED]	[REDACTED]	PRELIMINARY HEARING ON 032812 IN AIRPORT DPT 142

ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

IT IS ALLEGED THAT ON 02/11/12, AT APPROXIMATELY 0020 HOURS, AN ARMED ROBBERY OCCURRED IN THE 200 BLOCK OF BICKNELL AVE IN SANTA MONICA. THE SUSPECTS IN THE ROBBERY WERE DESCRIBED AS A MALE BLACK IN HIS 20'S AND A MALE ASAIN.

IT IS ALLEGED THAT VICTIMS G [REDACTED] AND M [REDACTED] WERE WALKING FROM THE "BASEMENT TAVERN" TO M [REDACTED]'S RESIDENCE. G [REDACTED] AND M [REDACTED] WERE WALKING EAST BOUND ON THE SIDEWALK OF BICKNELL AVENUE FROM MAIN STREET. G [REDACTED] STATED THAT SHE AND M [REDACTED] WERE TALKING AND NOT PAYING ATTENTION TO THEIR SURROUNDINGS. THEY COMMONLY WALK FROM HIS RESIDENCE TO MAIN STREET AND FELT SAFE WALKING IN THE NEIGHBORHOOD. AS THEY WALKED EAST BOUND ON THE SIDEWALK TO THE FRONT OF 212 BICKNELL AVENUE (APPROX), G [REDACTED] OBSERVED THE DEFENDANT (MWAURA) WALKING WEST BOUND ON THE SIDEWALK OF BICKNELL AVENUE APPROACHING THEM FROM APPROXIMATELY 10 FEET. AS THE DEFENDANT CLOSED THE DISTANCE HE SPONTANEOUSLY BLURTED OUT, "GIVE ME YOUR STUFF!" G [REDACTED] STATED THAT SHE WAS STUNNED AND THOUGHT THAT THE DEFENDANT WAS JOKING. WHEN NEITHER G [REDACTED] NOR M [REDACTED] COMPLIED, THE DEFENDANT PRODUCED A HANDGUN THAT HE WAS HOLDING IN HIS RIGHT HAND. THE DEFENDANT POINTED THE HANDGUN CHEST

1 HIGH AT G [REDACTED] FROM A DISTANCE OF 2-3 FEET AND STATED, "GIVE ME YOUR PURSE!" FEARING FOR HER
 2 SAFETY, G [REDACTED] IMMEDIATELY HANDED THE DEFENDANT HER PURSE THAT SHE WAS HOLDING UNDERNEATH
 3 HER RIGHT ARM. THE DEFENDANT REACHED OUT WITH HIS LEFT HAND AND ACQUIRED THE PURSE. THE
 4 DEFENDANT THEN DIRECTED HIS ATTENTION TO M [REDACTED] AND STATED, "GIVE ME YOUR PHONE!"
 5 M [REDACTED] TOLD THE DEFENDANT THAT HE DIDN'T HAVE A PHONE. THE DEFENDANT USED THE MUZZLE OF
 6 THE HANDGUN TO POKE M [REDACTED] IN THE CHEST SEVERAL TIMES WHILE HE REPEATLY ASKED FOR
 7 M [REDACTED]'S CELL PHONE. FEARING FOR M [REDACTED]'S SAFETY, G [REDACTED] TOLD M [REDACTED], "JUST GIVE HIM
 8 YOUR PHONE J [REDACTED]" WHILE THE DEFENDANT WAS CONTACTING M [REDACTED], G [REDACTED] NOTICED A SECOND
 9 UNKNOWN SUSPECT APPEARED IN THE ROADWAY NEAR THE SOUTH CURB LINE OF BICKNELL AVENUE. G [REDACTED]
 10 WASN'T SURE WHERE THE SUSPECT CAME FROM AND ONLY RECALLED HIM STANDING NEXT TO A VEHICLE
 11 PARKED ALONG THE CURB LINE WHERE THEY WERE STANDING. THE UNKNOWN SUSPECT HAD HIS RIGHT
 12 HAND IN THE FRONT POCKET OF THE HOODED SWEATSHIRT HE WAS WEARING AND APPEARED TO BE
 13 SIMULATING THAT HE WAS HOLDING A HANDGUN INSIDE HIS POCKET. G [REDACTED] NEVER RECALLED HEARING THE
 14 UNKNOWN SUSPECT SAY ANYTHING DURING THE COURSE OF THE INCIDENT. AFTER THE DEFENDANT
 15 OBTAINED M [REDACTED]'S CELL PHONE, BOTH THE DEFENDANT AND UNKNOWN SUSPECT TURNED AND
 16 CASUALLY WALKED EAST BOUND ON THE SIDEWALK. G [REDACTED] AND M [REDACTED] IMMEDIATELY TURNED
 17 AROUND AND BEGAN WALKING WEST BOUND ON THE SIDEWALK AWAY FROM THE DEFENDANT AND
 18 SUSPECT. ONCE G [REDACTED] AND M [REDACTED] REACHED MAIN STREET THEY WERE ABLE TO HAIL A CAB AND USE
 19 THE CAB DRIVER'S CELL PHONE TO CALL "911."

20 ON 02/11/12, AT APPROXIMATELY 0056 HOURS, A FEMALE SUBJECT (CO-
 21 DEFENDANT C [REDACTED]) WAS CAPTURED ON SURVEILLANCE VIDEO AT ALBERTSONS USING THE STOLEN
 22 CREDIT/DEBIT CARD. THE CO-DEFENDANT WAS IDENTIFIED AS R [REDACTED] C [REDACTED] BY HER CALIFORNIA
 23 DRIVERS LICENSE WHICH THE CASHIER REQUIRED TO COMPLETE THE TRANSACTION. THE CO-DEFENDANT
 24 WAS ACCOMPANIED BY A MALE BLACK (DEFENDANT KWAURA) WHO MATCHED THE DESCRIPTION OF THE
 25 SUSPECT FROM THE ROBBERY. THE DEFENDANT AND CO-DEFENDANT WERE CAPTURED ON VIDEO EXITING
 26 THE STORE AND ENTERING THE CO-DEFENDANT'S VEHICLE WHICH MATCHED THE DESCRIPTION OF THE GET-
 27 AWAY VEHICLE IN THE ROBBERY. BASED ON THE FACT THAT THE VEHICLE MATCHED THE GET-AWAY
 28 VEHICLE USED IN THE ROBBERY AND THE VEHICLE BEING DRIVEN BY A THIRD SUSPECT THAT WAS NEVER

1 SEEN DURING THE COMMISSION OF THE ROBBERY, AND THE CO-DEFENDANT BEING IN POSSESSION OF A
2 CREDIT/DEBIT CARD TAKEN DURING THE ROBBERY, PROBABLE CAUSE EXISTS TO BELIEVE THAT THE CO-
3 DEFENDANT WAS THE DRIVER OF THE VEHICLE AND A NCIC "WANT" WAS PLACED IN THE SYSTEM FOR
4 C [REDACTED] AND HER VEHICLE FOR 211 PC AND 459 PC.

