

REPORT 6789 Q C X
STAPLETON/WALKER

RUN 10/06/10 @ 11=24 PAGE
) CTN 1859334 SCN
) SFNO : INCN 99074668
) JAIL# 1859334 W/M DOB (5
) MCN STRKS CELL
) OPLIC

ATNY GILLER/JAMES

DEFSTATUS PROD)
JAILST FREE 111599/1711)

----- KEY DATES -----

ARR 062099 REBOOK 062299) BRCN SB00131944
COMP /062499 /) BW / PSR
PROBSTAT GRANT - 090999) INTR PCD
SETBAIL \$)

----- SCHEDULED ON CALENDAR -----

090999/0900 M16 PC FINAL PRE-TRIAL CONF (DOP)
072699/0900 M16 HR2 19/I&A, PLEA & FILE AMENDED
071499/0900 M16 HR1 19/I&A, PLEA (DOP)
062499/0900 M16 AN

Q252711 BKD 20001B1VC /F NOW 23153(A)VC/M HIT/RUN RESULTING IN INJURY
COUNT PLEA NL /090999 FINDING G DISM 72
Q252712 BKD 23153(A)VC/F NOW 23153(B)VC/M DUI ALC/DRUGS/CAUSE BODILY INJ
COUNT PLEA / DISM 72
Q252712A BKD NOW 20001VC /M HIT AND RUN DEATH OR INJURY
COUNT PLEA / DISM 72

MSG WAITING

Q252712B BKD

NOW 23152(A)VC/M DUI ALCOHOL/DRUGS

COUNT 4 PLEA NL /090999 FINDING G

DISPO 090999 ISS 17PC CTS 001D PJ 020D PROB SD/036M JLSS M2 JAIL

FINE \$ 1096 SUSFINE \$

----- LAST APPEARANCE -----

090999 M16 SN

DEF P/SURE

SENTENCE , DISMISSAL , PLEA

OCCURRED

BX SB131944 \$25000; CT 2 & 3 DISM I/V/O PLEA

COMPL FOP; OOF REST; \$100VIF; ATTND AA MTG 2X/MO; SWAP 10/6/99

* * * * * E N D O F R E P O R T * * * * *

MUNICIPAL COURT IN THE CITY AND COUNTY OF SAN FRANCISCO • PROBATION ORDER
 SAN FRANCISCO ADULT PROBATION DEPARTMENT • 880 BRYANT ST. ROOM 200 • SAN FRANCISCO, CA 94103 (415) 563-1704

DEFENDANT'S LAST NAME		FIRST	MIDDLE	COURT NO	COURT DATE		DEPT. NO.
AKA				APO NO	FILE NO	SFPD NO	JUDGE
ADDRESS				OFFENSE			
				SOCIAL SECURITY NO	CONVICTED BY	CII NO.	
<input type="checkbox"/> INTERPRETER NEEDED/SPECIFY LANGUAGE				RECEIVED DATE	COMMUNITY SERVICES SUPERVISOR		
D.O.B.	P.O.B.	SEX	PHONE NO	CASLOAD NO	C.'S PROBATION OFFICER	PHONE	
INVESTIGATING PO. EXTENSION				DA	DEFENSE ATTORNEY		

COURT ACTION

THE ABOVE NAMED DEFENDANT, BEING PRESENT IN COURT AND HAVING BEEN CONVICTED OF VIOLATION(S) OF SECTION(S) _____

IT IS HEREBY ORDERED THAT:

- A: IMPOSITION OF SENTENCE SUSPENDED. BWI PROPOSED SENTENCE
- B: DEFENDANT BE SENTENCED TO _____ DAYS/MONTHS/ONE YEAR IN THE COUNTY JAIL EXECUTION OF WHICH IS SUSPENDED.
- PROBATION GRANTED FOR _____ YEARS COMMENCING ON _____
- DIVERSION GRANTED _____ MONTHS/YEARS PROBATION DENIED

