

J241492

MUNICIPAL COURT, CRIMINAL DIVISION

18

CASE NO. CR106357 A DATE: 02/05/99 TIME: 09:00

DEPARTMENT: M

PEOPLE V. JOHN JOSEPH COTA

JUDGE: RANDOLPH E. HUBBARD, COURT COMMISSIONER CLERK MS BAKER MS WICK
REPORTER: BARRIE ENCHRO DA:

1. VC23152(A); 2. VC23152(A) - FOR W. 23204.1; 3. VC23222(B)

() NATURE OF PROCEEDINGS: CHANGE OF PLEA.

DATE FIRST APPEAR:

DAYS IN COURT CONTROL:

The above-named defendant having been convicted of a misdemeanor violation of Section(s) VC 23152(A)

IT IS HEREBY ORDERED: (Applicable items checked)

TCPRG ☒ Probation granted as to CountTCPC ☒ IMPOSITION OF SENTENCE SUSPENDED.As to Count(s) 1Defendant placed on probation for 3 yrs.,mos.; 3 days. Type:☐ Supervised☒ Conditional Sentence☐ Supervised RESTITUTION ONLY. (See Reverse).

CONDITIONS OF PROBATION; REFER TO BACK

FOR STANDARD TERMS. Defendant must abide by

additional terms and conditions of probation as set

forth on the reverse of this form.

TCUTC ☐ Lead a law-abiding life.TCAL ☒ FINE/FEES 1070TCFW ☒ Pay fine and assessment of \$ 1070 forthwith.TCINS ☐ Pay \$ administration fee plus fine andassessments of \$ in installments of\$ to be paid on the each month.TCSEE ☒ Pay fine and assessments of \$ 1070as to Count 1 by stayed.TCFAA ☐ Fine of \$ as to Count stayed.TCUS ☐ Suspend \$; Balance due TCFIN ☐ Credit of \$ for each day served.TCFCB ☐ \$ of cash bail to be applied to fine.TCDAF ☐ Declaration and Authorization for Payment of FineOut of Bail to be filed by TCPPF ☐ Fine of \$ to be paid through Prob. Dept.TCPTC ☐ To be paid through above entitled Court.TCFEE ☐ Pay \$ for AS.TCCON ☐ Fine concurrent with TCBLE ☐ Fine converted to community service.TCFJL ☐ Fine owing converted to jail.TCFGI ☐ Pay restitution fine in the amount of \$ 1070TCFGJ ☐ Restitution fine in the amount of \$ stayed

pending successful completion of probation.

TCBKG ☐ Booking fees in the amount of \$ ordered;payable to TCDFV ☐ Pay \$ to Domestic Violence Fund.TCFTA ☐ Total fine and fees

JAIL-REPORT TO ROOM 259

TCJAL ☐ As to Count serve yrs;mos.; days jail.TCAJT ☐ As to Count serve an ADDITIONALyrs.; mos.; days jail.TCJFW ☐ Commencing FORTHWITH.TCSEJ ☐ Jail stayed to at TCDCS ☐ days in custody suspended.TCCTS ☐ Credit for time served pursuant to FC 2900.5.TCAAR ☐ Credit for time served in residential treatment

program. Day for day credit is granted

only upon successful completion.

SEFRH ☐ Release from custody - TIME SERVED.SENA ☐ Count to be servedA ☐ concurrent with Count B ☐ consecutive to Count C ☐ concurrent with Case No. D ☐ consecutive to Case No. E ☐ concurrent with time now being served.F ☐ consecutive to time now being served.TCCTM ☐ Concurrent with time now being served in TCENH ☐ Jail consecutive to any other sentence.TCFIK ☐ Pay fine of \$ as to Ct. or serveone day in jail for each \$ unpaid, not toexceed days, commencing TCOAD ☐ days on AOWP.TCORS ☐ COMMUNITY SERVICE-REPORT TO ROOM 259TCCSA ☐ Complete hours community service by

as directed by Probation Officer.

TCCSF ☐ Community service converted to fine.TCCSJ ☐ Community service owing converted to jail.TCCAA ☒ ALCOHOL PROGRAMS-REPORT TO ROOM 112

Complete First-Offender Drinking Driver Program

within days.TCAAB ☐ Attend/complete Post-Conviction Drinking Driver ProgramTCAAM ☒ Attend AA meetings perweek for mos.; Proof by TCAAP ☐ Attend AA meetings as directed by Probation Officer.TCNAE ☐ Shall not use, abuse, consume or transport alcohol.TCNAD ☐ Shall not use, abuse, consume or transport drugs.TCNAA ☐ Totally abstain from use of alcohol/intoxicants.TCBAA ☒ Submit to chemical test if arrested for driving under

the influence.

PRO ☐

Probation

BE ☐Modified BD ☐ Extended to expirePRAMA ☐

Probation reinstated.

PREXP ☐Probation expires PREVO ☐

Probation revoked.

PRO ☐

Conditional Sentence

TCOTH ☐CE ☐ Modified CD ☐ Extended to expirePRANA ☐

Conditional Sentence reinstated.

PRFXP ☒Conditional Sentence expires 2/5/02PREVP ☐

Conditional Sentence revoked.

DRIVING RESTRICTION/SUSPENSION MAY BE SUPERSEDED BY DMV.

DRIVING RESTRICTION/SUSPENSION

TCNIS ☐

REPORT TO ROOM 112

TCNIS ☐License SUSPENDED for yrs.; TCNIS ☐License RESTRICTED for yrs.; mos.;TCNIS ☐

days.

TCNIS ☐

Restriction concurrent to DMV suspension.

TCNIS ☐

Restriction consecutive to DMV suspension.

TCNIS ☐

May drive to and from employment.

TCNIS ☐

May drive during course of employment.

TCNIS ☐

May drive to and from First-Offender/Post Conviction

TCNIS ☐

Drinking Driver Program.

TCNIS ☐

May not drive with any measurable alcohol in

TCNIS ☐

blood-over .04% during probationary period.

TCNIS ☐

May not drive with any amount of alcohol in his

TCNIS ☐

blood during probationary period.

TCNIS ☐

Shall not drive until licensed by DMV.

TCNIS ☐

Declared habitual traffic offender.

TCNIS ☐

Not drive without IID. (See attached form for additional

TCNIS ☐

conditions.)

ADDITIONAL CONDITIONS

TCV3A ☐

Submit to search and seizure of person, vehicle, residence,

TCV4A ☐

or any other property, at any time of day or night, by any

TCBAF ☐

Probation Officer or Peace Officer with or without probable

TCGNG ☐

cause or warrant.

TCGNG ☐

Submit person, vehicle to search and seizure at any time

TCGNG ☐

of day or night, by any law enforcement officer, with or

TCGNG ☐

without a warrant and with or without probable cause.

TCGNG ☐Submit to chemical testing for as directedTCGNG ☐

by Probation/Peace Officer.

TCGNG ☐

Not be a gang member, not associate with gangs or be

TCGNG ☐

where gangs congregate.

TCGNG ☐

Do not contact, call or otherwise communicate with

TCGNG ☐

Shall not engage in further acts of violence, threats,

TCGNG ☐

stalking, sexual abuse, harassment involving victim.

TCGNG ☐

Do not possess firearms of any description.

TCGNG ☐Weapon ordered ☐ A ☐ confiscated ☐ B ☐ returned to ownerTCGNG ☐Impound vehicle for days and show proofTCGNG ☐by TCGNG ☐Vehicle impoundment waived. Reason: TCGNG ☐

TREATMENT/EDUCATION-REPORT TO ROOM 259

TCGNG ☐

Seek and maintain full-time employment/education/

TCGNG ☐

vocational training as directed/determined by

TCGNG ☐

Probation Officer.

TCGNG ☐

Participate in any treatment as directed/determined

TCGNG ☐

by Probation Officer.

TCGNG ☐

Complete batterers program as directed by Probation

TCGNG ☐

Officer.

TCGNG ☐

Participate in treatment, therapy, counseling including

TCGNG ☐

residential as directed by Probation Officer.

