

SUPERIOR COURT OF CALIFORNIA COUNTY OF MERCED		☐ AMENDED MINUTE ORDER TO CORRECT:	
The People of the State of California, Plaintiff vs. Eugene Esmond Forte Defendant DOB: 02-26-52 Minutes: DOCTOR REPORT: PC1368		Date: January 28, 2013 Time: 10:00 am Judge/Comm: ☐ Kiriara ☐ Hansen ☐ Flanagan ☐ McCabe ☐ Ash ☐ Garcia ☐ Proietti ☐ Moranda ☐ Bacciarini ☐ Jacobs ☐ Schechter ☐ Dougherty, Assigned Judge Clerk: <u>K. Duree</u> Assigned Judge: <u>James E. Cadle</u> Court Reporter: <u>M. Valdez</u> Interpreter: _____ Language: ☐ Certified ☐ Non-Cert Agency: Merced County Sheriff's Dept DA Case/Citation No.: 09-05698 Cite Date: 02-24-09 Case No. <u>CRL001412</u> Location: Courtroom 5	
Charges: Ct 1: PC148(a)-MISD Ct 2: PC415(2)-MISD Ct 3: PC240-MISD Ct 4: PC148(a)-MISD Ct 5: PC415(2)-MISD			

APPEARANCES:		DEFENDANT STATUS:		WARRANT/BOND INFORMATION:	
☐ Stipulate to ☐ Commissioner ☐ Judge Pro Tempore ☒ District Attorney: <u>A. Turner</u> ☒ Defense Attorney: <u>E. Dumas</u> ☐ Specially Appearing for: _____ ☐ PD ☐ CPD ☐ Retained ☐ 977 Waiver/Appr ☐ Defendant stipulates to non-certified interpreter. A certified interpreter is not available, Court finds good cause to appoint a non-certified interpreter, finds interpreter qualified		☐ O.R. ☐ In-Custody Bail \$ _____ ☒ Bail as set is Reasonable ☐ Released on Bail Bond/Cash \$ _____ ☐ Electronic Monitoring ☐ Sentenced ☐ Other: _____ ☐ Interpreter needed (language) _____		☐ FTA ☐ Issue Warrant \$ _____ ☐ Stayed ☐ Probable cause finding made ☐ Revoke ☐ O.R. ☐ Probation ☐ Bail Forfeited in Open Court ☐ on the Record ☒ Bond Exonerated ☐ No Cite & Release ☐ Reassumption Letter Accepted, Bail Reinstated ☐ Court Reporter needed	

PROCEEDINGS:

☐ App't ☐ PD ☐ Next ☐ CPD ☐ Counsel Waived ☒ Cont/Def to obtain ☐ atty ☐ CDL ☐ TW For Arr ☐ Arraign/Advise rgts ☐ given ☐ waived
☐ PD declares a conflict and is relieved Def. ☐ Admits FTP ☐ Admits ☐ Denies Prior(s) / Enhancement(s): _____
☐ Def. ☐ Admits ☐ Denies allegations of violation of Conditional Sentence & Revocable Release ☐ Conditional Sentence Revoked ☐ Plea entered, not accepted
☐ Defendant ordered to report to the R&R Officer forthwith to complete the Financial Declaration Form. ☐ PC987.8(f) advisement given
☐ Financial Statement completed by the defendant and submitted to the Court.
☐ Defendant consents to reduce the Misdemeanor charge to an Infraction pursuant to PC17(d)(2) ☐ Defendant consents to delay prosecution to obtain CDL
☐ Amended: To charge/add _____ ☐ Infraction ☐ Misdemeanor, Motion of _____
☐ Plead ☐ In Absentia ☐ Guilty ☐ No Contest to _____ ☐ Not Guilty to _____
☒ Dismissed: Following charges Entire Case Motion of D.P.D pursuant to PC 1370.2