TERMS AND CONDITIONS

- | | |
|--|--|
| <p>1. <input type="checkbox"/> SERVE <u>30</u> DAYS/MONTHS/ONE YEAR IN THE COUNTY JAIL <u>1</u> CTS
 <input type="checkbox"/> THRU SWAP. SURRENDER DATE _____ (AND PAY SWAP FEES AS DETERMINED)</p> <p>2. <input type="checkbox"/> WARRANTLESS SEARCH CONDITION AS TO DEFENDANT'S PERSON PREMISES OR VEHICLE, ANY TIME DAY OR NIGHT, WITH OR WITHOUT PROBABLE CAUSE, BY ANY PEACE, PAROLE, OR PROBATION OFFICER.</p> <p>3. <input type="checkbox"/> WEAPONS: DO NOT POSSESS ANY FIREARM OR ANY OTHER DANGEROUS OR DEADLY WEAPON.</p> <p>4. <input type="checkbox"/> ALCOHOL: DO NOT DRINK ALCOHOLIC BEVERAGES.</p> <p>5. <input type="checkbox"/> SUBMIT TO: DRUG/CHEMICAL TESTING AS DIRECTED BY THE PROBATION OFFICER.</p> <p>6. <input checked="" type="checkbox"/> <u>Driving</u>: DO NOT DRIVE WITHOUT A VALID DRIVER'S LICENSE AND INSURANCE.</p> <p>7. <input checked="" type="checkbox"/> NOT TO DRIVE WITH ANY MEASURABLE ALCOHOL IN BLOOD.</p> <p>8. <input type="checkbox"/> DRIVER'S LICENSE: <input type="checkbox"/> A. SURRENDER LICENSE TO CLERK OF THE COURT TO BE SENT TO D.M.V.
 <input type="checkbox"/> B. DRIVING PRIVILEGE AND LICENSE IS SUSPENDED BY THE COURT FOR _____ MONTHS.
 <input type="checkbox"/> C. DRIVING PRIVILEGE IS RESTRICTED BY THE COURT EXCEPT THAT DEFENDANT IS AUTHORIZED TO DRIVE TO AND FROM, OR, IN THE COURSE OF EMPLOYMENT AND _____</p> <p>9. <input type="checkbox"/> VEHICULAR VIOLATORS SCHOOL: TO ATTEND AND COMPLETE AS ASSIGNED
 <input type="checkbox"/> LEVEL 1 DUI (DRIVING UNDER THE INFLUENCE SCHOOL).
 <input type="checkbox"/> LEVEL 2 FOP (FIRST OFFENDERS PROGRAM).
 <input type="checkbox"/> DDP SECOND OFFENDERS PROGRAM, DRINKING DRIVERS PROGRAM
 <input type="checkbox"/> OTHER SCHOOL OR PROGRAM NAME _____</p> <p>10. <input type="checkbox"/> OBTAIN/CONTINUE IN-PATIENT/OUT-PATIENT DRUG/ALCOHOL/PSYCHIATRIC TREATMENT</p> <p>11. <input type="checkbox"/> DO NOT THREATEN, MOLEST, HAVE NO WRITTEN, TELEPHONE, PERSONAL OR THIRD PARTY CONTACT WITH _____</p> <p><input checked="" type="checkbox"/> NOTIFY THE PROBATION OFFICER IMMEDIATELY WHEN YOU CHANGE YOUR RESIDENCE OR EMPLOYMENT</p> <p><input checked="" type="checkbox"/> OBEY ALL LAWS. FEDERAL LAW PROHIBITS ANY CONVICTED FELON FROM POSSESSING A FIREARM.</p> | <p>12. <input type="checkbox"/> REGISTER PURSUANT TO PROVISIONS OF: [] 290PC [] 457.1PC [] 11590 H&S</p> <p>13. <input checked="" type="checkbox"/> PAY RESTITUTION TO THE VICTIM IN THE AMOUNT OF \$ _____ OR IN AN AMOUNT AND MANNER TO BE DETERMINED BY THE COURT, OR THE PROBATION OFFICER, PLUS 10% ADMINISTRATIVE FEE.</p> <p>14. <input checked="" type="checkbox"/> RESTITUTION TO INCLUDE OUT OF POCKET EXPENSES ONLY.</p> <p>15. <input type="checkbox"/> PAY RESTITUTION TO THE RESTITUTION FUND PURSUANT TO SECTION 1203.04 P.C. IN AN AMOUNT OF: _____</p> <p>16. <input type="checkbox"/> PERFORM _____ HOURS OF COMMUNITY SERVICE.</p> <p>17. <input type="checkbox"/> PAY PROBATION COSTS AT THE RATE OF \$ _____ /MO. IN A MANNER DETERMINED BY THE PROBATION OFFICER.</p> <p>18. <input checked="" type="checkbox"/> PAY \$ _____ FINE, INCLUDING PENALTY ASSESSMENT TO THE CASHIER'S OFFICE OF THE ADULT PROBATION DEPT. IN SUCH MONTHLY INSTALLMENTS AS DIRECTED BY THE PROBATION OFFICER.</p> <p>19. <input type="checkbox"/> PAY A \$ _____ CRIMINAL ANALYSIS FEE PURSUANT TO SECTION 11372.5 HEALTH AND SAFETY CODE ON EACH COUNT.</p> <p>20. <input type="checkbox"/> PAY \$ _____ DIVERSION FEE.</p> <p>21. <input type="checkbox"/> PAY \$ _____ AIDS EDUCATION FINE PURSUANT TO P.C. 1463.23.</p> <p>22. <input type="checkbox"/> PAY THE COST OF INCARCERATION IN THE AMOUNT OF \$ _____</p> <p>23. <input checked="" type="checkbox"/> OTHER CONDITIONS _____</p> <p>24. <input checked="" type="checkbox"/> MAY REVERT TO COURT PROBATION UPON SUCCESSFUL COMPLETION OF CONDITIONS.</p> <p>25. <input type="checkbox"/> PROGRESS REPORT ORDERED FOR _____ DATE IN DEPT# _____</p> <p><input checked="" type="checkbox"/> NOTIFY THE PROBATION OFFICER OF ANY ARRESTS NO MORE THAN 24 HOURS AFTER THEY OCCUR. (EXCLUDING WEEKENDS AND HOLIDAYS)</p> <p><input checked="" type="checkbox"/> REPORT TO THE PROBATION OFFICER MONTHLY, OR AS DIRECTED. FAILURE TO REPORT IS A VIOLATION OF THE TERMS OF YOUR PROBATION.</p> |
|--|--|

