

JAN 19 2012

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES**

**PROBATION OFFICER'S REPORT**

JOHN A. CLARK, EXECUTIVE OFFICER/CLERK  
BY Donna Peala Deputy  
REPORT SEQUENCE NO.: 1

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs

RICHARD ANTHONY FRANCO

Defendant

HEARING DATE 07/27/2011	COURT-DEPT/DIV LAC-035	COURT CASE NO./DEF. ID BA386471-01
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JUDGE REYES	ATTORNEY GENE BURKE	PROSECUTOR WENDY SEGALL
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DPO DENNIS COLLISON	AREA OFFICE PV
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**PRE-CONVICTION (PC 1203.7) REPORT**

**RECOMMENDATION:**

- |                                                  |                                                       |
|--------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> PROBATION               | <input type="checkbox"/> CDCR-DIV OF JUVENILE JUSTICE |
| <input checked="" type="checkbox"/> DENIAL       | <input type="checkbox"/> DIAGNOSTIC STUDY             |
| <input type="checkbox"/> COUNTY JAIL             | <input type="checkbox"/> WIC707.2                     |
| <input checked="" type="checkbox"/> STATE PRISON | <input type="checkbox"/> PC1203.03                    |
| <input type="checkbox"/> OTHER: _____            | <input type="checkbox"/> 730 EC                       |

ADDRESS IN CUSTODY UPON RELEASE: [REDACTED]		
BIRTH DATE 12/04/1983	GENDER MALE	ETHNICITY HISPANIC
DRIVER'S LICENSE - EXPIRATION DATE: [REDACTED]		
PROBATION NO. X- 01825257	SID NO. A12561039	MAIN NO. 30894405
CITIZENSHIP STATUS U.S.		
ALIEN REGISTRATION NO.:		
ESTIMATED DAYS IN JAIL THIS CASE: 17 BOOKING NO.: 2806139		
CUSTODY STATUS: IN CUSTODY		
RELEASE DATE:		

**PRESENT OFFENSE: LEGAL HISTORY**

<b>CHARGED with the crimes of</b> (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES) COUNT ONE: 646.9(A) PC, FELONY, (STALKING)
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<b>CONVICTED of the crimes of</b> (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES) NONE
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CONVICTED BY N/A	DATE OF REFERRAL 07/15/2011	COUNT(S) CONTINUED TO P&S N/A
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PROPOSED PLEA AGREEMENT N/A	SOURCES OF INFORMATION POLICE REPORT, PIMS, DISTRICT ATTORNEY
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DATE(S) OF OFFENSE 07/09/2011 - 07/11/2011	TIME(S) VARIOUS
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<b>DEFENDANT:</b> <input type="checkbox"/> N/A <input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE <input checked="" type="checkbox"/> ON SUMMARY PROBATION BA296752 /1JB03787 <input type="checkbox"/> PENDING NEW CASE _____ <input type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> ON PAROLE - REMAINING TIME	<b>HOLDS/WARRANTS</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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1 PRESENT OFFENSE:  
2 (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
6-11-11	2335 HOURS	RICHARD ANTHONY FRANCO	646.9(A) PC FELONY	VICTIM'S ADDRESS (CONFIDENTIAL)	L.A.P.D. HOLLYWOOD

CO-DEFENDANT(S)	COURT CASE NO.	DISPOSITION
NONE		

13 ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:

14 ON OR BETWEEN JULY 9, 2011 AND JULY 11, 2011, IN THE COUNTY OF  
15 LOS ANGELES, THE CRIME OF STALKING WAS COMMITTED BY RICHARD ANTHONY FRANCO, WHO DID  
16 WILLFULLY, MALICIOUSLY AND REPEATEDLY FOLLOW, AND DID WILLFULLY AND MALICIOUSLY HARASS  
17 HALLE B., AND MADE A CREDIBLE THREAT WITH THE INTENT THAT SHE BE PLACED IN UNREASONABLE FEAR  
18 FOR HER SAFETY, AND THE SAFETY FOR HER IMMEDIATE FAMILY.