5 ON 02/11/12, AT APPROXIMATELY 2000 HOURS, LAPD OFFICERS OBSERVED A
6 VEHICLE IN THE AREA OF LA BREA 8TH STREET IN THE CITY OF LOS ANGELES. BELIEVING THAT THE VEHICLE
7 WAS SUSPICIOUS IN NATURE, OFFICERS RAN THE LICENSE PLATE AND DISCOVERED THE NCIC "WANT" THAT
8 WAS PLACED IN THE SYSTEM FOR CO-DEFENDANT C [REDACTED] AND THE VEHICLE. OFFICERS CONDUCTED A
9 TRAFFIC STOP ON THE VEHICLE. THE VEHICLE WAS BEING DRIVEN BY A MALE BLACK SUBJECT LATER
10 IDENTIFIED AS (DEFENDANT MWAURA). CO-DEFENDANT C [REDACTED] WAS IN THE FRONT PASSENGER SEAT AND
11 SUBSEQUENTLY TAKEN INTO CUSTODY FOR THE NCIC "WANT". DEFENDANT MWAURA WAS SUBSEQUENTLY
12 ALLOWED TO DRIVE THE CO-DEFENDANT'S VEHICLE TO THE LAPD WILSHIRE DIVISION STATION AND PARK
13 THE VEHICLE. AFTER OFFICERS LEARNED THAT THE NCIC "WANT" WAS ALSO FOR THE VEHICLE AS WELL AS
14 THE CO-DEFENDANT, THEY ARRESTED DEFENDANT MWAURA AND TOOK POSSESSION OF THE VEHICLE ONCE
15 HE ARRIVED AT THE STATION.

16 ON 02/11/12, AT APPROXIMATELY 2056 HOURS, OFFICERS WERE ADVISED THAT
17 THE DEFENDANT AND CO-DEFENDANT WERE IN CUSTODY. UPON THEIR ARRIVAL THEY MADE CONTACT
18 WITH DEFENDANT MWAURA AND DETERMINED THAT HE APPEARED TO BE THE SAME MALE BLACK SUBJECT
19 CAPTURED ON VIDEO IN ALBERTSONS WITH CO-DEFENDANT C [REDACTED] DURING THE FRAUDULENT
20 TRANSATIONS THAT WERE MADE WITH THE STOLEN CREDIT/DEBIT CARD. BASED ON THE FACT THAT
21 MWAURA MATCHED THE DESCRIPTION OF THE ROBBERY SUSPECT AND THE FACT THAT MWAURA WAS
22 CAPTURED ON VIDEO WITH CO-DEFENDANT C [REDACTED] USING THE CREDIT/DEBIT CARD THAT WAS TAKEN IN
23 THE ROBBERY, DEFENDANT MWAURA WAS PLACED UNDER ARREST FOR 211 PC AND 459 PC. BOTH
24 DEFENDANT AND CO-DEFENDANT WERE TRANSPORTED TO THE SANTA MONICA POLICE DEPARTMENT JAIL
25 FOR BOOKING. UPON SEARCH OF THE DEFENDANTS VEHICLE, OFFICERS FOUND A BLACK SEMI-AUTO
26 HANDGUN ON THE FRONT RIGHT PASSENGER'S FLOOR BOARD. DEFENDANT MWAURA WAS BOOKED FOR 211
27 PC, 459 PC AND 182(A)(1) PC.

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VICTIM:

SOURCES OF INFORMATION (THIS PAGE)

☐ POLICE REPORT (S) ☐ DISTRICT ATTORNEY
☒ VICTIM(S) ☐ OTHER:

NAME

A [REDACTED] G [REDACTED]

COUNT(S)

1

INJURY: PROPERTY LOSS (TYPE / COST / ETC.)

WHITE I-PHONE 4S VALUED AT \$600; PINK PHONE CASE VALUED AT \$40; MAKE-UP VALUED AT \$20; PURSE VALUED AT \$20; CA ID CARD REPLACEMENT VALUE \$25; COVER & SCREEN PROTECTOR ON PHONE VALUED AT \$48.56; NOTARIZED STATEMENT \$10.50; AND INSURANCE DEDUCTIBLE \$200. TOTAL LOSS \$964.06.

LOSS: ☒ YES ☐ NO

ESTIMATED LOSS

\$964.06

RESTITUTION ALREADY MADE

NO

APPLIED FOR VICTIM RESTITUTION FUND

☐ UNK ☐ YES ☒ NO

VICTIM STATEMENT:

ACCORDING TO VICTIM G [REDACTED] SHE STATED THAT SHE NOW LIVES WITH ANXIETY AND HAS NIGHTMARE ABOUT HAVING A GUN IN HER FACE. FURTHER, SHE STATED THAT THIS INCIDENT HAS CAUSED HER EMOTIONAL DISTRESS AND INCONVENIENCE. FURTHERMORE, SHE STATED THAT SHE IS LOOKING INTO SEEKING THERAPY. IN REGARDS TO SENTENCING, SHE STATED THAT THE DEFENDANT SHOWED NO REGARD FOR HUMAN LIFE. MOREOVER, THE CRIME WAS UNPROVOKED. SHE STATED SHE WANTS TO THE DEFENDANT TO PAY RESTITUTION, SERVE SOME JAIL TIME AND LEARN A LESSON.