I ACKNOWLEDGE THAT PROBATION OFFICER HAS EXPLAINED ABOVE CONDITIONS. _____ DEF. _____ DATE

X _____ SIGNATURE OF DEFENDANT _____ DATE

SIGNATURE OF COURT CLERK/COURT OFFICER

DATE

SIGNATURE OF PROBATION OFFICER

DATE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

M16 6-24

1859334
COURT NO.

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
ATTN: STAPLETON/WALKER DEFENDANT
CO DEPT.

COURT NO. 1859334

ACTION NUMBER	CHARGE	NOTATION
1. Q252711	23153(A) VC	
2. 12	23153(B) VC	
3. 12A	2000 VC	
4. 12B	23153(C) VC	
5.		

CMS

DATE JUN 24 1999
 CLERK INITIAL DEPT. COMPLAINT FILED ON JUN 24 1999
 DEFENDANT STATUS CUSTODY BAIL O.R. CITATION BOND NO. SB131944 \$25,000
 COUNSEL PUBLIC DEFENDER PRO PER PRIVATE JAMES GILLER, atty
 DEFENDANT PERSONALLY WAIVES HIS RIGHT TO COUNSEL
 COUNSEL CHANGED TO _____

JUN 24 1999
 ARRAIGNMENT
 JUDGE TOMAR MASON CLERK PAUL LEE REPORTER M. NORMAN DEFT STATUS Sure
 DEFENDANT PRESENT NOT PRESENT WITHOUT WITH/BY COUNSEL PRO PER
 APPEARANCE WAIVED WRITTEN WAIVER FILED
 DISCHARGED DISCHARGED DETENTION ONLY

JUN 24 1999
 ARRAIGNMENT AND ADVISEMENT OF CONSTITUTIONAL RIGHTS WAIVED
 DEFENDANT ARRAIGNED AND ADVISED OF CONSTITUTIONAL RIGHTS PER PARAGRAPH 2, PAGE 1 (BACK)
 DEFENDANT ADVISED AS SET FORTH IN PARAGRAPH 3, PAGE 1 (BACK)
 COMPLAINT DISMISSED AMENDED TO add it 3 2000 VC
 DEFENDANT INSTRUCTED AND ARRAIGNED ON AMENDED COMPLAINT
 DIVERSION REQUESTED. SEE CONTINUED FOR FURTHER PROCEEDING
 SCHEDULE HEARING ON COUNSEL FEE
 CASE CONTINUED TO 7-14-99 9AM (16 FOR I & A, Plea (Dop) Sure

JUN 24 1999
 PLEA
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 DEFENDANT PRESENT NOT PRESENT WITHOUT WITH/BY COUNSEL PRO PER
 APPEARANCE WAIVED WRITTEN WAIVER FILED
 DEFENDANT ADVISED OF AND PERSONALLY WAIVED CONSTITUTIONAL RIGHTS AS SET FORTH IN PARAGRAPH 1, PAGE 1 (BACK) AT THE TIME OF PLEA
 PLEA NOT GUILTY GUILTY NOLO CONTENDERE
 PLEA AS TO CHARGE(S) all etc