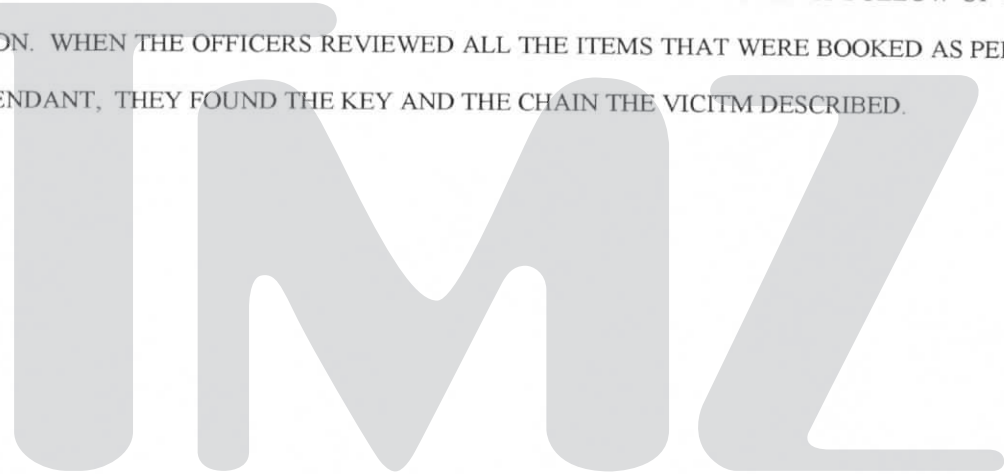
19 ON JULY 9, 2011, THE VICTIM WAS INSIDE HER RESIDENCE WITH HER MANAGER,  
20 SEATED IN THE KITCHEN, WHEN THEY WERE BOTH SUDDENLY STARTLED BY AN UNKNOWN MALE, LATER  
21 IDENTIFIED AS RICHARD ANTHONY FRANCO. THE VICTIM YELLED AT THE DEFENDANT AND ASKED HIM  
22 WHAT HE WAS DOING. THE DEFENDANT REPLIED, "I'M LOOKING FOR MY FRIEND SANCHEZ." THE  
23 DEFENDANT THEN RAN TOWARDS THE FRONT GATE OF THE RESIDENCE, JUMPED OVER THE GATE AND FLED  
24 IN AN UNKNOWN DIRECTION.

25 ON JULY 10, 2011, THE VICTIM WAS IN HER BEAUTY SALON, LOCATED NEXT TO  
26 HER HOME IN THE COMPOUND OF THE RESIDENCE. THE VICTIM EXITED THE SALON AND WHILE SHE WAS  
27 WALKING BACK ACROSS HER YARD TO THE MAIN HOUSE, SHE OBSERVED THE SAME UNKNOWN MALE,  
28 LATER IDENTIFIED AS THE DEFENDANT, STANDING AND STARING AT HER. THE VICTIM OBSERVED THE

1 DEFENDANT CARRYING A BRIGHT RED BOOK. SHE IMMEDIATELY RAN TO THE MAIN HOUSE AND LOCKED  
2 HER REAR DOOR. WHILE STILL IN FEAR FOR HER LIFE, SHE RAN UPSTAIRS AND CALLED THE POLICE.

3 ON JULY 11, 2011 THE DEFENDANT AGAIN TREASPASSED ONTO THE VICTIM'S  
4 PROPERTY. THE VICTIM'S SECURITY OFFICERS DETAINED THE DEFENDANT AND L.A.P.D. OFFICERS  
5 SUBSEQUENTLY ARRESTED HIM.

6 ON JULY 12, 2011, AT APPROXIMATELY 0940 HOURS, DETECTIVE GREGOZEK  
7 CONDUCTED A FOLLOW-UP INTERVIEW AT THE VICTIM'S RESIDENCE. HE LEARNED THAT THE ARREST ON  
8 JULY 11<sup>TH</sup>, 2011, WAS THE DEFENDANT'S THIRD UNWELCOMED VISIT TO THE RESIDENCE. DURING THE  
9 INTERVIEW, THE VICTIM STATED THAT AFTER THE DEFENDANT LEFT HER PROPERTY, SHE NOTICED THAT  
10 THE KEY TO THE DOOR OF THE BEAUTY SALON WAS MISSING. THE VICTIM HAD LEFT THE KEY IN THE LOCK  
11 WHEN SHE OPENED THE DOOR TO THE SALON, JUST PRIOR TO OBSERVING THE DEFENDANT. THE VICTIM  
12 DESCRIBED THE KEY AND ITS CHAIN TO THE OFFICERS WHO THEN CONDUCTED A FOLLOW-UP AT THE  
13 HOLLYWOOD STATION. WHEN THE OFFICERS REVIEWED ALL THE ITEMS THAT WERE BOOKED AS PERSONAL  
14 ITEMS FOR THE DEFENDANT, THEY FOUND THE KEY AND THE CHAIN THE VICITM DESCRIBED.