DEFENDANT ORDERED TO REPORT AT ONCE TO: ☐ Court Svcs, Prob.Dept ☐ Pre-Plea Restitution Rpt ☐ Probation P/36 ☐ Jail ☐ Fingerprinting ☐ Crt Order Booking

TRIAL: ☐ Officer ☐ Present & Sworn ☐ Not Present ☐ Defendant ☐ Present & Sworn ☐ Not Present
Verdict of: ☐ Guilty of _____ ☐ Not Guilty of _____ ☐ Mistrial

POST:
Bail \$ _____ Court Fee \$ _____ CTSI Fee \$ _____ by _____ Upon receipt, T/S ☐ 8 ☐ 12 hr, C/T, TXD will be ☐ scheduled ☐ granted

SENTENCE:
☐ Time waived for sentencing ☐ Formal arraign/advise of constitutional rgts waived ☐ Criminal proceedings ☐ Suspended ☐ Resumed
☐ Conditional Sentence granted _____ months (See order below for terms.) ☐ Conditional Sentence ☐ Revoked ☐ Reinstated as modified herein

FINE/FEES:
Installment Fee of \$35.00; \$45.00 Eff 9/1/12 chgd for all fines pd in two or more installments/Accounts Rec fee of \$30.00 chgd for any fine not paid the day imposed PC1205(d)

☐ Pay fines/fees as follows: Ct. _____ \$ _____ Ct. _____ \$ _____ Ct. _____ \$ _____
Amounts include any: Penalty Assessment, \$140.00 State Restitution Fund (misd.), \$40.00* (*eff 10/25/10) Court Operations Assessment per conviction pursuant to PC1465.8, and \$30.00 fee imposed per Misdemeanor/Felony conviction and/or \$35.00 fee imposed on infractions pursuant to GC70373, \$4.00 EMS fee imposed per VC conviction pursuant to GC76000.10.

☐ Credit against fine \$ _____ ☐ \$ _____ Suspended ☐ \$ _____ Civil Assessment ☐ Set Aside ☐ Forfeited
☐ With proof of _____ by _____ suspend \$ _____ of fine
☐ Pay fine in full to the Court today ☐ Pay \$25.00 processing fee per violation, due by _____
☐ Pay fine to R&R in full by _____ ☐ Convert \$ _____ of fine amount to _____ days in jail _____ hours Community Service
☐ Pay fine to R&R in monthly payments of \$ _____ or more, beginning on _____ and on or before the same day of each month until paid in full.
☐ Pay \$ _____ to R&R for Domestic Violence fee pursuant to 1203.097 ☐ Pay \$25.00 plus administration fee to A Battered Woman Shelter.
☐ Pay Jail booking fee in the amount of \$ _____ to ☐ R&R ☐ City of ☐ Atwater ☐ Livingston ☐ Other: _____
☐ Attorney Fees: ☐ Waived ☐ \$200 ☐ \$500 (if felony amended to Misd) Other ☐ \$ _____ ☐ Rept to R&R w/in 1 business day to set up payments

CONDITIONS OF RELEASE ON BAIL/O.R./ELECTRONIC MONITORING/CONDITIONAL SENTENCE:

JAIL:
☐ Serve _____ ☐ days ☐ months in jail with credit for: Actual _____ Conduct _____ Total _____ days served. ☐ Forthwith
☐ Report to ☐ Court ☐ Jail Starting _____ at _____ ☐ AM ☐ PM ☐ Jail to determine credits ☐ Time Served
☐ Serve ☐ concurrent with ☐ consecutive to any time being served ☐ Other _____