RESTITUTION

TOTAL NUMBER OF VICTIMS

4

ESTIMATED LOSS TO ALL VICTIMS

UNDETERMINED

VICTIM(S) NOTIFIED OF HEARING PURSUANT TO PC 1191.1

☒ YES ☐ NO ☐ NOTIFIED BY MAIL /I/O

DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION:

☐ YES ☐ NO ☒ UNKNOWN (NOT INTERVIEWED)

INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO.

UNKNOWN

☒ ADDITIONAL VICTIM NEXT PAGE

1 ADDITIONAL VICTIMS:

SOURCES OF INFORMATION (THIS PAGE)

2 ☐ POLICE REPORT ☐ DISTRICT ATTORNEY ☒ VICTIM(S)3 ☐ OTHER:

4 NAME

J [REDACTED] M [REDACTED]

COUNT(S)

2 & 3

5 INJURY: PROPERTY LOSS (TYPE / COST / ETC.)

6 BLACKLEATHER WALLET VALUED AT \$50; CASH AMOUNT \$60; CA ID CARD REPLACEMENT VALUED AT \$25;
7 GILD CARD (BANADA REPUBLIC VALUE \$50; I-PHONE 4S REPLACEMENT VALUE \$825; AND I-PHONE CASE
8 VALUED AT \$30. TOTAL LOSS \$1040.00.9 LOSS: ☒ YES ☐ NOESTIMATED LOSS
\$1040.00RESTITUTION ALREADY MADE
NOAPPLIED FOR VICTIM RESTITUTION FUND
☐ UNK ☐ YES ☒ NO

10 VICTIM STATEMENT:

11 ACCORDING TO THE VICTIM M [REDACTED], HE STATED THAT THIS INCIDENT HAS
12 BEEN A TRAMATIC EXPERIENCE FOR HIM. FURTHER, HE STATED THAT EVERYDAY WHEN HE PASSES THE
13 CRIME SCENE IN HIS NEIGHBORHOOD IT IS A CONSTANT REMINDER OF HIMSELF AND HIS GIRLFRIEND
14 BEING ROBBED AT GUN POINT. FURTHERMORE, HE STATED THAT THE DEFENDANT'S DIDN'T APPEAR TO
15 BE WORRIED ABOUT BEING CAUGHT DURING THE ROBBERY. MOREOVER, THE DEFENDANT HAD A
16 SINISTER DARK CHARACTER AND A CHILLING DEMENOR WITH NO REGARD FOR HUMAN LIFE OR
17 PROPERTY. IN REGARDS TO SENTENCING, THE VICTIM STATED THAT THE DEFENDANT IS DESERVING OF
18 TIME IN CUSTODY AND REPAYMENT OF RESTITUTION.

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23 VICTIM NOTIFIED PURSUANT TO 1191.1 PC.

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ADDITIONAL VICTIMS:**SOURCES OF INFORMATION (THIS PAGE)**☐ POLICE REPORT ☐ DISTRICT ATTORNEY ☒ VICTIM(S)☐ OTHER:

NAME CVS PHARMACY		COUNT(S) 4	
INJURY: PROPERTY LOSS (TYPE / COST / ETC.) \$77.32 TOTAL REVERSED CHARGE			
LOSS: ☒ YES ☐ NO	ESTIMATED LOSS \$77.32	RESTITUTION ALREADY MADE NO	APPLIED FOR VICTIM RESTITUTION FUND ☐ UNK ☐ YES ☒ NO

VICTIM STATEMENT:

ACCORDING TO STORE MANAGER M [REDACTED] F [REDACTED] OF THE CVS PHARMACY LOCATED AT 8985 VENICE BLVD., LOS ANGELES, CA 90034, THE STORE SUFFERED A LOSS OF \$77.32 AS A RESULT OF THE DEFENDANT'S FRAUDENT DEBIT CARD PURCHASE ON 02/11/12 @ 0042 HOURS. IN TERMS OF SENTENCING, MR. F [REDACTED] STATED HE WILL LEAVE THAT TO THE COURTS DISCRETION.

VICTIM NOTIFIED PURSUANT TO 1191.1 PC.

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ADDITIONAL VICTIMS:**SOURCES OF INFORMATION (THIS PAGE)**☐ POLICE REPORT ☐ DISTRICT ATTORNEY ☒ VICTIM(S)☐ OTHER:NAME
ALBERTSON'S MARKETCOUNT(S)
5INJURY: PROPERTY LOSS (TYPE / COST / ETC.)
\$191.74LOSS: ☒ YES ☐ NOESTIMATED LOSS
\$191.74RESTITUTION ALREADY MADE
NOAPPLIED FOR VICTIM RESTITUTION FUND
☐ UNK ☐ YES ☒ NO**VICTIM STATEMENT:**

ACCORDING TO STORE MANAGER E. R. [REDACTED] AND LOSS PREVENTION OFFICER M. A. [REDACTED] FROM THE ALBERTSONS LOCATED AT 8985 VENICE BLVD., LOS ANGELES CA, 90034, THE STORE SUFFERED A LOSS OF \$191.74 AS A RESULT OF THE DEFENDANT'S FRAUDENT DEBIT CARD PURCHASE ON 02/11/12 @ 0052 HOURS. IN TERMS OF SENTENCING, BOTH STORE MANAGER R. [REDACTED] AND LOSS PREVENTION AGENT A. [REDACTED] STATED THEY WILL LEAVE THAT TO THE COURTS DISCRETION.

VICTIM NOTIFIED PURSUANT TO 1191.1 PC.

