

**JUN 23 2011**

**PROBATION OFFICER'S REPORT**

REPORT SEQUENCE NO. 2

John A. Clarke, Executive Officer/Clerk  
 THE PEOPLE OF THE STATE OF CALIFORNIA,  
 By [Signature] vs. Deputy

Plaintiff  
 Defendant

LINDSAY DEE LOHAN,		COURT - DEPT/DIV WE - 144	ATTY.	JUDGE SCHWARTZ
TRUE NAME LINDSAY DEE LOHAN		HEARING 07/11/2011	EXPIRATION DATE(S) 05/10/2014	COURT CASE NO./DEF .I.D. [REDACTED]
WHEREABOUTS [REDACTED]		C.I.I. NO. [REDACTED]	08/11/2011	[REDACTED]
<input checked="" type="checkbox"/> DEFENDANT HAS BEEN INSTRUCTED TO APPEAR BY COUNTY CLERK		DPO PARKER	AREA OFFICE SM	PROBATION NO. [REDACTED]
		RECOMMENDATION OTHER		
CONVICTED OF THE CRIME(S) OF SA076679 COUNT 1 PC487(A) - GRAND THEFT		JUDGE AT P&S	DATE OF ORIGINAL GRANT 05/11/2011	
7BV01538 COUNT 2 VC23152(B) - DUI - ALCOHOL		REVEL	08/23/2007	
7BV01538 COUNT 3 HS11550(A) - CONT SUBS - USE/UNDR INFL		REVEL	08/23/2007	
SENTENCE IMPOSITION OF SENTENCE SUSPND		DAYS OF JAIL THIS CASE 119 <input checked="" type="checkbox"/> ESTIMATED <input type="checkbox"/> VERIFIED		
IMPOSITION OF SENTENCE SUSPND		207 <input checked="" type="checkbox"/> ESTIMATED <input type="checkbox"/> VERIFIED		
IMPOSITION OF SENTENCE SUSPND		207 <input checked="" type="checkbox"/> ESTIMATED <input type="checkbox"/> VERIFIED		

**NOTICE TO COURT OF TECHNICAL VIOLATION**

1 **ALLEGED VIOLATION(S):** PROBATIONER APPEARS TO BE IN VIOLATION OF THE FOLLOWING CONDITIONS:  
 2 THE DEFENDANT FAILED TO SUBMIT TO TWO NARCOTIC TESTS.  
 3 THE DEFENDANT WAS REQUESTED TO PROVIDE URINE SAMPLES ON MAY 31, 2011, AND JUNE 2, 2011,  
 4 AND THE DEFENDANT REFUSED TO SUBMIT TO THE TESTS ON THE ADVICE OF HER ATTORNEY.  
 5 THE DEFENDANT WAS TESTED FOR NARCOTICS USAGE ON JUNE 13, 2011, AND THE TEST WAS POSITIVE  
 6 FOR ALCOHOL USAGE.  
 7 **PROBATIONER'S STATEMENT:**  
 8 THE DEFENDANT INDICATED THAT SHE WAS UNDER THE IMPRESSION THAT SHE NO LONGER WAS REQUIRED  
 9 TO SUBMIT TO NARCOTIC TESTING, BASED ON THE COURT ORDER FROM APRIL 22, 2011. SHE  
 10 INDICATED THAT SHE REFUSED TO SUBMIT TO THE NARCOTIC TESTS ON THE ADVICE OF HER ATTORNEY.  
 11 REGARDING THE POSITIVE TEST FROM JUNE 13, 2011, THE PROBATION OFFICER WAS NOT ABLE TO  
 12 OBTAIN A STATEMENT REGARDING THIS MATTER FROM THE DEFENDANT, PRIOR TO THE SUBMISSION OF

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1 THIS REPORT.

2 **REMARKS:** PROBATIONER IS NOT MAKING AN EFFORT TO COOPERATE.

3 ON MAY 26, 2011, THE DEFENDANT WAS RELEASED TO THE ELECTRONIC MONITORING PROGRAM, AS AN  
4 ALTERNATIVE TO THE 120 DAY JAIL SENTENCE THAT WAS IMPOSED BY THE COURT ON MAY 11,2011.