TCGNG ☐

RESTITUTION-REPORT TO ROOM 259

TCGNG ☐Make restitution as to Count(s) inTCGNG ☐

amount and manner to be determined by Probation

TCGNG ☐

Officer. Defendant advised of right to hearing.

TCGNG ☐Make restitution as to Count(s) inTCGNG ☐amount of \$ and in manner to be deter-TCGNG ☐

mined by Probation Officer. Defendant advised of

TCGNG ☐

right to hearing.

TCGNG ☐Restitution as to Ct.(s) in the amount ofTCGNG ☐\$ at the rate of \$ /monthTCGNG ☐

through Probation Department.

TCGNG ☐Restitution as to Ct. modified to TCGNG ☐

As may be agreed upon or as civilly adjudicated.

TCGNG ☐

OTHER

TCGNG ☒Count 2+3 dismissed on motion of DATCGNG ☐A ☐ Furtherance of justice.TCGNG ☐M ☐ OtherTCGNG ☐N ☐ Restatement of Count 1TCGNG ☐

Make restitution on counts, cases, uncharged matters

TCGNG ☐

dismissed with Harvey Waiver.

TCGNG ☐

Enhancement stricken.

TCGNG ☐Allegation No. pursuant to inTCGNG ☐Ct. is stricken.TCGNG ☐

Pay supervised probation fee of \$100. Advised

TCGNG ☐

re hearing.

TCGNG ☐Pay \$ for services of P.D.TCGNG ☐FD997 ☐ Notice/order to appr. financial eval. filed.TCGNG ☐OTHER CONDITIONS P
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JAIL

ACTB

FL-UP

DEF

I HAVE RECEIVED A COPY, READ AND UNDERSTAND THE ABOVE

CONDITIONS OF PROBATION/CONDITIONAL SENTENCE

SS# Tel No. Name Date 2-5-99APDFA ☐SHOTS ☐Continued to at in Court: D-2 for MIAE ☐ ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.

STANDARD TERMS/CONDITIONS OF PROBATION

NOTICE TO PROBATIONER ON SUPERVISED PROBATION:

Thoroughly familiarize yourself with the conditions of your probation, as a violation of any of the terms of the same will render you liable to the following penalties. While if you faithfully perform your duties you are entitled to the privileges hereinafter set forth.

1. The defendant is hereby placed under the supervision and custody of the Probation Officer of the County of Marin.
2. The defendant shall conduct himself in a law-abiding manner.
3. The defendant shall not leave the State of California nor move his residence from the county in which he resides without prior written approval of the Probation Officer of the Court.
4. The defendant shall notify the Probation Officer immediately of any change in employment, marital status or place of residence.
5. The defendant shall report to the Probation Officer forthwith and thereafter as directed.

PENALTIES:

The Probation Officer is a Peace Officer, and at any time during your probationary term, any Probation Officer may, with or without a warrant, re-arrest you and bring you before the Court, and if said Court determines that you have violated any of the terms of your probation, or have engaged in any criminal practice, it may revoke and terminate your probation, and may pronounce judgment of imprisonment and deliver you over to the proper officers to serve your sentences as if probation had never been granted.

PRIVILEGES:

If you faithfully fulfill all of the conditions of your probation for the period thereof, you may at any time thereafter apply to the Court to withdraw your plea of guilty and enter a plea of not guilty, or if you have been convicted, have the verdict set aside, and thereupon the Court shall dismiss the charge against you and you shall thereupon be released from all criminal penalties and disabilities resulting from said offense, except those listed in Penal Code Section 1203.4.

SUPERVISED PROBATION - RESTITUTION ONLY

Defendant is placed on Supervised Probation for the purpose of restitution determination/collection. Upon notification by Probation Department of collection, jurisdiction to revert to conditional sentence under remaining terms and conditions.

Addresses

CRIMINAL DIVISION
County of Marin
3501 Civic Center Dr., Rm 112
San Rafael, CA 94903-4164

PROBATION DEPARTMENT
County of Marin
3501 Civic Center Dr., Rm 259
San Rafael, CA 94903-4164

DISTRICT ATTORNEY
County of Marin
Marin Civic Center, Rm 130
San Rafael, CA 94903

Mailing Address:

P.O. Box 4988
San Rafael, CA 94913-4988

NAME AND ADDRESS OF COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Marin 3501 Civic Center Drive P. O. Box 4988 Room 112 San Rafael, CA 94913-4988		FOR COURT USE ONLY
NAME OF DEFENDANT: JOHN JOSEPH COTA		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		CASE NUMBER: CR 106254A
DATE OF COURT ORDER: 02.05.99		
(check one) <input type="checkbox"/> PROOF OF ENROLLMENT IN ALCOHOL OR DRUG PROGRAM <input type="checkbox"/> PROOF OF COMPLETION OF ALCOHOL OR DRUG PROGRAM		

DESCRIPTION OF ALCOHOL OR DRUG PROGRAM		
Name of Program:		
Address of Program:		
Program License Number:	Program Telephone Number:	

PROOF OF ENROLLMENT

1. Defendant (name): enrolled in the alcohol or drug education program described above on (specify date of enrollment):
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date:

Date: (TYPE OR PRINT NAME) _____ (SIGNATURE OF DECLARANT)
 Date: (TYPE OR PRINT NAME) _____ (SIGNATURE OF PROGRAM DIRECTOR OR INSTRUCTOR)
 (TITLE)

PROOF OF COMPLETION

2. Defendant (name): successfully completed the alcohol or drug education program described above on (specify date of completion):
 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date:

Date: (TYPE OR PRINT NAME) _____ (SIGNATURE OF DEFENDANT)
 Date: (TYPE OR PRINT NAME) _____ (SIGNATURE OF PROGRAM DIRECTOR OR INSTRUCTOR)
 (TITLE)

- INSTRUCTIONS -

YOU NEED TWO OF THESE FORMS:

- UPON ENROLLMENT IN A COURT-ORDERED ALCOHOL OR DRUG EDUCATION PROGRAM, FILL OUT THE PROOF OF ENROLLMENT PORTION OF ONE COPY OF THIS FORM AND FURNISH IT TO THE SENTENCING COURT WITHIN THE TIME AND IN THE MANNER SPECIFIED BY THE COURT.
- UPON SUCCESSFUL COMPLETION OF THE PROGRAM, FILL OUT THE PROOF OF COMPLETION PORTION OF A SECOND COPY OF THIS FORM AND FURNISH IT TO THE SENTENCING COURT WITHIN THE TIME AND IN THE MANNER SPECIFIED BY THE COURT.

FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN THE REVOCATION OF YOUR PROBATION.

SI USTED NO CUMPLE CON ESTOS REQUISITOS, SU INCUMPLIMIENTO PUEDE RESULTAR EN LA REVOCACION DE SU LIBERTAD CONDICIONAL

Form Approved by the
Judicial Council of California
MC-400 (Rev. January 1, 1988)

PROOF OF ENROLLMENT OR COMPLETION
ALCOHOL OR DRUG PROGRAM

Veh. Code § 23205

**Adventist
Health**

St. Helena Health Center

St. Helena Hospital
650 Sanitarium Road
P.O. Box 250
Deer Park, CA 94576
707-963-8200
Fax 707-963-6461
1-800-358-9195

March 13, 1999

To Whom It May Concern:

This is to verify that John Cota completed treatment in the Alcohol & Chemical Recovery Program at St. Helena Hospital & Health Center. John entered treatment on February 13, 1999 and was discharged on March 13, 1999.

John participated in all aspects of the program, which includes lectures, films and group sessions as well as individual counseling, exercise, 12 step meetings, and an educational program.

John has committed to a specific aftercare program designed to meet his individual needs for recovery.

Sincerely,

 M.F.C.C.I.