1 PRIOR RECORD:

SOURCES OF INFORMATION (THIS PAGE)

☒ CII ☒ APS ☒ TCIS
☒ CCHRS ☒ DMV ☐ DEFENDANT
☐ CWS ☐ JAIN ☐ PPT+
☐ FBI ☐ SRF ☒ PIMS
☐ OTHER:

5 AKAs:

6 MWAURA, LAWRENCE KURIA; MWAURA, LAWRENCE K; MWAURA, LAWRENCE, JURIA.

7 JAIN# 02165190

8 PDJ# P356345

9 CRIMINAL REGISTRATION INFORMATION:

OFFENDER REGISTRATION	REGISTRATION REQUIRED DUE TO PRIOR CONVICTION	REGISTRATION REQUIRED IF CONVICTION OCCURS ON THE INSTANT CHARGE
SEX OFFENDER PC 290 PC	☐	☐
DRUG OFFENDER H&S 11590	☐	☐
ARSON OFFENDER PC 457.1	☐	☐
CRIMINAL STREET GANG PC 186.30	☐	☐

14 JUVENILE HISTORY:

15 INFORMATION IS NOT AVAILABLE THROUGH PROBATION DEPARTMENT INQUIRY FIVE
16 YEARS AFTER JUVENILE PROBATION ACTIVITY HAS TERMINATED.

17 ADULT HISTORY:

18 02/11/12

19 SANTA MONICA POLICE DEPARTMENT - COUNT 01 & 02: 211 PENAL CODE
20 FEL (SECOND DEGREE ROBBERY), COUNT 03: 530.5(A) PENAL CODE FEL
(IDENTITY THEFT) AND COUNT 04 & 05: 459 PENAL CODE FEL (SECOND
21 DEGREE COMMERCIAL BURGLARY). DISPO: NEXT EVENT ARRAIGNMENT
ON 03/19/12 IN WEST DIS DPT LXD. COURT CASE# XWE SA080009-01.
(CURRENT MATTER BEFORE COURT)

22 DNA

- 23 ☒ CII RECORDS INDICATE A VERIFIED DNA SAMPLE IS ON FILE WITH THE CAL-DNA DATA BANK.
- 24 ☐ CII RECORDS DO NOT INDICATE THAT A DNA SAMPLE HAS BEEN COLLECTED.
- 25 ☐ SHOULD DEFENDANT BE CONVICTED OF THE INSTANT FELONY CHARGES, THERE IS A
26 REQUIREMENT PURSUANT TO 296 P.C. THAT DEFENDANT WILL NEED TO PROVIDE A DNA SAMPLE.
- 27 ☐ OTHER:

1 **PERSONAL HISTORY:****SOURCES OF INFORMATION (THIS PAGE)**

- 2 ☐ PROBATION RECORDS ☒ POLICE REPORT (S)
3 ☐ DEFENDANT ☐ COURT RECORDS
4 ☒ O.R. REPORT ☐ OTHER:

5 **SUBSTANCE ABUSE:**

- 6 ☒ NO RECORD, INDICATION, OR ADMISSION OF ALCOHOL OR CONTROLLED SUBSTANCE ABUSE.
7 ☐ OCCASIONAL SOCIAL OR EXPERIMENTAL USE OF ____ ACKNOWLEDGED.
8 ☐ SEE ADDITIONAL INFORMATION BELOW: INDICATION / ADMISSION OF SIGNIFICANT SUBSTANCE ABUSE PROBLEM.

9 **ADDITIONAL INFORMATION:**

10 A PRETRIAL SERVICES INQUIRY INDICATES A CURRENT OWN
11 RECOGNIZANCE REPORT AND THAT THE DEFENDANT WAS INTERVIEWED FOR THIS CASE. HOWEVER,
12 THE DEFENDANT WAS NOT QUESTIONED REGARDING HIS ALCOHOL/SUBSTANCE ABUSE HISTORY.
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20 **PHYSICAL / MENTAL / EMOTIONAL HEALTH:**

- 21 ☒ NO INDICATION OR CLAIM OF SIGNIFICANT PHYSICAL / MENTAL / EMOTIONAL HEALTH PROBLEM.
22 ☐ SEE ADDITIONAL INFORMATION BELOW: INDICATION / CLAIM OF SIGNIFICANT PHYSICAL / MENTAL / EMOTIONAL
23 HEALTH PROBLEM.

24 **ADDITIONAL INFORMATION:**

25 ACCORDING TO THE O.R. REPORT ON 02/15/12, THE DEFENDANT'S MOTHER
26 (R██████ K██████) STATED THAT THE DEFENDANT DOES NOT HAVE ANY PHYSICAL, MENTAL OR
27 EMOTIONAL CONDITIONS.
28

PERSONAL HISTORY:
(CONTINUED)

SOURCES OF INFORMATION (THIS PAGE)

☐ PROBATION RECORDS ☒ POLICE REPORT (S)
☐ DEFENDANT ☐ COURT RECORDS
☒ O.R. REPORT ☒ OTHER: CCHRS / DMV

RESIDENCE	TYPE RESIDENCE APT	LENGTH OF OCCUPANCY UNKNOWN	MONTHLY RENT / MORTGAGE UNKNOWN	RESIDES WITH/RELATIONSHIP UNKNOWN
RESIDENTIAL STABILITY LAST FIVE YEARS UNKNOWN		CAME TO STATE / FROM NAIROBI KENYA		CAME TO COUNTY / FROM NAIROBI KENYA

ADDITIONAL INFORMATION:

ACCORDING TO THE DEFENDANT'S MOTHER, HE HAS LIVED WITH HER FOR THE PAST 7 YEARS AT [REDACTED] AND IS WELCOME TO RETURN. ACCORDING TO THE DEFENDANT, HE HAS LIVED WITH HIS MOTHER FOR THE PAST 3 TO 4 YEARS AT THE [REDACTED] ADDRESS. DMV RECORDS REVEALS THE DEFENDANT'S REPORTED MAIL ADDRESS AS OF 07-29-11: [REDACTED] AND OTHER ADDRESS AS OF 08-27-03: [REDACTED]

MARRIAGE / PARENTHOOD	MARITAL STATUS UNKNOWN	NAME OF SPOUSE / COHABITANT UNKNOWN
LENGTH OF UNION UNKNOWN	NO. OF CHILDREN THIS UNION UNKNOWN	SUPPORTED BY UNKNOWN
NO. PRIOR MARRIAGES/COHABITATIONS UNKNOWN	NO. OF CHILDREN THESE UNIONS UNKNOWN	SUPPORTED BY UNKNOWN
NO. OF OTHER CHILDREN UNKNOWN	SUPPORTED BY UNKNOWN	

ADDITIONAL INFORMATION:

ACCORDING TO THE O.R. REPORT, THE DEFENDANT'S MOTHER STATED THAT THE DEFENDANT HAS NOT FATHERED ANY CHILDREN.