SEP - 9 1999
 JUDGE MASON CLERK A. ANDAYA REPORTER M. NORMAN DEFT STATUS Sure
 PLEA CHANGED TO ~~23153(C) VC~~ 23153(C) VC - AMENDED AS TO CHARGE(S) 23153(C) VC - AMENDED
 JURY WAIVED AND SUBMITTED YES COURT MAKES A QUALITY FINDING.

SEP - 9 1999
 SENTENCE
 JUDGE T. MASON CLERK A. ANDAYA REPORTER M. NORMAN DEFT STATUS Prod
 DEFENDANT PRESENT NOT PRESENT WITHOUT WITH/BY COUNSEL PRO PER
 DEFENDANT WAIVES TIME FOR FORMAL ARRAIGNMENT AND SENTENCING
 DEFENDANT INSTRUCTED AND ARRAIGNED FOR SENTENCING
 AS TO CHARGE(S) ALL REMAINING CHARGES IV OF PLEA DISMISSED STIPULATED PROBABLE CAUSE

SEP - 9 1999
 COURT P.C. 1385 P.C. 1382 P.C. 1381 P.C. 1378
 P.C. SERVE _____ DAY(S) IN JAIL, CREDIT FOR _____ DAY(S) SERVED. COMMITMENT JUED
 SERVE 12 MONTHS DAY(S) MONTHS SUSPENDED. PLACED ON 36 MONTHS PROBATION TO COURT AND 20 DAY(S) IN JAIL, CREDIT FOR 1 DAY(S) SERVED. COMMITMENT ISSUED

PROBATION
 OBTAIN PSYCHIATRIC/MEDICAL TREATMENT APO RESTIT CT. RESTIT DRUG REHAB ALCH. REHAB
 PROGRESS REPORT DUE _____ SEE CONTINUED FOR FURTHER PROCEEDING
 OTHER CONDITION/ORDER COMPLETE FOP: OUT OF POCKET RESTITUTION; \$1500 VIF ATTEND AA MEETING TWICE A MONTH FN WEAPON CONFISCATED. SUBD SE. 10-6-99
 Obey all Calif. laws; do not drive without valid license. Defendant not to drive with any measurable amount of alcohol in his/her blood.
 DEFENDANT RECEIVED COURT PROBATION MONITORING SUPERVISION IN COURT
 PAY FINE OF \$ 1096 (\$ _____ SUSPENDED) PLUS \$ _____ PENALTY ASSESSMENT
 AMOUNT TO BE PAID IN FULL SEE CONTINUED FOR FURTHER PROCEEDING
 AMOUNT TO BE PAID IN INSTALLMENTS BEGINNING ON OR BEFORE _____ DATE PAYABLE
 AT \$ _____ PER _____ UNTIL PAID IN FULL
 INSTALLMENT PAYABLE AT ROOM 101 ROOM 201 ADULT PROBATION
 FINE PAID FINE PAID FROM BAIL FEE TAG PROJECT 20
 APD PROBATION TO REVERT TO COURT PROBATION UPON PAYMENT FINE/RESTITUTION
 STAY OF EXECUTION GRANTED SEE CONTINUED FOR FURTHER PROCEEDING
 DEFENDANT SURRENDERED INTO CUSTODY
 PROGRESS REPORT DUE _____ SEE CONTINUED FOR FURTHER PROCEEDING

SEP - 9 1999
 OTHER ORDERS DA ORALLY ADD 23153(C) VC - VILA - 12 REGULARS
 SEP - 9 1999
 REQUEST JUS. 8715
 Please form to be made part of the abstract & made part of the abstract
 ABSTRACT REQUIRED
 Date: 9-10-99

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
STAPLETON/WALKER**

DATE _____ CLERK INITIAL _____ DEPT. _____

COURT NO. 1859334 CMS

MOTION HEARD

JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 FOR _____ IS DENIED GRANTED MODIFIED
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____