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VICTIM:

SOURCES OF INFORMATION (THIS PAGE)	
<input type="checkbox"/> POLICE REPORT (S)	<input checked="" type="checkbox"/> DISTRICT ATTORNEY
<input type="checkbox"/> VICTIM(S)	<input type="checkbox"/> OTHER:

NAME HALLE B.	COUNT(S) COUNT ONE
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INJURY: PROPERTY LOSS (TYPE / COST / ETC.) UNKNOWN
-------------------------------------------------------

LOSS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> UNK	ESTIMATED LOSS UNDETERMINED	RESTITUTION ALREADY MADE UNKNOWN	APPLIED FOR VICTIM RESTITUTION FUND <input checked="" type="checkbox"/> UNK <input type="checkbox"/> YES <input type="checkbox"/> NO
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VICTIM STATEMENT:

A REQUEST FOR CONFIDENTIALITY PURSUANT TO SECTION 6254 OF THE GOVERNMENT CODE WAS FILED. ON JULY 19, 2011, THIS OFFICER ATTEMPTED TO CONTACT THE INVESTIGATING OFFICER DETECTIVE GREGOZEK AT (213) 996-1375 AND LEFT A MESSAGE. ANY INFORMATION RECEIVED SUBSEQUENTLY WILL BE FORWARDED TO THE COURT. A RESTITUTION PACKET WILL BE SENT TO THE VICTIM IN CARE OF THE INVESTIGATING OFFICER.



RESTITUTION	TOTAL NUMBER OF VICTIMS ONE	ESTIMATED LOSS TO ALL VICTIMS UNDETERMINED	VICTIM(S) NOTIFIED OF HEARING PURSUANT TO PC 1191.1 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> NOTIFIED BY MAIL //O
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN (NOT INTERVIEWED)		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO. NONE	

ADDITIONAL VICTIM NEXT PAGE

1 PRIOR RECORD:

SOURCES OF INFORMATION (THIS PAGE)		
<input checked="" type="checkbox"/> CII	<input checked="" type="checkbox"/> APS	<input checked="" type="checkbox"/> TCIS
<input checked="" type="checkbox"/> CCHRS	<input checked="" type="checkbox"/> DMV	<input type="checkbox"/> DEFENDANT
<input type="checkbox"/> CWS	<input checked="" type="checkbox"/> JAIN	<input type="checkbox"/> PPT+
<input checked="" type="checkbox"/> FBI	<input type="checkbox"/> SRF	<input checked="" type="checkbox"/> PIMS
<input type="checkbox"/> OTHER:		

5 **AKAs:**

6 RICHARD ANTHONY FRANCO, ANTHONY RICHARD FRANCO, GILBERT MEDINA RICHARD FRANCO,

7 MONIKER SCRAPPY, LITTLE SCRAPPY, STONER

8 DATES OF BIRTH: 12-4-83; 12-1-83; 12-4-81; 12-11-83

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	<input type="checkbox"/>	<input type="checkbox"/>
DRUG OFFENDER H&S 11590	<input type="checkbox"/>	<input type="checkbox"/>
ARSON OFFENDER PC 457.1	<input type="checkbox"/>	<input type="checkbox"/>
CRIMINAL STREET GANG PC 186.30	<input type="checkbox"/>	<input type="checkbox"/>

15 **JUVENILE HISTORY:**

16 AGE 15 4-5-99 – MONTEBELLO POLICE DEPARTMENT – COUNT ONE: A 459 PENAL CODE, (ATTEMPTED BURGLARY), PETITION DATE 6-7-99, COURT NUMBER FJ21842, DISPOSITION 7-20-99, A459PC, ATTEMPTED BURGLARY, FELONY, PETITION SUSTAINED, COURT DISPOSITION, HOME ON PROBATION.

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19 AGE 16 2-9-00 - LOS ANGELES SHERIFF'S DEPARTMENT, EAST LOS ANGELES – COUNT ONE: 594(A) PENAL CODE, (VANDALISM) PETITION DATE 4-10-00, COURT NUMBER FJ21842, DISPOSITION 4-26-00, 594(A) PENAL CODE, MISDEMEANOR, PETITION SUSTAINED, COURT DISPOSITION, CAMP COMMUNITY PLACEMENT.