FORMAL EDUCATION:

THE DEFENDANT'S MOTHER STATED THAT THE DEFENDANT GRADUATED FROM HIGH SCHOOL. THE DEFENDANT STATED HE COMPLETED SOME COLLEGE.

1 **PERSONAL HISTORY:**
2 (CONTINUED)

SOURCES OF INFORMATION (THIS PAGE)

☐ PROBATION RECORDS ☒ POLICE REPORT (S)
☐ DEFENDANT ☐ COURT RECORDS
☒ O.R. REPORT ☒ OTHER: CII

4 EMPLOYMENT STATUS	☒ EMPLOYED ☐ UNEMPLOYED	EMPLOYER AWARE OF PRESENT OFFENSE ☐ N/A ☐ YES ☐ NO		
	5 PRESENT/LAST EMPLOYER/ADDRESS/PHONE 6 T. F. [REDACTED] LOS ANGELES, CA	7 OCCUPATION COLLECTOR	PERIOD OF EMPLOYMENT UNKNOWN	GROSS MONTHLY WAGE UNKNOWN
8 ☐ VERIFIED ☒ UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS UNKNOWN	TYPE OF PREVIOUS EMPLOYMENT STUDENT	

9 **ADDITIONAL INFORMATION:**

10 ACCORDING TO THE DEFENDANT, FOR THE PAST 15 MONTHS HE HAS
 11 WORKED AS A FULL-TIME COLLECTOR EARNING \$700 EVERY TWO WEEKS AT T. F. [REDACTED] IN
 12 DOWNTOWN LOS ANGELES, CA (EXACT ADDRESS UNKNOWN). HE STATED HE DID NOT WANT HIS
 13 EMPLOYER CONTACTED. THE PREVIOUS YEARS OF HIS LIFE, HE WAS SUPPORTED BY HIS MOTHER.

14 FINANCIAL STATUS	INCOME STABILITY UNKNOWN	NET MONTHLY INCOME UNKNOWN	
15 PRIMARY INCOME SOURCE UNKNOWN	SECONDARY INCOME SOURCE(S) UNKNOWN	ESTIMATED. TOTAL ASSETS UNKNOWN	ESTIMATED. TOTAL LIABILITIES UNKNOWN
16 MAJOR ASSETS / ESTIMATED VALUE 17 UNKNOWN			
18 MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY) 19 UNKNOWN			

21 **ADDITIONAL INFORMATION:**

22 NONE

25 GANG ACTIVITY	☐ YES ☐ NO ☒ UNK	Name of Gang: _____
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26 **ADDITIONAL INFORMATION:**

27 THE ARREST REPORT DID NOT DISCLOSE ANY GANG AFFILIATION.

DEFENDANT'S STATEMENT:

IN ACCORDANCE WITH THE COURT'S ORDER PROHIBITING PROBATION DEPARTMENT INTERVIEWS WITH DEFENDANT'S FOR PRE-PLEA PROBATION REPORTS IN LOS ANGELES COUNTY, THE DEFENDANT IN THIS CASE HAS NOT BEEN INTERVIEWED.

INTERESTED PARTIES:

THIS DEPUTY ATTEMPTED TO CONTACT DETECTIVE M [REDACTED] S [REDACTED] AT [REDACTED] ON MARCH 13, 2012 AND MARCH 14, 2012 AND LEFT MESSAGES FOR A RETURN CALL. HOWEVER, AT THE TIME OF THE SUBMISSION OF THIS REPORT, NO RETURN CALL HAS BEEN RECEIVED.

EVALUATION:

AS A FIRST TIME OFFENDER THE DEFENDANT HAS DEMONSTRATED POOR JUDGMENT BY VICTIMIZING UNSUSPECTING CITIZENS IN THE COMMUNITY. THE CURRENT ELEMENTS IN THIS CASE SUGGEST PLANNING AND SOPHISTICATION, AS THE DEFENDANT AND HIS CO-DEFENDANT'S TOOK ADVANTAGE OF HELPLESS VICTIMS BY THREATING AND TERRORIZING THEM AT GUN POINT. FURTHER, IT IS OF GREAT CONCERN TO THIS OFFICER, THAT THE VICTIMS STATED THE DEFENDANT'S Demeanor WAS CHILLING, SINISTER AND COLD AS HE ROBBED THEM AT GUNPOINT DEPRIVING THEM OF THEIR PERSONAL PROPERTY.

IT APPEARS TO THIS OFFICER THAT THE DEFENDANT'S BEHAVIOR IN THIS CASE CLEARLY ILLUSTRATES HIS PROPENSITY FOR VIOLENCE AND THE DISREGARD HE HAS FOR THE PROPERTY AND LIVES OF OTHERS. MORE IMPORTANTLY, THE VICTIMS ARE DESERVING OF FULL COMPENSATION FOR THEIR SUBSTANTIAL REPORTED LOSSES.

ALTHOUGH NOT ALLEGED BY THE DISTRICT ATTORNEY, THE DEFENDANT APPEARS TO BE INELIGIBLE FOR PROBATION PURSUANT TO 1203(E)(2)PC (USE OF A WEAPON) UNLESS THE COURT DETERMINES THIS AN UNUSUAL CASE AND INELIGIBLE FOR PROBATION PURSUANT TO 1203.06(A)(1) (DUE TO USE OF FIREARM). FURTHERMORE, GIVEN THE SERIOUS AND VIOLENT NATURE OF THIS CASE, THIS OFFICER REQUEST THAT THE DEFENDANT BE REMANDED TO STATE PRISON. IT IS HOPEFUL THAT TIME IN CUSTODY WILL CONVINCE THE DEFENDANT OF THE GRAVITY OF HIS ACTIONS AND TO SERVE AS A REMINDER OF THE POSSIBLE CONSEQUENCES OF FUTURE ACTS OF LAW-BREAKING ACTIVITY. THEREFORE, HIS REMOVAL FROM THE COMMUNITY APPEARS WARRANTED.