Wesley Hohfeld, MFCCI
Counselor
Alcohol & Chemical Recovery Program

RECEIVED
MERCY COUNTY
SUPERIOR COURT
1999 APR -5 P 9:55

J241492 MUNICIPAL COURT, CRIMINAL DIVISION 1B
CASE NO. CR106254 A DATE: 02/05/99 TIME: 09:00 DEPARTMENT: H
PEOPLE V. JOHN JOSEPH COYA

JUDGE: RANDOLPH E REHBACH, COURT COMMISSIONER CLERK: MS BAKER MS WICK
REPORTER: BARRIE O'BRIEN *EO* DA: *Yee*
1. VC23152(A); 2. VC23152(B); 1. P08 W/23206.1; 2. VC23222(B)

() JUDICIAL NATURE OF PROCEEDINGS: CHANGE OF PLEA.
DATE FIRST APPEAR: _____ DAYS IN COURT CONTROL:

ARRAIGNMENT	FDSPT	<input type="checkbox"/> Stipulate to judge pro tem hearing matter.	AMCDF	<input type="checkbox"/> CHARGING DOCUMENT AMENDED ORALLY.
	INTSA	<input type="checkbox"/> Interpreter _____ as _____ language.	FDAMC	<input type="checkbox"/> AMENDED CHARGING DOCUMENT FILED.
	APPRO	<input type="checkbox"/> Probation Officer _____ appeared.	AM	<input type="checkbox"/> Charging document amended
	FDARR	<input type="checkbox"/> Arraig. filed. Form by counsel	A	<input type="checkbox"/> as to Counts _____
	APWOC	<input type="checkbox"/> Defendant present with counsel	B	<input type="checkbox"/> to add Counts _____
	APWOC	<input type="checkbox"/> Defendant present without counsel.	AD	<input type="checkbox"/> Felony violation of _____
	APWOC	<input type="checkbox"/> _____ for defendant.	BD	<input type="checkbox"/> Misdemeanor violation of _____
	APFTR	<input type="checkbox"/> Attorney _____ appeared for _____	CD	<input type="checkbox"/> Felony violation of _____ PC 17.
	APFTA	<input type="checkbox"/> No appearance by or for defendant.	CE	<input type="checkbox"/> Misdemeanor violation of _____ PC 17.
	APLAT	<input type="checkbox"/> Defendant appeared late.	FD	<input type="checkbox"/> Infraction violation of _____
TNOKE	<input type="checkbox"/> Defendant answers to true name as charged.		<input type="checkbox"/> E. Lesser and included.	
TNOTH	<input type="checkbox"/> Defendant answers to true name of _____	WRRAC	<input type="checkbox"/> Stipulated defendant duly and properly arraigned (AC).	
WW	BWB <input type="checkbox"/> BW PWB <input type="checkbox"/> WA ORDERED. Bail _____	CDENC	<input type="checkbox"/> Allegations No. _____ pursuant to _____ in _____	
WW	BNB <input type="checkbox"/> BW PNB <input type="checkbox"/> WA NO BAIL.	CDEE	<input type="checkbox"/> Allegations, as alleged _____	
WWPDB	<input type="checkbox"/> WA bail set upon filing aff.	A	<input type="checkbox"/> admitted B <input type="checkbox"/> denied C <input type="checkbox"/> found true	
WW	REB <input type="checkbox"/> BW REA <input type="checkbox"/> WA RECALLED.	WTIM	<input type="checkbox"/> A <input type="checkbox"/> TIME WAIVED C <input type="checkbox"/> NOT WAIVED	
WWFEB	<input type="checkbox"/> Warrant recalled pay \$ _____ court costs by _____	D	<input type="checkbox"/> WITHDRAWN	
WWBVA	<input type="checkbox"/> BW WAPVA <input type="checkbox"/> WA VACATED.	WRSPC	<input type="checkbox"/> TIME WAIVED - Speedy PH.	
WW	BWT <input type="checkbox"/> BW RAC <input type="checkbox"/> WA REMAIN OUTSTANDING.	WTSTE	<input type="checkbox"/> Waives time for _____	
WSSWB/WPSWB	<input type="checkbox"/> STAYED TO _____ at _____	FDWPP	<input type="checkbox"/> Waiver of personal appearance filed.	
	in _____ Court, D- _____ for _____ Bail _____	FD17	<input type="checkbox"/> 170.6 FILED - Judge _____ DISQUALIFIED.	
BBFOB	<input type="checkbox"/> Surety Bond # _____ forfeited.	MIOA	<input type="checkbox"/> ORAL 170.6 CCP (Judge _____) _____	
BBFOC	<input type="checkbox"/> Cash Bail forfeited CSORR <input type="checkbox"/> OR revoked	FDM	<input type="checkbox"/> MOTION FILED. _____	
PREVO	<input type="checkbox"/> PROBATION REVOKED PREVS <input type="checkbox"/> SUMMARILY _____	SE	<input type="checkbox"/> 1538.5 PC FD <input type="checkbox"/> Discovery.	
BBDAF	<input type="checkbox"/> Post and forfeit bail \$ _____ by _____	OT	<input type="checkbox"/> _____	
ARWVD	<input type="checkbox"/> Formal arraignment waived.	MOMDU	<input type="checkbox"/> Motion to be filed by _____ Response _____	
RALCR	<input type="checkbox"/> DEFENDANT ARRAIGNED AS FOLLOWS	JTDEM	<input type="checkbox"/> Jury trial requested JTWVD <input type="checkbox"/> waived.	
	RAABV <input type="checkbox"/> (VFS) RAPEL <input type="checkbox"/> PM-1C	ARGRP	<input type="checkbox"/> Advised re allegations re petition to revoke.	
	RANAA <input type="checkbox"/> (JSG) RANRA <input type="checkbox"/> (RH)	RALRK	<input type="checkbox"/> Advised right to hearing.	
WRROC	<input type="checkbox"/> STIPULATED DULY AND PROPERLY ARRAIGNED.	MISFB	<input type="checkbox"/> Slip to factual basis for admission.	
WRCAA	<input type="checkbox"/> Reading of charging document waived.	PRPA	<input type="checkbox"/> Petition to revoke withdrawn/dismissed.	
ARRGN	<input type="checkbox"/> Defendant informed of charge(s).	A	<input type="checkbox"/> probation B <input type="checkbox"/> Conditional Sentence.	
ARORA	<input type="checkbox"/> Copy of charging document and offense report provided.	PLDVA	<input type="checkbox"/> Allegations DENIED. PLAVA <input type="checkbox"/> ADMITTED.	
ARORC	<input type="checkbox"/> Copy of charging document delivered.	FDPOR	<input type="checkbox"/> Probation report read and considered.	
ARORD	<input type="checkbox"/> Copy of charging document provided to counsel.	ARMBA	<input type="checkbox"/> Advised this conviction may be alleged as prior offense.	
ARGRA	<input type="checkbox"/> Copy of Petition for Revocation of Probation ACK.	FDWOR	<input type="checkbox"/> Guilty Plea/Waiver of Rights and Order form submitted.	
ARGRB	<input type="checkbox"/> Copy of Petition for Revocation of Cond. Sent. DEL.	URWVR	<input type="checkbox"/> Read Guilty plea/Waiver. Initialed/signed.	
ARGRC	<input type="checkbox"/> Copy of Petition for Modification of Prob. ACK.	PLED	<input type="checkbox"/> PLEA OF _____ PLEA IN ABSENTIA.	
WRRTA	<input type="checkbox"/> Waives right to attorney.		<input type="checkbox"/> Guilty all counts D <input type="checkbox"/> Guilty - Ct. _____	
WCPRO	<input type="checkbox"/> Defendant wishes to represent himself. Court finds defendant competent.		<input type="checkbox"/> Nolo Contem. F <input type="checkbox"/> Nolo Contem. Ct. _____	
MIPPD	<input type="checkbox"/> Advised re disadvantages of self-representation.	PLPR	<input type="checkbox"/> Prior admitted B <input type="checkbox"/> denied D <input type="checkbox"/> stricken	
MIPTP	<input type="checkbox"/> Advised this conviction could be used as prior to make subsequent conviction a felony.	TCENS	<input type="checkbox"/> Enhancement stricken.	
PADTR	<input type="checkbox"/> Defendant to retain private counsel.	PLFBQ	<input type="checkbox"/> Factual basis stated by People. MINQ <i>XBA - 2L</i>	
NOTIC	<input type="checkbox"/> Referred to Public Defender.	PLFFB	<input type="checkbox"/> Stipulated factual basis for plea.	
PRPS	<input type="checkbox"/> Referred to Probation Department for _____	WTSTC	<input type="checkbox"/> Time waived for sentencing.	
	A <input type="checkbox"/> DV diversion rpt. B <input type="checkbox"/> DD diversion rpt.	ARWVD	<input type="checkbox"/> Formal arraignment waived. MINLC <i>X No legal cause.</i>	
	C <input type="checkbox"/> MD diversion rpt. D <input type="checkbox"/> Pre Plea rpt.	WRCAA	<input type="checkbox"/> Reading of charging doc waived	
	E <input type="checkbox"/> Presentence rpt. F <input type="checkbox"/> OR/Bail rpt.	CDME	<input type="checkbox"/> Diversion terminated. CASE DISMISSED.	
	G <input type="checkbox"/> Other H <input type="checkbox"/> Supplemental rpt.	DIDD	<input type="checkbox"/> Diversion terminated, criminal proceedings reinstated.	
PAARG	<input type="checkbox"/> Public Defender appointed PARFT <input type="checkbox"/> DECLARES CONFLICT.	CDMD	<input type="checkbox"/> CASE DISMISSED upon motion of _____	
PAARF	<input type="checkbox"/> Defendant not eligible for Public Defender.	CDDD	<input type="checkbox"/> CASE DISMISSED. (Defendant deceased)	
PAARB	<input type="checkbox"/> _____ appointed.	ODF	<input type="checkbox"/> Count _____ DISMISSED on motion of _____	
ARRRD	<input type="checkbox"/> Right to demurrer reserved.		A <input type="checkbox"/> COURT B <input type="checkbox"/> DA	
MOCT	<input type="checkbox"/> Motion for Continuance of _____ by _____		A <input type="checkbox"/> interest of justice (PC 1385)	
	B <input type="checkbox"/> granted. Continued to _____ at _____ in _____ D- _____		M <input type="checkbox"/> other _____	
	C <input type="checkbox"/> denied.		N <input type="checkbox"/> restatement of Count _____	
PLED	<input type="checkbox"/> PLEA OF _____ PLECE _____ PLEA IN ABSENTIA.	AMDRD	<input type="checkbox"/> Prosecutor's declaration filed pursuant to VC 23212.	
	A <input type="checkbox"/> not guilty to all counts.	PAPDR	<input type="checkbox"/> Public Defender relieved	
	B <input type="checkbox"/> not guilty to Count _____	MOWD	<input type="checkbox"/> Motion to withdraw as attorney of record is _____	
DIREQ	<input type="checkbox"/> Diversion REQUESTED. DIREQ <input type="checkbox"/> REPORT R&C.	MORL	<input type="checkbox"/> Motion to be relieved as attorney of record is _____	
DIGEA	<input type="checkbox"/> Diversion GRANTED. DIDEN <input type="checkbox"/> DENIED.	PSSP	<input type="checkbox"/> Proceedings suspended pursuant to: _____	
MIOOC	<input type="checkbox"/> Matter ordered off calendar.	PSCPR	<input type="checkbox"/> Criminal proceedings reinstated.	
MIRAS	<input type="checkbox"/> Matter to remain as set.	MISPD	<input type="checkbox"/> Pay \$ _____ for services of P.D.	
		FD987	<input type="checkbox"/> Notice/order to appr. financial eval. filed.	
CSCUS	<input type="checkbox"/> Defendant in custody on this case.		<input type="checkbox"/> holdover to _____ (825PC).	
CSCUT	<input type="checkbox"/> Defendant is in custody.	CSFRR	<input type="checkbox"/> released, no complaint filed.	
CSFR	<input type="checkbox"/> Defendant is: _____	CSFRS	<input type="checkbox"/> released on pass _____	
	A <input type="checkbox"/> remanded to custody of Sheriff.	CSFRL	<input type="checkbox"/> released on MONITORED OR CSFRT <input type="checkbox"/> CCAMOR.	
	B <input type="checkbox"/> remain in custody of Dept. of Corrections.	CSFRN	<input type="checkbox"/> OR denied CSCOR <input type="checkbox"/> COR.	
	C <input type="checkbox"/> released on OR _____		<input type="checkbox"/> released on OR on following conditions _____	
	D <input type="checkbox"/> released - THIS CASE ONLY.	BBSET	<input type="checkbox"/> Bail set at \$ _____ BBRAS <input type="checkbox"/> Bail remain as set.	
	H <input type="checkbox"/> Other _____	BBRED	<input type="checkbox"/> Bail reduced \$ _____ BBING <input type="checkbox"/> INCR \$ _____	
	<input type="checkbox"/> released on signed promise to appear.			
	<input type="checkbox"/> released: DEFENDANT SENTENCED.			
BBIBA	<input type="checkbox"/> Exonerate Surety Bond No. _____ reinstated. Fee waived.	BBIAC	<input type="checkbox"/> Cash bail exonerated.	
MOVBC	<input type="checkbox"/> Surety Bond No. _____ reinstated. Fee waived.	BBIAB	<input type="checkbox"/> Cash bail reinstated.	
BBIBS	<input type="checkbox"/> Surety Bond No. _____ reinstated.	MOVAC	<input type="checkbox"/> Cash bail reinstated. Fee waived.	
NOTIE	<input type="checkbox"/> Bondsman / depositor notified of forfeiture.	FORBS	<input type="checkbox"/> Reassumption of Surety Bond Filed	
NOTU	<input type="checkbox"/> Notice of Assessment PC 1305.2 issued.			
BBIBG	<input type="checkbox"/> Surety Bond No. _____ reinstated and exonerated upon payment of court costs of \$ _____ by _____			
BBIBG	<input type="checkbox"/> Surety Bond No. _____ reinstated and exonerated upon payment of court costs of \$ _____ by _____			
SHOTB	<input type="checkbox"/> Continued to _____ at _____ in _____ Court, D- _____ for _____			
SHOTB	<input type="checkbox"/> Continued to _____ at _____ in _____ Court, D- _____ for _____			
APDFA	<input type="checkbox"/> Defendant to personally appear			
			Judge / Commissioner	