BAIL INFORMATION

COURT O.R. BY JUDGE _____ PROJECT O.R. BY JUDGE _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BAIL SET: AMOUNT \$ _____ REC. NO. _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BAIL RESET: AMOUNT \$ _____ REC. NO. _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BAIL FORFEITED. REC. NO. _____ AMOUNT \$ _____ O.R. REVOKED
 JUDGE T. MASON CLERK A. ANDAYA REPORTER M. NORMAN DEFT STATUS SURE
 FORFEITURE SET ASIDE AND BAIL REINSTATED/EXONERATED O.R. REINSTATED 8131944
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS 926,000
 BAIL RESET. \$ _____ REC. NO. _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BAIL FORFEITED. REC. NO. _____ AMOUNT \$ _____ O.R. REVOKED
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 FORFEITURE SET ASIDE AND BAIL REINSTATED/EXONERATED. O.R. REINSTATED
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BAIL RESET. \$ _____ REC. NO. _____

SEP - 9 1999

WARRANT

JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BENCH WARR. ISSUED. BAIL \$ _____ NONAPPEARANCE PROB. VIOL. FINE PYMT.
 REQUEST JUS 8715
 RECALLED/DISCHARGED B.W. ORDERED BY JUDGE _____
 DISPOSITION RE B.W. _____ JUDGE _____
 JUDGE _____ CLERK _____ REPORTER _____ DEFT STATUS _____
 BENCH WARR. ISSUED. BAIL \$ _____ NONAPPEARANCE PROB. VIOL. FINE PYMT.
 REQUEST JUS 8715
 RECALLED/DISCHARGED B.W. ORDERED BY JUDGE _____
 DISPOSITION RE B.W. _____ JUDGE _____

CONTINUED FOR FURTHER PROCEEDING

DATE/TIME	DEPT.	FOR	STAT TIME WAIVED		DEFT. STATUS
			YES	NO	
JUL 14 1999	16	PLEA + FINE MADE			
		COMPLAINT DSP (GM)			SURE
JUL 26 1999	16	PTC (DAD)			
AUG 18 1999	16	final PTC (DAD)			SURE

OTHER ACTION/ORDER

ACTION NOS.
1859334

DEFENDANT(S)
STAPLETON WALKER

VIOLATION(S)
23153(a) VC/M.
23153(b) VC/M.

DEPT.
16

6-24

THE PEOPLE OF THE STATE OF CALIFORNIA VS. THE DEFENDANTS ABOVE NAMED

IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

FILED
SUPERIOR COURT
Alan Carlson, Clerk

JUN 24 1999 E.L.R.

COMPLAINT

PAUL MORSE states and declares on information and belief that the said defendant(s) did in the City and County of San Francisco, State of California, on or about the 20th day of June, 1999, commit the crime of misdemeanor, to wit: Violating Section 23153(a) of the California Vehicle Code, in that the said defendant(s) did wilfully and unlawfully while under the influence of an alcoholic beverage and a drug and under their combined influence, drive a vehicle and in so driving did an act forbidden by law, to wit: did fail to yield the right of way to a pedestrian crossing the roadway within a marked crosswalk in violation of Section 21950(a) of the California Vehicle Code which proximately caused bodily injury to CHRISTIE GREGORY AND GINGER VASQUEZ.

COUNT II

That the said defendant(s) did in the City and County of San Francisco, State of California, on or about the 20th day of June, 1999, commit the crime of misdemeanor, to wit: Violating Section 23153(b) of the California Vehicle Code, in that the said defendant(s) did wilfully and unlawfully while having .08 percent and more, by weight, of alcohol in his/her blood, drive a vehicle and in so driving did an act forbidden by law, to wit: did fail to yield the right of way to a pedestrian crossing the roadway within a marked crosswalk in violation of Section 21950(a) of the California Vehicle Code which proximately and neglected a duty imposed by law which proximately caused bodily injury to CHRISTIE GREGORY AND GINGER VASQUEZ.

THE BELOW NOTED EXHIBIT(S) ARE INCORPORATED BY REFERENCE HERETO AS IF SET FORTH IN FULL HEREIN, AND PROVIDE PROBABLE CAUSE TO BELIEVE THAT THE SAID DEFENDANT(S) COMMITTED SAID OFFENSE(S).