SENTENCING CONSIDERATIONS:

THE DEFENDANT IS ELIGIBLE FOR PROBATION.

CIRCUMSTANCES IN AGGRAVATION:

1. THE CRIME INVOLVED GREAT VIOLENCE, GREAT BODILY HARM, THREAT OF GREAT BODILY HARM, OR OTHER ACTS DISCLOSING A HIGH DEGREE OF CRUELTY, VICIOUSNESS, OR CALLOUSNESS.
2. THE MANNER IN WHICH THE CRIME WAS CARRIED OUT INDICATES PLANNING, SOPHISTICATION, OR PROFESSIONALISM.
3. THE DEFENDANT HAS ENGAGED IN VIOLENT CONDUCT THAT INDICATES A SERIOUS DANGER TO SOCIETY.
4. THE DEFENDANT WAS ARMED WITH OR USED A WEAPON AT THE TIME OF THE COMMISSION OF THE CRIME.

CIRCUMSTANCES IN MITIGATION:

1. THE DEFENDANT HAS NO PRIOR RECORD, OR HAS AN INSIGNIFICANT RECORD OF CRIMINAL CONDUCT, CONSIDERING THE RECENCY AND FREQUENCY OF PRIOR CRIMES.

IF THE DEFENDANT IS SENTENCED TO STATE PRISON, THE AGGRAVATING AND MITIGATING FACTORS WARRANT THE IMPOSITION OF THE LOW-BASE TERM.

RECOMMENDATION:

SHOULD THE DEFENDANT BE CONVICTED, IT IS RECOMMENDED THAT PROBATION BE DENIED AND THAT THE DEFENDANT BE SENTENCED TO STATE PRISON WITH PRE-IMPRISONMENT CREDIT OF, PURSUANT TO 1170 (H)(3) PC THAT THE COURT ORDER THE DEFENDANT TO PAY \$200 RESTITUTION FINE PURSUANT TO 1202.4 PC IN A MANNER AS INSTRUCTED BY THE COURT/PROBATION OFFICER. TOTAL AMOUNT TO INCLUDE A SERVICE CHARGE IN THE AMOUNT OF \$20.00.

RECOMMENDATION PURSUANT TO 1203.1 P.C:

SHOULD THE DEFENDANT BE CONVICTED, IT IS RECOMMENDED THAT THE DEFENDANT BE ORDERED, PURSUANT TO PENAL CODE 1203.1B, TO APPEAR BEFORE THE PROBATION OFFICER, OR HIS AUTHORIZED REPRESENTATIVE, TO MAKE AN INQUIRY INTO THE ABILITY OF THE DEFENDANT TO PAY ALL OR A PORTION OF THE COSTS OR SERVICES PROVIDED BY THE PROBATION OFFICER, THAT THE

1 DEFENDANT BE ORDERED TO REPORT TO THE PROBATION OFFICER WITHIN TWO (2) WORKING DAYS OF
2 RELEASE FROM COURT OR CUSTODY AT THE ASCOT INTAKE OFFICE AREA OFFICE AT
3 11701 S. L A CIENEGA BLVD., RM. 205, LOS ANGELES, CA 90045.

4
5 RESPECTFULLY SUBMITTED,

6 JERRY E. POWERS
7 CHIEF PROBATION OFFICER

READ AND APPROVED BY:

8
9 BY:

10 JACK AVERY, DPO
TELEPHONE: (310) 727-6154
SANTA MONICA AREA OFFICE

JENNIFER LUMPKINS, SDPO
TELEPHONE: (310) 260-3556

11 SUBMITTED: TYPED: BY: ; ()

12
13 I HAVE READ AND CONSIDERED THE FOREGOING REPORT OF THE PROBATION OFFICER.

14
15
16 JUDGE OF THE SUPERIOR COURT

DATE

17 IF PROBATION IS GRANTED, THE DEFENDANT SHALL REPORT TO
18 ASCOT INTAKE OFFICE AREA OFFICE AT 11701 S. L A CIENEGA BLVD., RM. 205, LOS ANGELES, CA 90045.
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GRANT OF PROBATION 1203 PC