PROMISE TO APPEAR:
DEFENDANT, BEING RELEASED ON HIS OWN RECOGNIZANCE, AGREES THAT: (a) He will appear at all times and places as ordered by the Court or magistrate releasing him and as ordered by any Court in which, or any magistrate before whom, the charge is subsequently pending. (b) If he fails to so appear and is apprehended outside the State of California, he waives extradition. (c) Any Court or magistrate of competent jurisdiction may revoke the order of release and either return him to custody or require that he give bail or other assurances or his appearance as provided in part 2, title 10, chapter 1 of the Penal Code. (d) Failure to appear at your court date will result in a warrant issued for your arrest.

Distribution: _____ Jail: _____ Defendant SS # _____ DEFENDANT'S SIGNATURE _____ DATE _____
REV 7/97

MARIN COUNTY SUPERIOR COURT

THE PEOPLE OF THE
STATE OF CALIFORNIA

vs.

Defendant:

JOHN JOSEPH CORTEZ

CASE NO. CA-106254A

GUILTY PLEA WAIVER FORM

FEB - 5 2009

Sec. 23152(a) CVC

Sec. 23152(b) CVC

Initial

1. I desire to enter a plea of guilty/nolo contendere to the charge of:
 - A. Section 23152(a) California Vehicle Code, driving while under the influence of an alcoholic beverage or drugs or their combined influence.
 - B. Section 23152(b) California Vehicle Code, driving a vehicle with .08 percent or more alcohol in the blood.
2. I do [] do not [] have an attorney representing me in these proceedings. I understand I have a possible defense if I was not driving or if the amount of alcohol and/or drugs did not appreciably impair my driving ability or my blood alcohol level was below .08 percent at the time of driving.
3. I understand that the possible consequences of a conviction of this offense include the following:
 - A. If probation is NOT granted:

First Offense: Minimum of 96 hours/maximum of 6 months in jail and minimum fine of \$390/maximum of \$1,000 plus assessment and license suspended for 6 months.