REPORT #990 746 689
CHRONOLOGICAL REPORT(S) OF INVESTIGATION _____
CITIZEN'S ARREST CARD _____
VICTIM AND WITNESS STATEMENT(S) LAB REPORT _____
OTHER Any and all exhibit(s), evidence, photocopies of evidence, and noted, tapes attached hereto or referenced in reports or chronogological report of investigation

Pursuant to Penal Code Sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

I state, declare, verify and certify under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on June 22, 1999.

har


PAUL MORSE

COUNT III

That the said defendant(s) did in the City and County of San Francisco, State of California, on or about the 20th day of June, 1999, commit the crime of misdemeanor, to wit: Violating Section 20001 of the California Vehicle Code, in that the said defendant(s) who then and there being the driver of a certain vehicle and being involved in an accident resulting in injury to a certain person, to wit: CHRISTIE GREGORY and GINGER VASQUEZ, did then and there wilfully, unlawfully and feloniously fail immediately to stop said vehicle at the scene of said accident, to give his/her name, address, the registration number of his/her vehicle and the name of the owner thereof, to exhibit upon request, his/her operator's or chauffeur's license to the person so struck and to render to the person injured in said accident reasonable assistance, including the carrying or making arrangements for the carrying of said person to a physician, surgeon or hospital for medical or surgical treatment, it being apparent that such treatment was necessary and said carrying being then and there requested by the injured person.

THE BELOW NOTED EXHIBIT(S) ARE INCORPORATED BY REFERENCE HERETO AS IF SET FORTH IN FULL HEREIN, AND PROVIDE PROBABLE CAUSE TO BELIEVE THAT THE SAID DEFENDANT(S) COMMITTED SAID OFFENSE(S).

REPORT #990 470 271

CHRONOLOGICAL REPORT(S) OF INVESTIGATION _____

CITIZEN'S ARREST CARD _____

VICTIM AND WITNESS STATEMENT(S) LAB REPORT _____

OTHER Any and all exhibit(s), evidence, photocopies of evidence, and noted, tapes attached hereto or referenced in reports or chronogological report of investigation

Pursuant to Penal Code Sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

I state, declare, verify and certify under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on June 30, 1999.

har



PAUL MORSE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

VC 23152(a) - FIRST OFFENSE - WAIVER OF RIGHTS/PLEA FORM

WALKER STAPLETON

Case No. 1859334

DEFENDANT (Print)

DRIVER'S LICENSE NUMBER: B 9593755

- 1. My true name is (Print): WALKER STAPLETON
- 2. My lawyer in this case is (Print): JAMES MILLER

DEFENDANT: Put your initials in each box if you have read, understand, and agree to the statement next to it.

3. **CHARGES:** I understand that I am accused of violating Vehicle Code section 23152(a), driving under the influence (DUI) of an alcoholic beverage and/or drugs. I understand that to convict me of this charge, the prosecution must prove beyond a reasonable doubt that I was driving in San Francisco under the influence of an alcoholic beverage and/or drugs so that my physical or mental abilities were impaired to such a degree that I no longer had the ability to drive a vehicle with the caution characteristic of a sober person under the same circumstances.

3 | WKS |

I understand that possible defenses to this charge may include: I was not driving; my ability to drive was not impaired; the tests were improperly conducted; the test results showing the alcohol and/or drug content of my blood are inaccurate.

3a | WKS |

CONSTITUTIONAL RIGHTS

4. **NOTE: Initial #4 only if you do NOT want a lawyer to represent you.**

RIGHT TO A LAWYER: I understand that I have the right to be represented by a lawyer at all stages of this case. If I cannot afford a lawyer, one will be appointed, without cost, to represent me. I understand that there are dangers and disadvantages in representing myself and that a lawyer working in my behalf would be able to analyze my case, determine if there are any defenses to the charges, and conduct an investigation in my behalf. I understand that if I proceed without an attorney, which is almost always unwise, that I will get no special treatment by the Judge or the experienced prosecutor. If I make a mistake in entering this plea, I cannot later claim that I made a mistake in deciding to represent myself. I give up this right.

4 | _____ |

5. **RIGHT TO SPEEDY TRIAL BY JURY:** I understand that I have the right to a speedy and public trial by a jury within 30 days of my arraignment (if in custody) or within 45 days (if not in custody). I understand that I cannot be convicted unless 12 impartial jurors have heard the evidence against me and all are convinced of my guilt beyond a reasonable doubt. I give up these rights.

5 WKS

6. **RIGHT TO CONFRONT WITNESSES:** I understand that I have the right to see, hear and question all the witnesses against me. I give up this right.

6 WKS

7. **RIGHT TO REMAIN SILENT:** I understand that I have the right to remain silent and not incriminate myself. I understand that by pleading guilty or no contest that I am incriminating myself. I give up this right.