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22 AGE 17 9-5-01 – LOS ANGELES SHERIFF'S DEPARTMENT, EAST LOS ANGELES – COUNT ONE: 11357(B) HEALTH AND SAFETY CODE (POSSESS MARIJUANA 28.5 GRAMS OR LESS, PETITION DATE 9-7-01, COURT NUMBER FJ21842, DISPO 9-10-01, 11357(B) HEALTH AND SAFETY CODE, MISDEMEANOR, PETITION SUSTAINED, COURT DISPOSITION, CAMP COMMUNITY PLACEMENT.

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26 **ADULT HISTORY:**

27 6-21-02 CASO EAST LOS ANGELES – COUNT ONE: 10851(A) VEHICLE CODE, FELONY, (TAKE VEHICLE WITHOUT THE OWNER'S CONSENT/VEHICLE THEFT) COURT LOS ANGELES SUPERIOR, CASE NUMBER VA233097, DISPO 7-9-02 COUNT ONE: 10851(A) VEHICLE CODE FELONY, CONVICTED, SENTENCE THREE YEARS SUMMARY PROBATION, 276 DAYS JAIL.

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1 2-19-04 LOS ANGELES SHERIFF'S DEPARTMENT, EAST LOS ANGELES – COUNT ONE:  
 2 10851(A) VEHICLE CODE, FELONY, (TAKE VEHICLE WITHOUT THE OWNER'S  
 3 CONSENT/VEHICLE THEFT) COURT LOS ANGELES SUPERIOR, CENTRAL,  
 4 CASE NUMBER VA260934, DISPO 3-9-04, COUNT ONE: 10851(A) VEHICLE  
 5 CODE, FELONY, CONVICTED, SENTENCE 36 MONTHS FORMAL PROBATION,  
 6 412 DAYS JAIL. COURT 3-16-06, PROBATION MODIFIED, 82 DAYS JAIL.

7 11-25-04 MONTEBELLO POLICE DEPARTMENT – COUNT ONE: 647(F) PENAL CODE  
 8 MISDEMEANOR, (DISORDERLY CONDUCT: INTOXICATION/ALCOHOL)  
 9 COURT EAST LOS ANGELES, CASE NUMBER 4EL06229, DISPO 7-26-04, COUNT  
 10 ONE: 647(F) PENAL CODE, MISDEMEANOR, CONVICTED, SENTENCE 30  
 11 DAYS JAIL.

12 1-21-06 LOS ANGELES SHERIFF'S DEPARTMENT, EAST LOS ANGELES – COUNT ONE:  
 13 594(A) PENAL CODE, FELONY, (VANDALISM/DEFACE PROPERTY). COURT  
 14 LOS ANGELES, CASE NUMBER BA296752, DISPO 3-16-06, COUNT ONE: 594(A)  
 15 PENAL CODE, FELONY, CONVICTED, SENTENCE THREE YEARS FORMAL  
 16 PROBATION, 365 DAYS JAIL, .COURT 05/04/2009, PROBATION EXTENDED TO  
 17 08/20/2012. COURT 04/26/2011, PROBATION MODIFIED TO SUMMARY  
 18 PROBATION, AND TO SERVE AN ADDITIONAL 149 DAYS JAIL.

19 3-15-11 IRWINDALE POLICE DEPARTMENT – COUNT ONE: 242 PENAL CODE  
 20 (BATTERY) COURT CITRUS, CASE NUMBER 1JB03787, DISPO 6-9-11, COUNT  
 21 ONE: 242 PENAL CODE, MISDEMEANOR, CONVICTED, SENTENCE THREE  
 22 YEARS SUMMARY PROBATION, 45 DAYS JAIL.

23 **DNA**

- 24  CII RECORDS INDICATE A VERIFIED DNA SAMPLE IS ON FILE WITH THE CAL-DNA DATA BANK.
- 25  CII RECORDS DO NOT INDICATE THAT A DNA SAMPLE HAS BEEN COLLECTED.
- 26  SHOULD DEFENDANT BE CONVICTED OF THE INSTANT FELONY CHARGES, THERE IS A  
 27 REQUIREMENT PURSUANT TO 296 P.C. THAT DEFENDANT WILL NEED TO PROVIDE A DNA SAMPLE.
- 28  OTHER: DNA SAMPLE NOT VERIFIED BY FINGERPRINT HAS BEEN RECEIVED.