OTHER:
☒ Obey all laws ☒ Report any change of address to the court immediately ☐ Standard DUI terms (see checked items)
☐ Do not drive a motor vehicle ☐ Do not drive unless properly licensed and insured ☐ Installation of Ignition Interlock Device ☐ Ordered ☐ Not ordered
☐ Defendant shall not drive a vehicle for the next _____ years unless equipped with a functioning Ignition Interlock Device
☐ Abstain ☐ totally from the ☐ excessive use of intoxicating beverages ☐ Do not drive with any measurable amount of alcohol in your blood
☐ Submit to chemical testing at the request of any peace officer for being under the influence of drugs and/or intoxicating beverages
☐ Do not enter any establishment where alcohol is the primary beverage sold ☐ Code Section 23593(a) CVC Advisement Given
☐ Do not possess, consume or be under the influence of illegal drugs or paraphernalia
☐ Enroll in ☐ Referred back to ☐ Level1(circle): 6 wk/3mo/6mo/9mo ☐ SB38 ☐ P36 ☐ PES ☐ PC1000 within _____ days ☐ After release from jail
☐ Complete _____ Hours of Community Service ☐ Court has no objection to Def. completing Program in _____ County.
☐ Enroll and complete ☐ ACCS ☐ Certified Batterers Treatment Program: ☐ 34 wk ☐ 52 wk ☐ Deferred Entry of Judgment _____
☐ Do not annoy, ☐ harass, ☐ threaten, ☐ strike ☐ Stay away from ☐ Have no contact with _____
☐ Do not own or possess a firearm for the next ten years/Term of conditional sentence ☐ Seek and maintain Mental Health Counseling
☐ Pay restitution in the amount of \$ _____ plus admin. fee to R&R by _____ ☐ Court reserves jurisdiction as to Restitution
☐ Restitution is to be paid joint and several ☐ To Victim(s): _____
☐ Submit person, vehicle, place of residence or area over which he has control to search for and seizure of narcotics, drugs or other contraband at any time day or night, with or without search warrant, with or without probable cause, as directed by any peace officer ☐ Defendant has valid CDL
☐ Register pursuant to Section 11590 of the California Health and Safety Code ☐ CLETS Protective Order ☐ issued ☐ modified ☐ terminated
☐ Defendant advised to report to the Clerk's Office to clear DMV Failure to Appear on this case ☐ Pass ☐ Release Order Signed & Filed

NEXT COURT DATE: 2-13-13 **TIME:** 10:00am **COURTROOM:** 5 **FOR:** Hearing on Attorney Fees

NEXT COURT DATE: _____ **TIME:** _____ **COURTROOM:** _____ **FOR:** _____

☒ DEFENDANT ORDERED TO APPEAR ☐ Special Set ☐ Hearing date(s) Vacated: _____

TIME WAIVED/NOT WAIVED ☐ Specific T/W to: _____ ☐ TIME WAIVER WITHDRAWN "You have the right to appeal this action. Your appeal must be filed within thirty (30) days."

Discussion is had as to why the defendant failed to meet with Dr. Neufeld and Dr. Hamm.

The Court accepts defense counsel's waiver of a Jury Trial as to Competency Hearing and orders the matter to proceed today on the Competency Hearing as a Court Trial.
Psychological Evaluation submitted by Dr. Blak is filed in open Court.

I certify the foregoing is a true copy of the judgment rendered on the above date by the above named Judge.
Linda Romero Soles, Court Executive Officer of the above named Court. By _____ Deputy Clerk

Witnessed by _____ Executed on _____ Signature _____ Defendant _____
Address _____ City _____ State _____ Zip _____
P.O. Box _____ Phone _____

DISTRIBUTION: D.A. P.D. MDA JAIL PROBATION DEFENDANT COURT ADMIN MENTAL HEALTH GCS
COURT PROBATION LEVEL 1 SB38 R&R PROP. 36 MMGT

Defendant's oral request to file with the Court a "Request for Stay of Competency Trial" is heard. The Court on the defendant that the document will be stamped as Received but will not be filed with the Court.

The Court finds the defendant is not competent.
Defense Counsel motion to dismiss pursuant to PC 1370.2 is heard and granted.
The Court reserves Jurisdiction as to issue of Attorney Fees.
The Court orders the defendant to provide New Financial Declaration to the Court by 2-8-13.

CRL001412
January 28, 2013