7 WKS

8. **RIGHT TO PRODUCE EVIDENCE:** I understand that I may testify in my own behalf and use the power of the Court to subpoena witnesses for my defense at no cost to me. I give up this right.

8 WKS

9. **RIGHT TO DELAYED SENTENCING:** I understand that I may not be sentenced earlier than 6 hours or later than 5 days after my plea. I give up this right and agree to be sentenced at this time.

9 WKS

ENHANCEMENT ALLEGATIONS

10. **ADVISEMENT AND WAIVER OF RIGHTS:** I understand that the rights listed above also apply to the following enhancement allegations:

a. **(If applicable) - REFUSAL ALLEGATION:** I understand that it is alleged that I willfully refused to submit to or complete a breath, blood or urine test following a peace officer's request and the officer's advisement of the consequences for refusing to do so. I understand that by admitting this allegation that I will not be eligible to receive a restricted driver's license, and that I will be required to serve 48 hours in the county jail. I give up the above rights and voluntarily admit this allegation.

10a —

b. **(If applicable) - MINOR PASSENGER ALLEGATION:** I understand that it is alleged that at the time of my alleged violation of Vehicle Code section 23152(a), the vehicle contained a minor passenger(s) under the age of 14. I understand that by admitting this allegation, I will be required to serve an additional 48 continuous hours in the county jail. I give up the above rights and voluntarily admit this allegation.

10b —

c. **(If applicable) - RECKLESS DRIVING ALLEGATION:** I understand that it is alleged that I recklessly drove 30 or more miles above the speed limit on a freeway, or 20 or more miles above the speed limit on any other street or highway. I understand that by admitting this allegation, the Court may impose an

additional consecutive term of 60 days in the county jail. I give up the above rights and voluntarily admit this allegation.

10c

ADDITIONAL CONSEQUENCES OF A 'GUILTY' OR 'NO CONTEST' PLEA

11. **SECOND OFFENSE:** I understand that if I am convicted of a second misdemeanor DUI offense that is committed within 7 years of this offense, I will be subject to a maximum sentence of 1 year in the county jail, suspension of my driving privilege for 18 months, a fine of \$1,000 plus penalty assessments, and a mandatory minimum jail sentence of 90 days.
12. **NO CONTEST PLEA:** I understand that if I plead no contest, the Court will make a finding that I am guilty and the effect in this case is the same as a guilty plea.
13. **CITIZENSHIP:** I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in deportation, exclusion from admission to the United States, or denial of naturalization or amnesty.
14. **PROBATION REVOCATION:** I understand that if I violate any of the terms or conditions of probation or conditional release (see 22a-o below), a Judge after a hearing but without a jury trial, may revoke my probation or conditional release and order me to serve out my suspended sentence in jail. I further understand that a plea entered in this case may be grounds for revoking probation or parole that has been imposed in another case.
15. **RELEASE FEES:** I understand that pursuant to Government Code section 29550 I may be required to pay a \$25 own-recognizance release fee and/or a \$10 citation release fee.
16. **COSTS OF RESTITUTION AND PUBLIC AGENCY RESPONSE:** I understand that in addition to the fine imposed, I may also be ordered to make restitution to the victim(s), if any, and to pay the expenses incurred by a public agency that responded to any incident caused by my vehicle at the time of my arrest.
17. **VEHICLE IMPOUND:** I understand that if I am convicted of this charge, the Court may order my vehicle impounded at my expense for up to 30 days.
18. **BLOOD ALCOHOL LEVEL OF 0.20% OR MORE:** I understand that if my blood alcohol level at the time I was tested was 0.20% or more, the Court may take that into consideration when sentencing me.

11

12

13

14

15

16

17

18

19. **DEFENDANT UNDER 21:** I understand that if I was under the age of 21 at the time of my arrest my driver's license will be suspended or revoked for 1 year and I must surrender my license to the Court. If I do not have a valid license at the time of my conviction, the Court will order the Department of Motor Vehicles (DMV) to delay issuing a license to me until 1 year after I become eligible to drive.

19 []

20. **DEPARTMENT OF MOTOR VEHICLES ACTION:** I understand that DMV may consider any of my prior convictions of the same type that are not charged in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of any uncharged conviction. I further understand that any court-ordered restriction, suspension, or revocation of my driving privilege is separate from any restriction, suspension, or revocation that may be ordered by DMV and that I must obey any action taken by DMV. I further understand that before my license will be restored, DMV may also require me to attend an alcohol/drug program, and provide proof of insurance and maintain it for 3 years.