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**PERSONAL HISTORY:**

**SOURCES OF INFORMATION (THIS PAGE)**

- |                                               |                                            |
|-----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> PROBATION RECORDS    | <input type="checkbox"/> POLICE REPORT (S) |
| <input checked="" type="checkbox"/> DEFENDANT | <input type="checkbox"/> COURT RECORDS     |
| <input type="checkbox"/> O.R. REPORT          | <input type="checkbox"/> OTHER:            |

**SUBSTANCE ABUSE:**

- NO RECORD, INDICATION, OR ADMISSION OF ALCOHOL OR CONTROLLED SUBSTANCE ABUSE.
- OCCASIONAL SOCIAL OR EXPERIMENTAL USE OF \_\_\_\_\_ ACKNOWLEDGED.
- SEE ADDITIONAL INFORMATION BELOW: INDICATION / ADMISSION OF SIGNIFICANT SUBSTANCE ABUSE PROBLEM.

**ADDITIONAL INFORMATION:**

DEFENDANT ADMITS USING MARIJUANA AND ALCOHOL. DEFENDANT STATED THAT HE LAST USED ALCOHOL TWO YEARS AGO AND MARIJUANA TWO MONTHS AGO.



**PHYSICAL / MENTAL / EMOTIONAL HEALTH:**

- NO INDICATION OR CLAIM OF SIGNIFICANT PHYSICAL / MENTAL / EMOTIONAL HEALTH PROBLEM.
- SEE ADDITIONAL INFORMATION BELOW: INDICATION / CLAIM OF SIGNIFICANT PHYSICAL / MENTAL / EMOTIONAL HEALTH PROBLEM.

**ADDITIONAL INFORMATION:**

DEFENDANT STATED THAT HE IS IN GOOD HEALTH.

1 **PERSONAL HISTORY:**  
 2 **(CONTINUED)**

<b>SOURCES OF INFORMATION (THIS PAGE)</b>	
<input type="checkbox"/> PROBATION RECORDS	<input type="checkbox"/> POLICE REPORT (S)
<input checked="" type="checkbox"/> DEFENDANT	<input type="checkbox"/> COURT RECORDS
<input type="checkbox"/> O.R. REPORT	<input type="checkbox"/> OTHER:

<b>RESIDENCE</b>	<b>TYPE RESIDENCE</b> HOUSE	<b>LENGTH OF OCCUPANCY</b> THREE YEARS	<b>MONTHLY RENT / MORTGAGE</b> NONE	<b>RESIDES WITH/RELATIONSHIP</b> MOTHER, GRANDMOTHER AND OLDER BROTHER
<b>RESIDENTIAL STABILITY LAST FIVE YEARS</b> FAIR		<b>CAME TO STATE / FROM</b> BORN		<b>CAME TO COUNTY / FROM</b> BORN

7 **ADDITIONAL INFORMATION:**  
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<b>MARRIAGE / PARENTHOOD</b>	<b>MARITAL STATUS</b> NEVER MARRIED	<b>NAME OF SPOUSE / COHABITANT</b> N/A
<b>LENGTH OF UNION</b> N/A	<b>NO. OF CHILDREN THIS UNION</b> NONE	<b>SUPPORTED BY</b> N/A
<b>NO. PRIOR MARRIAGES/COHABITATIONS</b> N/A	<b>NO. OF CHILDREN THESE UNIONS</b> N/A	<b>SUPPORTED BY</b> N/A
<b>NO. OF OTHER CHILDREN</b> N/A	<b>SUPPORTED BY</b> N/A	

19 **ADDITIONAL INFORMATION:**  
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26 **FORMAL EDUCATION:**

27 DEFENDANT STATED THAT HE GRADUATED FROM CENTURY HIGH SCHOOL IN 2006.  
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1 PERSONAL HISTORY:  
2 (CONTINUED)

SOURCES OF INFORMATION (THIS PAGE)	
<input type="checkbox"/> PROBATION RECORDS	<input type="checkbox"/> POLICE REPORT (S)
<input checked="" type="checkbox"/> DEFENDANT	<input type="checkbox"/> COURT RECORDS
<input type="checkbox"/> O.R. REPORT	<input type="checkbox"/> OTHER:

EMPLOYMENT STATUS <input type="checkbox"/> EMPLOYED <input checked="" type="checkbox"/> UNEMPLOYED	EMPLOYER AWARE OF PRESENT OFFENSE <input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO			
	PRESENT/LAST EMPLOYER/ADDRESS/PHONE	OCCUPATION UNEMPLOYED	PERIOD OF EMPLOYMENT NONE	GROSS MONTHLY WAGE NONE
<input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS POOR	TYPE OF PREVIOUS EMPLOYMENT IHOP, MCDONALD'S AND TACO BELL	