If the vehicle was registered to the defendant, the Court may order the vehicle impounded at the owner's expense from one to 30 days.

Second Offense Within Seven Years: Minimum of 90 days/maximum of 1 year in jail and minimum fine of \$390/maximum of \$1,000 plus assessment and license suspended for 18 months.

If the vehicle used was registered to the defendant, the Court must order the vehicle impounded at the owner's expense from one to 30 days.

Third Offense Within Seven Years: Minimum 120 days/maximum of 1 year in jail and minimum fine of \$390/maximum of \$1,000 plus assessment and license revoked for 3 years, which cannot be re-issued until I attend and complete an 18-month treatment program and show proof of insurance. A fourth offense may be charged as a felony.

 - (1) If the vehicle used was registered to the defendant, the Court must order the vehicle impounded at the owner's expense from one to 90 days. The Court may declare a motor vehicle, driven at the time of the offense and registered to me, to be a nuisance and sold pursuant to Vehicle Code 23198.
 - (2) I must surrender my license to the Court. I will also be designated as an habitual traffic offender for a period of 3 years after my conviction, which will result in an enhanced jail term and fine if I drive in violation of my license revocation.

Fourth or Subsequent Offense Within Seven Years: Minimum of 180 days/maximum of 1 year in jail and minimum fine of \$390/maximum of \$1,000 plus assessment and license revoked for 4 years which cannot be re-issued until I attend and complete an 18-month treatment program and show proof of insurance. A fourth offense may be charged as a felony.

 - (1) If the vehicle used was registered to the defendant, the Court must order the vehicle impounded at the owner's expense from one to 90 days. The Court may declare a motor vehicle, driven at the time of the offense and registered to me, to be a nuisance and sold pursuant to Vehicle Code 23198.
 - (2) I must surrender my license to the Court. I will also be designated as an habitual traffic offender for a period of 4 years after my conviction, which will result in an enhanced jail term and fine if I drive in violation of my license revocation.
 - B. If probation IS granted: In addition to the specific penalties set forth below, the terms of probation shall include the following:
 - (1) A period of probation not less than three years, nor more than five years.
 - (2) A requirement that the person shall not drive a vehicle with any measurable amount of alcohol in his or her blood.
 - (3) A requirement that the person, if arrested for a violation of Vehicle Code 23152, shall not refuse to submit to a chemical test of his or her blood, breath, or urine, pursuant to Vehicle Code 13353, for the purpose of determining the alcoholic content of his or her blood.
 - (4) A requirement that the person shall not commit any criminal offense.
 - (5) In addition to any other provision of law, if any person violates paragraph (3) above, or violates paragraph (2) and the person had a blood alcohol concentration of over .04 percent as determined by a chemical test, the court shall revoke or terminate the person's probation irrespective of any other proceeding and shall only grant a new term of probation on the added condition that the person be confined in the county jail for not less than 48 hours for each of these violations of probation, except in unusual cases where the interests of justice would best be served if this additional condition were not imposed.

ADDITIONAL TERMS OF PROBATION

First Offense: Minimum of 48 hours/maximum of 6 months in jail and minimum fine of \$390/maximum of \$1,000 plus assessment. Complete a driver improvement program. The Court may order suspension of license for 6 months. OR

Minimum fine of \$390/maximum of \$1,000 plus assessment, plus license restriction for 90 days to driving to and from place of employment, to and from treatment program and in the scope of employment if necessary, which will follow any other DMV suspension. I must participate in and complete a driver improvement or treatment program. In either sentence, if the vehicle used was registered to the defendant, the Court may order the vehicle impounded at the owner's expense from one to 30 days. It may also require me to install an ignition interlock device, which would prevent the vehicle from starting if I have alcohol in my body. I understand that I must provide the DMV with proof of satisfactory completion of an alcohol/drug program, if I am ordered to attend one. The DMV will suspend my license if I do not provide this proof.

Second Offense Within Seven Years: Minimum 10 days/maximum of 1 year in jail and minimum fine of \$390/maximum of \$1,000 plus assessment, and 18-month driving suspension. OR

Minimum of 48 hours/maximum of 1 year in jail; minimum fine of \$390/maximum of \$1,000 plus assessment. License restriction for one year to driving to and from place of employment, to and from treatment program and in the scope of employment if necessary. Participate for at least 18 months in a treatment program satisfactory to the Court. Failure to complete this program will result in at least a 30-day jail sentence and 18-month license suspension.

- A. In either sentence, if the vehicle used was registered to the defendant, the Court must impound the vehicle at the owner's expense from one to 30 days.
- B. At least 48 consecutive hours must be spent in the Marin County Jail or, in lieu of jail, not less than 10 days of community service. I must attend and complete an 18-month treatment program.

Third Offense in Seven Years: Minimum of 120 days in jail/maximum 1 year, minimum fine of \$390/maximum \$1,000 plus assessment; mandatory 3-year driving suspension and participation in a treatment program for at least 18 months, if one not previously successfully completed. Completion of such program and proof of insurance, is required before a California driver's license can be re-issued. A fourth offense may be charged as a felony.

- A. If the vehicle used was registered to the defendant, the Court must impound the vehicle at the owner's expense from one to 90 days.
- B. I must surrender my license to the Court for 3 years. I will also be designated as an habitual traffic offender for a period of 3 years after my conviction, which will result in an enhanced jail term and fine if I drive in violation of my license revocation.
- C. The Court may declare a motor vehicle, driven at the time of the offense and registered to me, to be a nuisance and sold pursuant to Vehicle Code 23198.

Fourth or Subsequent Offense Within Seven Years: Minimum of 180 days in jail/maximum 1 year, minimum fine of \$390/maximum \$1,000 plus assessment; mandatory 4 year driving suspension and participation in a treatment program for at least 18 months, if one not previously successfully completed satisfactory to the Court. Completion of such program and proof of insurance are required before a California driver's license can be re-issued. A fourth offense may be charged as a felony.

- A. If the vehicle used was registered to the defendant, the Court must impound the vehicle at the owner's expense from one to 90 days.
- B. I must surrender my license to the court for 4 years. I will be designated as an habitual traffic offender for a period of 3 years after my conviction, which will result in an enhanced jail term and fine if I drive in violation of my license revocation.
- C. The Court may declare a motor vehicle, driven at the time of the offense and registered to me, to be a nuisance and sold pursuant to Vehicle Code 23198.

4. WILLFUL REFUSAL TO COMPLETE CHEMICAL TEST

A willful refusal to submit to, or to complete, a chemical test to determine the blood-alcohol content of my blood, if such has been pled and proven, will result in additional minimum penalties whether probation is granted or not, as follows:

- (1) First Offense: Minimum 48 hours Marin County Jail
- (2) Second Offense Within 7 Years: An enhanced (additional) 96-hour Marin County Jail sentence.
- (3) Third Offense Within 7 Years: An enhanced (additional) 10 days Marin County Jail sentence.
- (4) Fourth or Subsequent Offense Within 7 Years: An enhanced (additional) 18-day Marin County Jail Sentence.

5. SECOND AND SUBSEQUENT CONVICTIONS:

Effective July 1, 1993, the Court must prohibit a person from operating any motor vehicle owned, unless exempt, or operated (subject to employment exceptions) without an ignition interlock device (prevents operation of a motor vehicle if alcohol is present on driver's breath) for a period of from one to three years, if the person has the ability to pay. After conviction, the person must submit any license to drive to the Court, until proof of such installation is shown to the Court which must be within 30 days of the conviction. Failure to do so will result in loss of the person's driving privilege for a period of one year, added to any prior order of suspension or revocation, as well as other penalties for the violation of probation.

- 6. CONVICTION AS A MINOR: If under 21 years of age at the time of the offense, the Court must suspend my driver's license or privilege to drive for 12 months. If not licensed at the time of the conviction, the Court must order DMV to delay issuing a license for one year after I become eligible.