20 [WJ]

SENTENCE

21. **JAIL:** I understand that the maximum penalty for a first offense is 6 months in the county jail, a mandatory minimum sentence of 96 hours, a fine of \$1,000 plus penalty assessments, and suspension of my driving privilege for 6 months. I understand that if I plead guilty (or no contest), ~~6 months~~ *1 Year* in the county jail will be **suspended**, and,

21 [WJ]

22. **PROBATION:** I will be placed on **FORMAL SUPERVISED PROBATION** for 3 years and I will have to pay probation costs of up to \$40 per month. These probation costs are not a condition of my probation, but failure to pay may result in my civil liability. My probation has the following initialed terms and conditions:

22 [WJ]

(OR)

(or)

deleted
3

I will be **CONDITIONALLY RELEASED** into the community for 3 years on the following initialed terms and conditions:

22 [WJ]

a. I must serve 20 days in the county jail, *SWAP SE* credit for having served 1 days. days of this sentence apply to the enhancement provisions.

22a [WJ]

b. I must pay a fine of \$ 1096 (including penalty assessments), \$ remitted, and if applicable a \$ processing fee.

22b [WJ]

c. I must pay out-of-pocket restitution to any victim(s) in an amount and manner as determined by the probation department. If there is a disagreement as to the amount, the matter will be resolved by the Court.

22c [WJ]

d. I must pay \$ 100 to the Restitution Fund.

22d [WJ]

DF

- e. I must perform _____ hours of community service in lieu of the fine and/or payment to the Restitution Fund. 22e
- f. I must complete a licensed first offender alcohol/drug education and counseling program in my county of residence or employment. 22f WRS
- g. I must complete a live-in alternative to incarceration rehabilitation program. 22g WRS ^{SR}
- h. My vehicle will be impounded at my expense for _____ days. 22h
- i. I must surrender my California driver's license to the Court and my privilege to drive will be suspended for _____ months. 22i
- j. My privilege to drive will be restricted for _____ months to driving to, at, and from work, and to and from a licensed first offender program. I will not be eligible for this restricted license unless I provide DMV with proof of insurance within 30 days. Failure to maintain proof of insurance will result in my driver's license being suspended until such proof is provided to DMV. 22j
- k. I cannot drive without a valid California driver's license in my possession. 22k WRS
- l. I cannot refuse to take a chemical test to determine my blood alcohol level if requested by a peace officer after a DUI arrest. 22l WRS
- m. I cannot drive with any measurable amount of alcohol in my blood. 22m WRS
- n. I must obey all laws. 22n WRS
- o. 2 AA mtgs/week progress Rept. 6 months 22o WRS

PLEA

I declare that I am of sound mind and am not now under the influence of alcohol, narcotics, drugs or any other substance that would impair my judgment, that I have read and understand each of the above initialed statements, and that I give up each of the above constitutional rights. I have personally and voluntarily initialed each applicable box.

I now freely and voluntarily plead to violating Vehicle Code section 23152(a).

GUILTY

NO CONTEST

DATE: 9/9/99

[Signature]
Defendant

INTERPRETER'S STATEMENT (If applicable)

I, _____, truly translated this Waiver of Rights form to the defendant in the _____ language. I then asked the defendant if the defendant understood what the form said, and if the defendant did understand to initial and sign the form if, and only if, the defendant still intended to plead guilty or no contest to the charge.

DATE: _____

Interpreter

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have explained each of the defendant's constitutional rights to the defendant and have answered all questions by the defendant regarding this plea. We have discussed the facts of the case, the elements of the offense, the possible legal and factual defenses available, and the consequences of this plea. I concur in this plea, any admissions, and the defendant's waiver of rights. I stipulate that there is a factual basis for the plea and that the defendant signed and initialed this declaration in my presence.

DATE: 9/9/99 _____ James Geller
Attorney

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form, finds that the defendant has been advised of the defendant's constitutional rights, the nature of the charges, and any applicable enhancement allegations. The Court further finds that there is a factual basis for the admissions and plea, and that the defendant has knowingly, intelligently, and voluntarily waived these constitutional rights and has entered the admissions and plea knowing the consequences of entering the admissions and plea. The Court accepts the defendant's admissions and plea and a guilty finding thereon is made.

IT IS ORDERED THAT:

The clerk file and incorporate this form in the docket by reference as though fully set forth therein, and enter defendant's plea of

GUILTY

NO CONTEST

DATE: 9/9/99 _____ J. Mason
Judge of the Superior Court