9 ADDITIONAL INFORMATION:

FINANCIAL STATUS	INCOME STABILITY POOR	NET MONTHLY INCOME \$321	
PRIMARY INCOME SOURCE GENERAL RELIEF.	SECONDARY INCOME SOURCE(S) NONE	ESTIMATED. TOTAL ASSETS NONE	ESTIMATED. TOTAL LIABILITIES NONE
MAJOR ASSETS / ESTIMATED VALUE NONE			
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY) NONE			

20 ADDITIONAL INFORMATION:

GANG ACTIVITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	Name of Gang: "STONER 13"
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25 ADDITIONAL INFORMATION:

26 DEFENDANT DENIES EVER BEING INVOLVED IN GANGS. HOWEVER,  
27 PROBATION RECORDS INDICATE THAT THE DEFENDANT IS CLASSIFIED AS "STONER 13" CRIMINAL  
28 STREET GANG.

1  
2 **DEFENDANT'S STATEMENT:**

3 THE DEFENDANT WAS INTERVIEWED ON JULY 18, 2011 VIA  
4 VIDEOCONFERENCING AT TWIN TOWERS. THE DEFENDANT SAID, "I'M VERY SORRY FOR WHAT  
5 HAPPENED. I DID NOT MEAN ANY HARM TO ANYONE. I NEED ANOTHER OPPORTUNITY FOR  
6 PROBATION."

7 **INTERESTED PARTIES:**

8 ON JULY 18, 2011 AND JULY 19, 2011, THIS OFFICER LEFT MESSAGES FOR  
9 THE INVESTIGATING OFFICER, DETECTIVE JOHN GREGOZEK AT (213) 996-1375. ON JUNE 20<sup>TH</sup>, 2011 THE  
10 DETECTIVE RESPONDED AND STATED THAT THE DEFENDANT SHOULD BE SENT TO STATE PRISON, IN  
11 LIGHT OF HIS PRIOR CRIMINAL HISTORY.

12 **EVALUATION:**

13 BEFORE THE COURT IS A DEFENDANT, 27 YEARS OLD, WITH A PRIOR  
14 RECORD OF CRIMINAL CONDUCT THAT INCLUDES THREE SUSTAINED PETITIONS, TWO MISDEMEANOR  
15 AND THREE FELONY CONVICTIONS.

16 IN REGARDS TO THE PRESENT OFFENSE, IT APPEARS THE DEFENDANT'S  
17 CRIMES OF STALKING ARE CAUSE FOR CONCERN IN LIGHT OF HIS PRIOR CONVICTIONS FOR DRUNK  
18 AND DISORDERLY CONDUCT, VANDALISM AND BATTERY. THE DEFENDANT APPEARED UNINVITED AT  
19 THE VICTIM'S RESIDENCE ON JULY 9, 2011, JULY 10, 2011 AND YET AGAIN ON JULY 11, 2011. THE  
20 DEFENDANT EVIDENTLY TOOK A KEY TO THE VICTIM'S SALON, INDICATING HIS INTENTIONS TO  
21 RETURN TO THE VICTIM'S RESIDENCE AGAIN. ACCORDING TO THE ARREST REPORT, THE VICTIM IS  
22 VERY TERRIFIED BY THE DEFENDANT'S PERSISTENT, BIZARRE BEHAVIOR. IN VIEW OF THE  
23 DEFENDANT'S VIOLENT CRIMINAL HISTORY AND THE THREAT HE POSES TO THE VICTIM, A STATE  
24 PRISON SENTENCE IS IMPERATIVE.

25 **SENTENCING CONSIDERATIONS:**

26 THE DEFENDANT IS INELIGIBLE FOR PROBATION PURSUANT TO PENAL  
27 CODE 1203(E)(4), UNLESS THE COURT DETERMINES THIS IS AN UNUSUAL CASE.

28 **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 VICTIM WAS PARTICULARLY VULNERABLE.
3. THE MANNER IN WHICH THE CRIME WAS CARRIED OUT INDICATES PLANNING, SOPHISTICATION OR PROFESSIONALISM.
4. THE DEFENDANT'S PRIOR CONVICTIONS AS AN ADULT OR SUSTAINED PETITIONS IN JUVENILE DELINQUENCY PROCEEDINGS ARE NUMEROUS OR OF INCREASING SERIOUSNESS.
5. THE DEFENDANT WAS ON PROBATION WHEN THE CRIME WAS COMMITTED.