1. ☒ **SERVE 365 DAYS IN THE LOS ANGELES COUNTY JAIL, ☐ CONCURRENT WITH _____ ☐ CONSECUTIVE TO _____ ☐ ALL TIME.**
DEFENDANT TO RECEIVE TOTAL CUSTODY CREDIT OF _____ DAYS (CREDIT OF DAYS ACTUAL PLUS _____ DAYS GOOD TIME/WORK TIME).
2. ☐ **SERVE _____ DAYS IN A ☐ RESIDENTIAL ☐ OUTPATIENT TREATMENT PROGRAM: _____.**
DEFENDANT TO BE RELEASED TO AN AUTHORIZED REPRESENTATIVE OF THAT PROGRAM AND IS TO COMPLY WITH ALL PROGRAM TERMS AND CONDITIONS. (013)
IF DEFENDANT LEAVES OR IS DISCHARGED FROM THE PROGRAM PRIOR TO COMPLETION, DEFENDANT IS TO REPORT TO COURT ON THE NEXT COURT DAY. (013)
3. ☐ **PAY A FINE IN THE SUM OF \$ _____ PLUS PENALTY ASSESSMENTS, OR SERVE _____ ADDITIONAL DAY(S) IN COUNTY JAIL, CONSECUTIVE.**
4. ☒ **MAKE RESTITUTION TO VICTIM _____ PURSUANT TO PC 1202.4 (f) IN THE SUM OF \$ _____ (048) ADDITIONALLY, 10% PER ANNUM INTEREST PURSUANT TO PC 1202.4 (f) (3) (G).**
☒ **IN AN AMOUNT AND IN THE MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE, SUBJECT TO A HEARING IF REQUESTED. (052/060)**
☐ **IN THE STIPULATED SUM OF \$ _____ (051) ☐ IN A SUM STIPULATED NOT TO EXCEED \$ _____ (055)**
5. ☒ **PERFORM 80 (DAYS) (HOURS) OF (CAL TRANS) (COMMUNITY SERVICE), COMPLETION DATE DUE _____ (189, 190)**
6. ☒ **OBEY ALL LAWS, RULES, REGULATIONS AND ORDERS OF THE COURT AND OF THE PROBATION DEPARTMENT. (541/542)**
7. ☐ **PARTICIPATE IN A PROGRAM OF EDUCATION, TREATMENT OR REHABILITATION AIMED AT DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER (539).**
8. ☒ **COOPERATE WITH THE PROBATION OFFICER IN A PLAN FOR THEFT COUNSELING (530)**
9. ☒ **SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICER. (500)**
10. ☐ **SUPPORT DEPENDENTS AS DIRECTED BY THE PROBATION OFFICER. (503)**
11. ☒ **REPORT TO THE PROBATION DEPARTMENT WITHIN 48 HOURS AFTER RELEASE FROM CUSTODY ASCOT INTAKE OFFICE AREA OFFICE AT 11701 S. L A CIENEGA BLVD., RM. 205 LOS ANGELES, CA 90045 (817)**
12. ☒ **SUBMIT YOUR PERSON AND PROPERTY TO SEARCH AND SEIZURE AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER OR OTHER PEACE OFFICER, WITH OR WITHOUT A WARRANT, PROBABLE CAUSE OR REASONABLE SUSPICION. (576)**
13. ☒ **DO NOT OWN, USE, OR POSSESS ANY DEADLY OR DANGEROUS WEAPONS, INCLUDING ANY FIREARMS, KNIVES OR OTHER CONCEALABLE WEAPONS. (934)**
☐ **THIS PROHIBITION IS FOR 10 YEARS PER PENAL CODE SECTION 12021 (c) (1).**
14. ☒ **THE WEAPON INVOLVED IN THIS CASE IS ORDERED CONFISCATED AND DESTROYED BY THE ARRESTING AGENCY. (234)**
15. ☐ **USE ONLY YOUR TRUE NAME, DATE OF BIRTH AND ADDRESS, AND DO NOT GIVE FALSE INFORMATION TO ANY PEACE OFFICER AT ANY TIME. (535)**
16. ☐ **IF YOU LEAVE THE COUNTRY, YOU SHALL NOT RE-ENTER THE UNITED STATES ILLEGALLY. IF YOU DO RETURN, REPORT TO THE PROBATION OFFICER WITHIN (3) DAYS, AND PRESENT DOCUMENTATION WHICH PROVES YOU ARE IN THE U.S. LEGALLY. (469)**
17. ☐ **DO NOT OWN, USE, POSSESS, BUY OR SELL ANY CONTROLLED SUBSTANCES, OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS, BUYERS, OR SELLERS CONGREGATE. DO NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE CONTROLLED SUBSTANCE USERS OR SELLERS, EXCEPT IN AN AUTHORIZED TREATMENT PROGRAM. (926)**
18. ☐ **SUBMIT TO PERIODIC CONTROLLED SUBSTANCE TESTING WHEN REQUESTED BY THE PROBATION OFFICER OR ANY OTHER PEACE OFFICER. (584)**
19. ☐ **REGISTER WITH YOUR LOCAL POLICE AGENCY AS A ☐ CONTROLLED SUBSTANCE - H&S 11590 (925) ☐ SEX - PC 290 (927) ☐ ARSON - PC 457.1 (902) ☐ GANG MEMBER - PC 186.30 (877) OFFENDER, CARRY PROOF OF REGISTRATION AT ALL TIMES, AND DISPLAY REGISTRATION TO ANY PEACE OFFICER UPON REQUEST.**
20. ☐ **ABSTAIN FROM THE PURCHASE, POSSESSION AND CONSUMPTION OF ALL ALCOHOL AND ALCOHOLIC BEVERAGES AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE. (350)**
21. ☒ **NOT USE FORCE OR VIOLENCE ON THE VICTIM _____ (418)**
22. ☒ **DO NOT USE OR THREATEN TO USE FORCE OR VIOLENCE AGAINST ANY PERSON. DO NOT ANNOY, HARASS OR MOLEST ANY PERSON OR WITNESS INVOLVED IN THIS CASE ESPECIALLY THE VICTIMS (913)**