- 7. CONVICTION WITH MINOR PASSENGER: If a minor under 14 years of age was a passenger in the vehicle at the time of the offense, and if such has been pled and proven, additional penalties are as follows:

First Offense: 48 hours continuous Marin County Jail.
Second Offense: 10 days Marin County Jail

Third Offense: 30 days Marin County Jail
Fourth Offense: 90 days Marin County Jail

8. I understand I must also pay actual restitution (if any) and/or a Restitution Fine of between \$100 and \$1,000 plus, if granted probation, actual restitution or into the State Restitution Fund of between \$100 and \$1,000.
9. Whenever my driving privilege is restricted, suspended or revoked, proof of insurance must be filed and maintained with DMV for 3 years or my California driver's license will be suspended until such proof is filed. Further, I understand my driver's license cannot be reinstated unless I complete an approved DUI school.

10. As to the underlying charge, as well as any charged prior offenses or enhancements, I have been advised, understand, and knowingly and intelligently WAIVE (give up) each of my following rights:
- A. To be represented at all stages of the proceedings by my own attorney or one appointed by the Court at public expense.
 - B. To be tried by a jury.
 - C. If convicted, to be sentenced by a Judge of the Marin County Courts. If the judicial officer presiding in my case is a Court Commissioner, I stipulate that he/she may take my plea and impose sentence as a Judge Pro Tem.
 - D. To be confronted by witnesses against me; that is, to see, hear and question all witnesses against me;
 - E. Not to incriminate myself; that is, I cannot be compelled to plead guilty or testify against myself;
 - F. To a speedy and public trial including the use of processes of the Court (subpoena issued) to compel witnesses to attend the trial.

11. I understand that if I am not a citizen, a plea of guilty or no contest could result in deportation, exclusion from admission to this country or denial of naturalization or amnesty.

12. My decision to enter this plea of guilty/nolo contendere has been made freely and voluntarily, without threat or fear to me or to anyone closely related to or associated with me. No promises or inducements have been made to me in connection with this plea except (specify): _____

13. I am aware of and understand each of the above items. I have initialed those items as proof thereof. I declare under penalty of perjury that the foregoing is true and correct and that this waiver was executed on _____ Marin, California.

Address City State/Zip

I have gone over the above plea with my client, the above-named defendant, and I represented to the Court that said defendant understands it and it is voluntarily and understandingly made.

Date: 2/5/99

Attorney's Signature

I hereby certify that the information contained on this form has been translated by me for the defendant from English into Spanish/_____.

Date: _____

Interpreter's Signature

FINDINGS AND ORDER

The Court Finds That:

1. Defendant has appeared in open court and entered his plea(s).
2. Defendant has knowingly, intelligently, and understandingly waived his rights, including his right to jury trial, his right to confront witnesses against him, his right against self-incrimination, his right to be represented by an attorney, and his right to a speedy and public trial.
3. There is a factual or legal basis for the plea(s).
4. Defendant's waivers of his rights, and his plea(s) are free and voluntary.

It is ordered that: Defendant's plea(s) of (guilty) (nolo contendere) be entered and filed.

Date: 2/5/99

Judicial Officer

MARIN COUNTY COURTS
P.O. BOX 4988
San Rafael, CA 94913-4988
(415) 499-6225

THE PEOPLE OF THE STATE OF CALIFORNIA		FILED	Case No. <u>CR106254 A</u>
vs. DEFENDANT: <u>JOHN COTA</u>			ARRAIGNMENT PLEA AND COUNSEL FORM

JOHN F. WILSON, JR.
Court Executive Officer
MARIN COUNTY COURTS
Box 1000, San Rafael, CA 94901

A. RE: MISDEMEANOR COMPLAINT

1. I, PATRICK HALLINAN, am entering a general appearance on behalf of and will be representing the above-named defendant in these proceedings.

2. I hereby waive arraignment on behalf of the above-named defendant, and stipulate that he/she has been advised of his/her constitutional rights.

3. I hereby acknowledge receipt of the complaint and copy of Police Report.

4. To the charges set forth in count(s) ALL COUNTS of the Complaint, I enter plea(s) of not guilty on behalf of the defendant. Alleged prior convictions are: Admitted/Denied.

5. Time is waived on behalf of the defendant.

6. Pursuant to the Local Rules of Court, the defendant stipulates that he/she is aware that he/she must appear on the criminal calendar for CHANGE OF PLEA or TRIAL SETTING (COP/SET) within 30 days from the counsel and plea date, which is 2-5-99 1999 at 9:00 AM.

B. RE: PETITION TO REVOKE PROBATION
(Must be based solely upon same allegations as the above complaint)

1. I hereby acknowledge receipt of a copy of the Petition for Revocation of Probation/Conditional Sentence. Formal arraignment is waived. Allegation(s) are Admitted/Denied

2. Pursuant to the Local Rules of Court, the defendant stipulates that he/she is aware that he/she must appear to set the hearing on the Petition for Revocation of Probation/Conditional Sentence on the date set forth in paragraph 6 above.

3. The time for hearing is waived. Defendant stipulates that the period of probation set herein is extended until the conclusion of such hearing.

Date: 1/13/99

415 536 4111
Telephone number

Patrick Hallinan
Attorney's Signature
Type/ Print Name

703 MARINET ST.
Address

S.F. CA 94103
City/State/Zip Code

PERSONAL DELIVERY REQUIRED - NOT TO BE SUBMITTED BY MAIL

cc: Canary - Defense Counsel
Pink - District Attorney

310-297 (Rev. 12/97)

150828

NAME: LOYA, JOHN JOSEPH LAR: #5

RACE: W SEX: M AGE: 51 DATE OF BIRTH: 11/9/47 PLACE OF BIRTH: SAN FRANCISCO, CA JAIL NO: 0119173

HEIGHT: 508 WEIGHT: 160 HAIR: BRD EYES: GRN SEXUAL APPEARANCE: CASUAL DEMENTOR: UNDER INFLU

DRIVERS LICENSE: [REDACTED] DRIVERS LIC. STATE: CA S.S.N.: [REDACTED] CITIZENSHIP: [REDACTED] FBI NO.: [REDACTED]

CHARGES: VC 23122(A) VC 23222(B) VI DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS
1 POSSESS MARIJUANA 1 OZ OR LESS WHILE DRIVING

BOOKING DATE: 12/19/93 BOOKING TIME: 11:19 COURT: MCDERM COURT CASE: [REDACTED] BAIL: \$1,188

HOLD: [REDACTED] WARRANT: [REDACTED] BAIL: [REDACTED]

LOCATION OF ARREST: 878 101 S/B CHP SCALES

CASE NO: LAMV05065 ARREST DATE: 12/19/93 ARREST TIME: 09:00 DOM. VIOL: NO

ARRESTED BY: BARR, R BADGE NO: 12145 DEPT: SACHP

TRANSPORTED BY: BARR, R BADGE NO: 12145 DEPT: SACHP

SEARCHED BY: LACK, J BADGE NO: 1442 DEPT: SDCUJ

BOOKED BY: PLEKSTH, J BADGE NO: 2247 DEPT: SDCUJ

OTHER NAME: [REDACTED]

PRISONER'S HOME ADDRESS: [REDACTED]

IN EMERGENCY NOTIFY: [REDACTED]

EMERGENCY ADDRESS: [REDACTED]

EMPLOYER: SELF OCCUPATION: [REDACTED]

EMPLOYER ADDRESS: [REDACTED]

PHONE: [REDACTED]

RELATION: WIFE PHONE: [REDACTED]

PENDING CASES:		
VERIFICATION BY:	PHONE:	ADDRESS:
COMMENTS:		
RECOMMENDED DISPOSITION:	DATE:	INITIALS:

PTA COURT COPY

PAULA KAMENA
DISTRICT ATTORNEY
MARIN COUNTY
BY: [REDACTED]
STATE BAR NUMBER [REDACTED]
DEPUTY DISTRICT ATTORNEY
HALL OF JUSTICE RM 130
SAN RAFAEL, CA 94903

CR106254A
DA CASE: COM
106254

TELEPHONE: (415) 499-6450

ATTORNEYS FOR PLAINTIFF

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

MARIN COUNTY JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

V.