5 ON MAY 30, 2011, AT 1:39 A.M., AN UNAPPROVED LEAVE ALERT WAS RECEIVED FROM THE HOME  
6 MONITORING UNIT, MEANING THAT THE DEFENDANT WAS POSSIBLY OUT OF HER HOME. IF THE  
7 DEFENDANT WAS OUT OF HER RESIDENCE, IT WOULD BE A VIOLATION OF THE ELECTRONIC MONITORING  
8 PROGRAM. AT 6:30 A.M., THE CASE MANAGER RECEIVED CONFIRMATION THAT THE TRANSMITTER WAS  
9 STILL OUT OF RANGE. THE CASE MANAGER CALLED THE DEFENDANT'S HOME TELEPHONE NUMBER AND  
10 THE CALL WENT UNANSWERED. THE CASE MANAGER WAS UNABLE TO LEAVE A VOICE MAIL MESSAGE.  
11 THE CASE MANAGER CONTINUED TO CALL THE DEFENDANT'S HOME AND CELL PHONE NUMBERS AND WAS  
12 NOT SUCCESSFUL IN REACHING THE DEFENDANT BY 2:00 P.M., ON MAY 30, 2011. ALSO, THERE WAS  
13 NO CONFIRMATION OF THE DEFENDANT'S TRANSMITTER BEING BACK IN RANGE. THE CASE MANAGER  
14 WENT TO THE DEFENDANT'S HOME AT 4:00 P.M., THE SAME DAY, AND FOUND THE DEFENDANT IN HER  
15 HOME. AT THAT TIME, THE TRANSMITTER AND THE HOME UNIT FOR THE ELECTRONIC MONITORING  
16 EQUIPMENT WAS INSPECTED AND A STICKY SUBSTANCE WAS NOTED TO BE ON THE HOME UNIT. THE  
17 DEFENDANT, AND HER SISTER, INDICATED THAT FRIENDS WERE AT THE HOME THE PREVIOUS EVENING,  
18 AND A BOTTLED DRINK WAS SPILLED ON THE KITCHEN WALL, AND THE HOME MONITORING UNIT. IT  
19 WAS BELIEVED THAT THE HOME MONITORING UNIT MAY HAVE BEEN COMPROMISED, AND IT WAS REPLACED  
20 ON MAY 31, 2011. THE EQUIPMENT THAT WAS TAKEN FROM THE DEFENDANT'S HOME WAS INSPECTED,  
21 AND THE LOSS OF SIGNAL WAS ATTRIBUTED TO BATTERY DEPLETION IN THE DEFENDANT'S ANKLE  
22 BRACELET. THERE WAS NO EVIDENCE THAT THE EQUIPMENT WAS TAMPERED WITH.

23 MAY 31, 2011, WAS THE FIRST TIME THE DEFENDANT WAS REQUESTED TO SUBMIT TO A NARCOTIC TEST

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1 AFTER THE COURT HEARING ON MAY 11, 2011. THIS IS WHEN THE DEFENDANT FIRST REFUSED TO  
2 SUBMIT TO A TEST, BELIEVING SHE NO LONGER HAD TO COMPLY WITH THIS CONDITION. SHE AGAIN  
3 REFUSED TO SUBMIT TO A NARCOTIC TEST ON JUNE 2, 2011, DURING AN OFFICE VISIT. AFTER  
4 RECEIVING CLARIFICATION FROM THE COURT THAT THE DEFENDANT SHOULD BE SUBMITTING TO  
5 NARCOTIC TESTS, SHE SUBMITTED TO A NARCOTIC TEST ON JUNE 9, 2011. THE RESULTS OF THAT  
6 TEST WERE NEGATIVE. THE TEST RESULTS WERE VERIFIED ON JUNE 15, 2011. THE DEFENDANT WAS  
7 AGAIN TESTED ON JUNE 13, 2011, AND THE TEST WAS POSITIVE FOR ALCOHOL. RESULTS OF THIS  
8 TEST WERE ALSO VERIFIED ON JUNE 15, 2011.  
9 REPORTS FROM NEWS SOURCES INDICATE THAT THE DEFENDANT HAD A PARTY AT HER HOME ON JUNE 12,  
10 2011. THE FACT THAT SHE WAS REQUIRED TO SUBMIT TO A NARCOTIC TEST THE NEXT DAY, AND IT  
11 WAS POSITIVE FOR ALCOHOL, VERIFIES THAT THE DEFENDANT VIOLATED THE COURT'S ORDER BY  
12 CONTINUING TO DRINK. THE DEFENDANT'S BEHAVIOR INDICATES SHE IS NOT ATTEMPTING TO CHANGE.  
13 DUE TO HER CONTINUED BEHAVIOR, IT APPEARS THAT THE DEFENDANT DOES NOT VIEW BEING ON THE  
14 ELECTRONIC MONITORING PROGRAM AS A PRIVILEGE. THE DEFENDANT SHOULD BE TAKEN OFF  
15 ELECTRONIC MONITORING, AND BE ORDERED TO SERVE SUITABLE TIME IN CUSTODY.

16 **RECOMMENDATION:**

- 17  NO ACTION TAKEN  
18  PROBATIONER BE FOUND IN VIOLATION;  
19  OTHER: THE DEFENDANT FAILED TO COMPLY WITH PROBATION, BY REFUSING TO SUBMIT TO TWO NARCOTIC  
20 TESTS, AND BY HAVING A POSITIVE TEST FOR ALCOHOL. IT IS RECOMMENDED THAT THE  
21 DEFENDANT BE FOUND IN VIOLATION OF PROBATION; THAT THE DEFENDANT BE ORDERED TO SERVE A  
22 SUITABLE AMOUNT OF TIME IN CUSTODY.

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Date: 06/21/2011

Read and approved:  
*Tim Gould*  
TIM GOULD, SDPO

I have read and considered the foregoing report of the Probation Officer.  
*Stephane [Signature]*  
JUDGE OF THE SUPERIOR COURT

Respectfully Submitted,  
DONALD H. BLEVINS  
CHIEF PROBATION OFFICER

BY: *Barbara Parker*  
BARBARA PARKER, DPO

6/22/11  
Date