23. ☐ DO NOT HARASS, BOTHER, MOLEST, ANNOY OR COMMUNICATE WITH _____ AND STAY AWAY FROM SAID PERSON (S), THEIR RESIDENCE OR PLACE OF EMPLOYMENT. (413)
24. ☐ STAY _____ 100 YARDS AWAY FROM AND HAVE NO CONTACT WITH _____. (904)
25. ☒ STAY AWAY FROM LOCATION OF ARREST. (904) ☐ STAY AWAY FROM _____. (904)
26. ☐ ENROLL WITHIN 30 DAYS IN AND SUCCESSFULLY COMPLETE A 52 WEEK BATTERER'S TREATMENT PROGRAM BY THE PROBATION DEPARTMENT. ATTEND ALL COUNSELING SESSIONS, KEEP ALL PROGRAM APPOINTMENTS AND PAY ALL PROGRAM FEES IN ACCORDANCE WITH DEFENDANT'S ABILITY TO PAY. (369)
27. ☒ OBEY THE PROTECTIVE ORDER ISSUED IN THIS OR ANY OTHER CASE. (579) ☐ DEFENDANT SERVED WITH A COPY OF THE PROTECTIVE ORDER IN OPEN COURT. (578)
28. ☒ PROVIDE A DNA SAMPLE AND PALM PRINTS IMPRESSION PURSUANT TO PC SECTIONS 296 AND 296.1 (790).
29. ☒ PAY ALL OF THE FOLLOWING (CHECK ALL THAT APPLY):
- ☒ A RESTITUTION FINE OF A MINIMUM OF \$200.00 CALCULATED PER 1202.4 (b)-(c) AND A 10% RESTITUTION FINE SERVICE CHARGED PER 1202.4 (f).
 - ☒ A PROBATION REVOCATION RESTITUTION FINE IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC 1202.44, PAYMENT IS STAYED UNTIL PROBATION IS REVOKED AND SENTENCE IMPOSED. (107)
 - ☒ A PAROLE REVOCATION RESTITUTION FINE IN THE SAME AMOUNT AS THE RESTITUTION FINE, PER PC SECTION 1202.44, PAYMENT IS STAYED UNTIL PAROLE IS REVOKED AND YOU ARE RETURNED TO PRISON. (106)
 - ☐ LAB ANALYSIS THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF \$50.00 (11372.5 HEALTH & SAFETY, LAB ANALYSIS) PLUS A PENALTY ASSESSMENT OF \$85.00 (\$50.00 PURSUANT TO SECTION 1464 OF THE PENAL CODE AND \$35.00 SECTION 76000 GOVERNMENT CODE) (184)
 - ☒ A COURT SECURITY FEE OF \$30.00 PER PC 1465.8(A) (1) (PER COUNT). (SF)
 - ☐ A CRIMINAL CONVICTION/FACILITIES ASSESSMENT OF \$30.00 PER GOVT. CODE SECTION 70373 (a) GC. (CC)
 - ☐ A DRUG PROGRAM OF \$150.00 (PER DRUG COUNT EXCEPT 11357 (B) H&S) PER HEALTH AND SAFETY CODE SECTION 11372.7 (a).
 - ☒ A CRIME PREVENTION FINE OF \$10.00 PER PENAL CODE SECTION 1202.5 (PC THEFT-RELATED AND VANDALISM CASES) (CP)
 - ☐ A SEX OFFENDER FINE OF ☐ \$300.00 (1ST OFFENSE) ☐ \$500 (2ND AND SUBSEQUENT OFFENSES) PER PENAL CODE 290.3, PLUS PENAL ASSESSMENT.
 - ☐ A DOMESTIC VIOLENCE PAYMENT OF ☐ \$400.00 ☐ \$ _____ PER PENAL CODE SECTION 1203.097 (a)(5). (\$400.00 MINIMUM)
 - ☐ A DEJ RESTITUTION FINE OF \$ _____ PER PENAL CODE SECTION 1001.90/PENAL CODE SECTION 1001.3. (112)

30. ☐ _____

NOT FOR PUBLIC RELEASE

CAR 1093

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF GLENN

2016 JUL 15 AM 10:08

BY [Signature] DEPUTY

1 Brandon D. Thompson
2 Chief Probation Officer
3 Glenn County Probation Department
4 541 West Oak Street
5 Willows, CA 95988
6 7-14-16 4:JV

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF GLENN**

10 **PEOPLE OF THE STATE OF CALIFORNIA,)**
11 **Plaintiff,)**
12 **vs.)**
13 **LAWRENCE MWAURA,)**
14 **Defendant.)**

Case Number: 16NCR10733

POST SENTENCE REPORT OF
PROBATION OFFICER

16 A Complaint was filed in the above-entitled Court on February 25, 2016, charging the
17 above-named defendant with the crime of POSSESS DRUGS WHILE IN PRISON/JAIL WITH
18 SPECIAL ALLEGATIONS (violations of Section 4573.8/1170.12(c)(1)/1170.12(c)(1) of the Penal
19 Code); a felony, COUNT I.

20 The defendant appeared in Court on July 6, 2016, with appointed counsel, Stephana
21 Femino, and through his attorney submitted a plea form wherein the defendant entered a plea of guilty
22 to Count I of the Complaint. As a term of the plea, the District Attorney and Defense Attorney agreed
23 that all enhancements and special allegations will be dismissed. Both prosecutor and the defendant
24 agree that the upper term of three years will be imposed as a consecutive sentence, and the three year

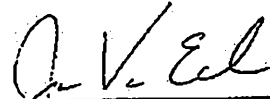
1 **SUMMARY:**

2 On July 6, 2016, the defendant was sentenced to the California Department of
3 Corrections and Rehabilitation for three (3) years consecutive to his current California Department of
4 Corrections and Rehabilitation commitment, having been convicted of a violation of Section 4573.8
5 of the Penal Code, a felony. The defendant is not entitled to receive a presentence confinement credit
6 in this matter as they are applied to his current prison commitment.

7
8 Dated July 14, 2016:

9 Respectfully submitted,

10 BRANDON D. THOMPSON
11 CHIEF PROBATION OFFICER

12 

13 Jason Van Eck
14 Deputy Probation Officer I

15 Read and considered.

16 _____
17 JUDGE
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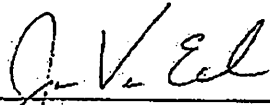
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9 Respectfully submitted,

10 BRANDON D. THOMPSON
11 CHIEF PROBATION OFFICER

12 
13 _____
14 Jason Van Eck
15 Deputy Probation Officer I

16 Read and considered.

17
18
19
20
21
22
23
24 _____
25 JUDGE

US. Department of Justice

Immigration and Naturalization Service

Warrant of Removal/DeportationFile No: [REDACTED]Date: 14-Apr-09**To any officer of the United States Immigration and Naturalization Service:**GONZALO MENDOZA JERONIMO, LUCIANO

(Full name of alien)

who entered the United States at PHOENIX, AZ on 12/27/2005
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
☐ a district director or a district director's designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

212(a)(6)(A)(i) of the INA

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

The appropriations, "Salaries & Expenses" Immigration and Naturalization Service, , including the expense of an attendant, if necessary.

A. Neil Clark

(Signature of INS official)

Field Office Director

(Title of INS official)

14-Apr-09, Seattle, WA

(Date and office location)

DCO: SEA**SEA/DRO****1623 East J Street, Suite 2
Tacoma, WA 98421**

To be completed by Service officer executing the warrant:

Name of alien being removed: GONZALO MENDOZA JERONIMO, LUCIANO, [REDACTED]

Port, date, and manner of removal: _____



Photograph of alien removed

CHANDLER ARIZONA
WILLIAMS GATEWAY AIRPORT
DATE 4-24-09
VIA JPATS



Right index fingerprint of alien removed

Luciano G. Mendoza J.
(Signature of alien being fingerprinted)
[Signature]
(Signature and title of INS official taking print)

Departure witnessed by: RCewantes, IEA #1504
(Signature and title of INS official)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____
(Signature and title of INS official)