JOHN JOSEPH COTA

DEFENDANT(S)

) NO CAHV85865

) CA CASE

) COMPLAINT

I, THE UNDERSIGNED, SAY, ON INFORMATION AND BELIEF, THAT IN
THE COUNTY OF MARIN, STATE OF CALIFORNIA:

COUNT: 001, ON OR ABOUT DECEMBER 19, 1998 THE CRIME OF DRIVING
UNDER THE INFLUENCE, IN VIOLATION OF 23152(A) OF THE VEHICLE
CODE, A MISDEMEANOR, WAS COMMITTED BY JOHN JOSEPH COTA, WHO AT
THE TIME AND PLACE LAST AFORESAID, DID WILLFULLY AND UNLAWFULLY,
WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, DRIVE A
VEHICLE.

COUNT: 002, FOR A FURTHER AND SEPARATE CAUSE OF COMPLAINT, BEING
A DIFFERENT OFFENSE FROM BUT CONNECTED IN ITS COMMISSION WITH THE
CHARGE SET FORTH IN COUNT 001, COMPLAINANT FURTHER COMPLAINS AND
SAYS: ON OR ABOUT DECEMBER 19, 1998 THE CRIME OF DRIVING WHILE

1.

Admin screening fee .. \$25

HAVING A .08% OR HIGHER BLOOD ALCOHOL, IN VIOLATION OF SECTION 23152(B) OF THE VEHICLE CODE, A MISDEMEANOR, WAS COMMITTED BY, JOHN JOSEPH COTA, WHO AT THE TIME AND PLACE LAST AFORESAID, DID WILLFULLY AND UNLAWFULLY, WHILE HAVING .08 PERCENT AND MORE, BY WEIGHT, OF ALCOHOL IN SAID DEFENDANT'S BLOOD, DRIVE A VEHICLE. IT IS FURTHER ALLEGED THAT SAID DEFENDANT JOHN JOSEPH COTA, HAD A BLOOD ALCOHOL LEVEL OF .21% WITHIN THE MEANING OF SECTION 23206.1 OF THE CALIFORNIA VEHICLE CODE.

COUNT: 003, FOR A FURTHER AND SEPARATE CAUSE OF COMPLAINT, BEING A DIFFERENT OFFENSE FROM BUT CONNECTED IN ITS COMMISSION WITH THE CHARGE SET FORTH IN COUNT 002, COMPLAINANT FURTHER COMPLAINS AND SAYS: ON OR ABOUT DECEMBER 19, 1998 THE CRIME OF POSSESSION OF MARIJUANA WHILE DRIVING, IN VIOLATION OF SECTION 23222(B) OF THE VEHICLE CODE, A MISDEMEANOR, WAS COMMITTED BY JOHN JOSEPH COTA, WHO AT THE TIME AND PLACE LAST AFORESAID, DID WILLFULLY AND UNLAWFULLY POSSESS MARIJUANA WHILE DRIVING A MOTOR VEHICLE UPON A HIGHWAY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT EXCEPT AS TO THOSE MATTERS STATED ON INFORMATION AND BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.
EXECUTED ON JAN 11 1999, AT SAN RAFAEL, CALIFORNIA

CLACK COUNTY SHERIFF'S DEPARTMENT

NOTICE TO APPEAR

02/19/99 11:01 AM SATURDAY

JAIL NO: 0119173
NAME: COTA, JOHN JOSEPH
RESIDENT ADDRESS: [REDACTED]

BUSINESS ADDRESS: [REDACTED]

DRIVERS LICENSE NO.: [REDACTED] ST: CA DOB: [REDACTED] 1947
SEX: M HAIR: BRN EYES: GRN HEIGHT: 5'00" WEIGHT: 160

OFFENSE
(CODE, SECTION, DESCRIPTION)

01 23152(A) DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS
01 23222(B) POSSESS MARIJUANA 1 OZ OR LESS WHILE DRIVING

ARREST LOCATION
S/B 101 S/B CUP SCALCS

ARRESTING OFFICER: HARR ROSS: 12145 DEPT: CACHP

YOU ARE BEING RELEASED ON YOUR PROMISE TO APPEAR PURSUANT TO PC 853.5.

RELEASING OFFICER (SIGNATURE AND BADGE NO.)

[Signature] 1410

SAN RAFAEL, CA

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR
ON 01/19/99 AT 01:30 PM

IN MUNICIPAL COURT, CIVIC CENTER, SAN RAFAEL, CA 94903, 415-499-6225
CHECK BULLETIN BOARD ON THE COURT FLOOR FOR NAME, AND IT WILL STATE
WHICH COURTROOM YOU ARE TO GO TO.

[REDACTED]
FAILURE TO APPEAR OR PROMISED IS A SEPARATE OFFENSE FOR WHICH YOU MAY
RECEIVE 6 MONTHS IN JAIL AND/OR \$1000.00 FINE.



NOTICE OF COMPLETION CERTIFICATE

183



NAME	(FIRST)	(MIDDLE)	(LAST)	BIRTH DATE	SEX	NUMBER
[REDACTED]				47		
ADDRESS [REDACTED]						
has successfully completed a Driving-Under-the-Influence Program licensed by California Department of Alcohol and Drug Programs to provide the following services:						
<input checked="" type="checkbox"/> 1st Offender Program 3 months						
<input type="checkbox"/> Multiple Offender Program <input type="checkbox"/> 12 months <input type="checkbox"/> 18 months <input type="checkbox"/> 30 months <input type="checkbox"/> 18 months or 30 months (IID restriction only)						
DATE OF ENROLLMENT		DATE OF COMPLETION		COURT CASE OR DOCKET NUMBER		
4/5/99		8/3/99		CR106254A Marin Co.		
PROGRAM NAME				ADP LICENSE NUMBER (REQUIRED)		
Marin County DDP ID #21-001-01-120						
PROGRAM ADDRESS (STREET)		(CITY)		(STATE)		(ZIP CODE)
118 Alto St San Rafael Ca		94901		CA		
(415) 453 9980						
The following parties certify under penalty, under the laws of California, that the foregoing is true and correct (perjury is punishable by imprisonment, fine or both).						
DATE	PARTICIPANT'S SIGNATURE				TELEPHONE NUMBER	
8/4/99	AUTH [REDACTED]					
DATE	AUTH [REDACTED]				TELEPHONE NUMBER	

Instructions to Participant: Submit copy of this form to the nearest DMV office in your area, or mail a copy to DMV Consolidated Processing Area, P.O. Box 942890, Sacramento, CA 94290-0001. NOTE: If this is a second offense, a \$20 fee for removal of court restriction may be due to DMV.

DL 101 (REV. 12/93)

COURT COPY

Certificate Number

AA495770

**MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT**

RECORD - AA ATTENDANCE

Name: JOHN CETA

Case # C2106 254 A

To the Program Provider: In order to verify that the above-named defendant is attending AA meetings as ordered by the Court, please indicate the location, date and initial the form.

Date	Initials	Location	Date	Initials	Location
7-1-99	DW	Steps to Freedom	8/10/99	CW	AA Pet Noon
7/2/99	MC	TLIF	8-17-99	CNC	Tuesday Noon Pet AA
7-4-99	MC	SPIRIT OF AARON	8/19/99	KP	Thurs. Noon AA
7/12/99	KE	Petaluma	8-19-99	MC	PET. STEPS TO FREEDOM
7/13/99	F	TLIF Noon Pet	8/20/99	MC	PET. TLIF
7/14/99	LS	Wednesday Pet AA	8/21/99	MC	AA Sun Service
7/15/99	KP	Thurs. Noon Pet	8/22/99	CNC	Petaluma Noon
7/17/99	SS	Sat. Sunday	8/23/99	MC	AA Mon Noon
7/22/99	SS	Sat. C	8-24-99	PMC	PETALUMA FELLOWSHIP
7-25-99	MC	SPIRIT OF AARON	8/25/99	KP	Petaluma - Noon AA
7/26/99	MC	Petaluma	8-26-99	DW	Steps to Freedom
7/27/99	MC	Pet. Tues. Noon	8-27-99	SS	TLIF Noon Petaluma
7-29-99	KP	Petaluma	8-28-99	SS	Sat. Sunday

314-C357 (3/94)

8/29/99 *[Signature]* Petaluma

**MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT**

RECORD - AA ATTENDANCE

Name: John COTA Case # CR 106254A

To the Program Provider: In order to verify that the above-named defendant is attending AA meetings as ordered by the Court, please indicate the location, date and initial the form.