**CIRCUMSTANCES IN MITIGATION:**

1. NONE.

THE CIRCUMSTANCES IN AGGRAVATION APPEAR TO OUTWEIGH THE CIRCUMSTANCE IN MITIGATION. THEREFORE, SHOULD THE DEFENDANT BE SENTENCED TO STATE PRISON, A HIGH BASE TERM WOULD BE RECOMMENDED.

**RECOMMENDATION:**

SHOULD THE DEFENDANT BE CONVICTED AS CHARGED, IT IS RECOMMENDED THAT PROBATION BE DENIED AND THE DEFENDANT BE SENTENCED TO STATE PRISON; THAT THE COURT ORDER THE DEFENDANT TO PAY A RESTITUTION FINE AS PROVIDED BY 1202.4(A) PENAL CODE, AND THE TOTAL AMOUNT TO INCLUDE A SERVICE CHARGE AS PROVIDED BY 1202.4(L) PENAL CODE.

**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 DEFENDANT BE ORDERED TO REPORT TO THE PROBATION OFFICER WITHIN TWO (2) WORKING DAYS OF RELEASE FROM COURT OR CUSTODY AT THE ASCOT INTAKE OFFICE AREA OFFICE AT 210 W. TEMPLE ST., RM 3-516, LOS ANGELES, CA 90012.

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RESPECTFULLY SUBMITTED,

DONALD H. BLEVINS  
CHIEF PROBATION OFFICER

READ AND APPROVED BY:

BY: \_\_\_\_\_  
DENNIS M. COLLISON, DPO  
TELEPHONE: (909) 469-4544  
POMONA VALLEY AREA OFFICE

\_\_\_\_\_  
CAROLINE PETTWAY, SDPO  
TELEPHONE: (909) 469-4540

SUBMITTED: 07/19/2011 TYPED: 07/20/2011 BY: DC:DM/PFMT ( )

I HAVE READ AND CONSIDERED THE FOREGOING REPORT OF THE PROBATION OFFICER.

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

\_\_\_\_\_  
DATE

IF PROBATION IS GRANTED, THE DEFENDANT SHALL REPORT TO  
ASCOT INTAKE OFFICE AREA OFFICE AT 210 W. TEMPLE ST., RM 3-516, LOS ANGELES, CA 90012.

**Grant of probation (PC  
1203)**

1.  Serve 365 days in the Los Angeles County jail.  consecutive to \_\_\_\_\_  concurrent with \_\_\_\_\_  all other time.  
 Defendant to receive custody credit of \_\_\_\_\_ days actual plus \_\_\_\_\_ days GT/WT for a total of \_\_\_\_\_.  Time may be served in any penal institution.
2.  Last \_\_\_\_\_ days of jail time to be served in  Antelope Valley Rehabilitation Center at Acton or Warm Springs, California (827)  
 residential program \_\_\_\_\_  
Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions.  
If defendant leaves or is discharged from the program for any reason prior to completion, defendant is to report to court on the next day court is in session. (013)
3.  Perform 365 days of work for Community Labor (Cal-Trans, Graffiti Removal, etc.)/Community service/\_\_\_\_\_
4.  Pay a fine in the sum of \$ \_\_\_\_\_ plus penalty assessments or in default thereof serve \_\_\_\_\_ days in County jail, consecutive.

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5.  Make restitution to victim \_\_\_\_\_ pursuant to PC 1202.4(f) in the sum of \$ \_\_\_\_\_. (048)  
 in an amount and in the manner prescribed by the Probation Officer, subject to a hearing if requested. (068)  
 in the stipulated sum of \$ \_\_\_\_\_. (048) in a sum stipulated not to exceed \$ \_\_\_\_\_. (048) per any final civil judgment against you. (119)
6.  Obey all laws, and orders of the court and all rules, regulations and instructions of the Probation Officer. (541/542)
7.  Report to the Probation Officer within 48 hours of your release from custody at the ASCOT INTAKE Probation Office. (817)
8.  Cooperate with the Probation Officer in a plan for (530)  drug treatment and rehabilitation  \_\_\_\_\_.
9.  Complete an approved  52  26 \_\_\_\_\_ week  sex offender  domestic violence  \_\_\_\_\_ counseling program.
10.  Seek and maintain training, schooling or employment as directed by the probation officer. (500)
11.  Maintain residence as approved by the Probation Officer (536) and keep the Probation Officer advised of your work and home address and telephone number at all times. (564)
12.  Support dependents as directed by the Probation Officer. (503)