Date	Initials	Location	Date	Initials	Location
2-22-99	JK	SERENITY GROUP A.A. MONDAY NIGHT	3-19-99	JK	Per AA 7:00 PM
3-1-99	Down	SERENITY GROUP A.A. MONDAY NIGHT	3-20-99	NB	FET. AA
3-5-99	CS	Deep Park Discovery	3-22-99	CS	Mon Noon Vet AA
3-16-99	PSH	Sat. Nite SDA Pk.	3-24-99	CS	Mon Starters 7:00 PM
3-12-99	CS	Deep Park Discovery	3-25-99	CS	Wed 7:00 AA Pet
3-13-99	CS	Deep Park Discovery	3-26-99	CS	PET NOON AA Thurs.
3-16-99	RP	Chelona	3-26-99	JK	Steps to Freedom
3-15-99	PSH	Pt. Nemo AA	3-27-99	CS	JK Pet AA Mon
3-16-99	BC	Pet Tues. Noon	3-29-99	CS	Sun Spirit of AA
3-17-99	CS	Wed. Noon AA Pet	3-29-99	JK	Mon Noon AA Pet
3-18-99	CS	Thurs. Noon AA Pet	3-31-99	CS	Wed Mid Day Pet AA
3-23-99	CS	Tues. Noon AA Pet			

314-C357 (3/94)

**MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT**

RECORD - AA ATTENDANCE

Name: JOHN COTA

Case # CR106254A

To the Program Provider: In order to verify that the above-named defendant is attending AA meetings as ordered by the Court, please indicate the location, date and initial the form.

Date	Initials	Location	Date	Initials	Location
4-1-99	CP	PET AA NOON	4/14/99	LS	Weds Midday Pet AA
4-2-99	JK	PET AA TGIF	4/15/99	CW	Chickadee N.
4/3/99	MG	PET AA	4/15/99	AN	Steps to Freedom
4/3/99	NO	PET AA	4/16/99	KE	PET TGIF
4/6/99	NC	PET AA	4/17/99	KE	Steps to Freedom
4/7/99	LS	Midday Nite AA	4/18/99	KE	Steps to Freedom
4/7/99	Weds.	Nite NA-Petaluma	4/18/99	KE	Steps to Freedom
4-8-99	ON	Petaluma AA Noon	4-21-99	RL	PET AA Wed 7:00 PM
4-9-99	LS	Loc. in Villa Sanita Nite	4-22-99	CW	PET AA NOON
4/10/99	LS	Petaluma C.A.	4-22-99	AN	Steps to Freedom
4/10/99	CE	CO. in Villa Sanita C.A.	4/23/99	KE	PETALUMA TGIF.
4/12/99	KE	Alon Noon Pet AA	4/23/99	KE	Steps to Freedom
4/13/99	NC	Weds. Noon Pet AA	4/29/99	MG	Petaluma
4/23/99	KE	Friday Pet AA			

314-C367 (3/94)

581m

CALIFORNIA HIGHWAY PATROL

NOTICE TO APPEAR

CHP 215 (REV 4-97)

ISSUE

DATE

TIME

9:50

PLATE

955

STATE

CA

FOR THE YEAR

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MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT

ASSIGNMENT TO DRINKING DRIVER PROGRAM (OUTSIDE MARIN COUNTY)

People vs. John Joseph Pota
Case Number CR 106254A
Date Sentenced 02/05/99

Driver's License No. [REDACTED]
Birth Date [REDACTED] 47
Date Modified [REDACTED]

I acknowledge that I have been ordered to complete a Drinking Driver Program (DDP) as a condition of probation.

In lieu of attending a program in Marin County, I agree to attend DDP in Conoma County/State

I understand that it is my responsibility to complete this program within 90 days and to mail the completion certificate (or a photocopy) along with this form to the court address below within 150 days from today.

Marin County Municipal Court
Criminal Division, Room 195-A
3501 Civic Center Drive
San Rafael, California 94903-4164

Signature [REDACTED]
Street [REDACTED]
City [REDACTED]
Telephone [REDACTED]
Date 2/5/99

Note: For information regarding Drinking Driver Programs in your area, contact your local Municipal Court or the State/County Office of Alcohol and Drug Programs.

MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT

RECORD - AA ATTENDANCE

Name: JOHN COTA

Case # CZ106254A

To the Program Provider: In order to verify that the above-named defendant is attending AA meetings as ordered by the Court, please indicate the location, date and initial the form.

Date	Initials	Location	Date	Initials	Location
4/25/99	PT	Petaluma, CA	6/15/99	SS	Sat Serenity Petaluma
5/22/99	PT	PET. CA.	6/6/99	MC	SPIRIT OF AARON PET.
5/23/99	PT	PET. CA.	6/10/99	PT	Dry Dock Noon
5/24/99	PT	PET. CA.	6/10/99	PT	Steps to Freedom
5/26/99	LC	DRY DOCK	6/13/99	PT	Petaluma, CA
5/27/99	PT	PET. AA Noon	6/17/99	PT	Steps to Freedom
5/28/99	PT	Friday P.M. Sup. Pet.	6/18/99	PT	Petaluma Follow up
5/30/99	MC	SUNDAY PET. AA	6/24/99	PT	Steps to Freedom
5/31/99	PT	Petaluma, CA	6/25/99	PT	10:00 DRY DOCK
5/31/99	HJ	Petaluma (Mon) Streets	6/26/99	PT	Sat Serenity Petaluma
6-1-99	T	PET TUES 12:00	6-28-99	LA	Spirit of Aaron
6-3-99	MC	Pet. AA	6-28-99	AA	PTW AA Petaluma
6-4-99	PT	DRY DOCK			

914-5357 (3794) MC Sat Serenity
6-19-99 Sat Speak & Disc. Mark P. Petaluma

MUNICIPAL COURT OF CALIFORNIA
MARIN COUNTY JUDICIAL DISTRICT

RECORD - AA ATTENDANCE

Name: JOHN COTA Case #: CR 106254 A

To the Program Provider: In order to verify that the above-named defendant is attending AA meetings as ordered by the Court, please indicate the location, date and initial the form.

Date	Initials	Location	Date	Initials	Location
4-27-99	RM	DRY DOLL	5/18/99	MB	Petaluma
4/27/99	NC	Petaluma	5/19/99	CE	Petaluma
4/28/99	RM	Ret. AA Wed 7:00	5/19/99	CE	Petaluma
4/29/99	RM	Ret. AA Thurs Noon	5/19/99	NC	Petaluma
4-29-99	RM	Ret. AA ST Hippo Fri	5-12-99	CE	DRY DOLL
4/29/99	RM	Ret AA Big Book Thurs	5-13-99	CE	Ret AA
4/30/99	RM	RET G.F.	5/14/99	RM	TGIF RET
5-1-99	RM	Ret AA Wed 7:00	5/15/99	MB	Petaluma
5/4/99	NC	Petaluma	5/16/99	CE	Petaluma
5/5/99	RM	Ret AA Wed 7:00	5/17/99	RM	Petaluma
5-6-99	NC	Ret AA Thurs Noon	5-18-99	NC	Petaluma
5-7-99	RM	Ret AA Big Book Study	5/20/99	RM	Ret AA Wed 7:00
5/7/99	RM	12 Petaluma TGIF	5/21/99	RM	TGIF Ret. 1

314-C357 (3/94)