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13.  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 reasonable suspicion. (576)
14.  Do not own, use or threaten to use, possess, buy or sell any deadly or dangerous weapons, including but not limited to firearms or other concealable weapons. (230)
15.  Do not use or threaten to use force or violence against any person. Do not annoy, molest, harass, intimidate or contact directly or indirectly, any victim or witness in this case, especially \_\_\_\_\_. (913)
16.  Stay 100 yards away from and have no contact with \_\_\_\_\_. (904)
17.  Stay 100 yards from the location of  the arrest  VICTIM'S RESIDENCE
18.  Obey the Protective Order issued in this or any other case. (579) Defendant is served with a copy of the Protective Order in open court. (578)

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19.  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)
20.  Submit to periodic controlled substance testing when requested by the Probation Officer or any other peace officer. (584)
21.  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.

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22.  Abstain from the use of all alcoholic beverages and stay out of places where they are the chief item of sale. (300)
23.  Use only your true name, stated to be \_\_\_\_\_. (924)  Do not give false information to any peace officer at any time. (535)
24.  If you leave or are deported from the United States, do not re-enter it illegally. If you do re-enter the United States, report to the Probation Officer within 72 hours of your return and show proof that you are lawfully within the United States. (469)

25.  Do not drive a motor vehicle without a valid driver's license in your possession or without liability insurance in at least the minimum amounts required by law. (374)
26.  Submit to AIDS test, pursuant to 1202.1(a) PC. (668)
27.  Provide a DNA sample and print impressions pursuant to PC 296 and 296.1. (790)
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28.  Do not associate with any persons known by you to be criminal street gang members, affiliates, or associates, and stay away from all places where you know such persons congregate, except in an authorized anti-gang program. (918) Do not own, possess, or wear any criminal street gang paraphernalia, or exhibit any indicia of criminal street gang affiliation, including, but not limited to, dressing in, displaying or wearing any clothing, "colors" or other insignia associated with any street gang, or making, displaying, using or "flashing" any hand signs or signals associated with any criminal street gang. (916) Obey any gang injunction that applies to you. (399)
29.  Do not remain in any vehicle or location where any dangerous or deadly weapon is possessed nor remain in the presence of any unlawfully armed person. (933)
30.  Do not open, possess, use, or attempt to open, use or obtain any bank account, loan, check, draft, order of withdrawal, debit card, ATM card, credit card or other account access card, except in your true name and with your true identifying information.
31.  Do not be within 100 yards of any public place, or in any vehicle, where you know illegal controlled substances or illegal weapons are present, or where you know the vehicle is stolen or being operated without the owner's consent.
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32.  Pay all of the following (check all that apply):
- A restitution fine of  \$200.00.  \$20, per PC 1202.4(b) through (3). The restitution fine is calculated per formula set out in PC 1202.4(b)(2).
  - A parole revocation restitution fine of  \$200.00 \$ per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.
  - A probation revocation restitution fine of \$200.00,  \$\_\_\_\_\_, per PC 1202.44, payment is stayed until probation is revoked and sentence imposed.
  - A court security fee of \$20.00 per PC 1465.8(a)(1). (ADL SA:SF)
  - Cost of probation services, as determined by the Probation Officer, subject to a hearing if requested  in the amount of \$\_\_\_\_\_ per month.
  - A crime lab drug analysis fee of \$50.00 plus penalty assessment pursuant to H&S Code 11372.5
  - A crime prevent fine of \$10.00 per PC 1202.5 (PC theft-related and vandalism cases). (ADL SA:CP)
  - A sex offender fine of \$200.00 (1<sup>st</sup> offense) \$300 (2<sup>nd</sup> and subsequent offense) per PC 290.3
  - A criminal justice administration reimbursement fee of \$\_\_\_\_\_ payable to the local arresting agency, per Gov't Code 29550.1 or Gov't Code 29550.2.
  - \_\_\_\_\_
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33.  REPORT TO THE ASCOT INTAKE TEAM, 210 WEST TEMPLE STREET, THIRD FLOOR, ROOM 3-516, LOS ANGELES, CALIFORNIA 90012.