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VENTURA
SUPERIOR COURT
FILED

AUG 24 2015

MICHAEL D. PLANET
Executive Officer and Clerk

BY: *[Signature]* Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

Batke Enterprises Inc)

DOB:)

Defendant.)

COURT NO.

2015026398

FELONY DISPOSITION
STATEMENT

I.

PLEA

A. CHANGE OF PLEA:

The defendant withdraws the previously entered plea of not guilty and denials of any priors and other allegations. The defendant pleads GUILTY NOLO CONTENDERE to:

CT1-PC 487(a) Grand Theft

and admits: *Stipulate to the facts of the*
investigative reports and complaint. KY

The remaining counts will be dismissed after the defendant is sentenced.

OTHER CASE DISPOSITIONS:

B. NOLO CONTENDERE PLEA (Defendant to initial, if applicable)

KY I understand that for all purposes, my plea of nolo contendere (no contest) has the same effect as a guilty plea, constitutes a conviction, and empowers the court to sentence me as though I had pleaded guilty. It also may be used against me in a civil proceeding.

C. FACTUAL BASIS FOR PLEA (Defendant to initial)

KY I understand that the court is required to find a factual basis for my plea to ensure that I am entering a plea to the proper offense(s) under the facts of the case. I agree that the court may consider the following as proof of the factual basis for my plea:

Preliminary hearing transcript

Police reports

Probation report

Court documents regarding any alleged prior offenses

I admit that I did what is alleged in the counts of the (complaint) (information) to which I am pleading guilty or no contest.

I did the following: _____

**D. CONSEQUENCES OF PLEA AND ALL ADMISSIONS - ALL CASES
(Defendant to initial)**

KY My attorney has explained to me the direct and indirect consequences of this plea, including the maximum possible sentence. I understand that the following consequences could result from my plea:

X I could be sentenced to the state prison for a maximum possible term of ___ year(s).

After I have served my prison term, I may be subject to a maximum period of parole or post-release community supervision of ___ years. (Life for any first- or second-degree murder with a maximum term of life imprisonment (Pen. Code § 3000.1(a)(1)); life for certain kidnapping offenses and certain sex offenses against minors specified in Penal Code § 3000.1(a)(2); 20-1/2 years for persons required to register as a sex offender for the crimes specified in Penal Code § 3000(b)(4)(A); 10 years for certain violent felonies specified in Penal Code § 3000(b)(2), or for certain sex offenses specified in Penal Code § 3000(b)(3); 5 years following certain life sentences specified in Penal Code § 3000(b)(1); 3 years for other felony offenses (Pen. Code §§ 3000 (b)(1), 3451(a)).)

I could be sentenced to county jail and/or home detention for a maximum of ___ year(s). A concluding portion of this term may be suspended, during which time I would be supervised by a probation officer. (Pen. Code, § 1170(h).)

If the judge finds that I am a narcotic addict or am by reason of repeated use of narcotics in imminent danger of being addicted to narcotics, I may be committed to the custody of the Director of Corrections for confinement in the narcotic detention, treatment, and rehabilitation facility. The period of commitment shall be equal to the period I otherwise would have spent in state prison had sentence been executed, followed by a parole term of ___ years. (Welf. & Inst. Code §§ 3051, 3052, 3201.)

Based on this conviction, I have a lifetime prohibition from owning, purchasing, receiving, possessing, or having under my custody or control, any firearm. (Pen. Code § 29800(a)(1).)

If I am not a citizen, I could be deported, excluded from the United States or denied naturalization. (Pen. Code § 1016.5.) If I am not a citizen and am pleading guilty to an aggravated felony, conspiracy, a controlled substance offense, a firearm offense, or under certain circumstances a moral turpitude offense, or a domestic violence offense, I will be deported, excluded from the United States and denied naturalization. (8 U.S.C. §§ 1101(a)(43), 1182, 1227.)

I will be ordered to pay a restitution fine of not less than \$300 and not more than \$10,000. I must prepare and file a disclosure of all assets, income, and liabilities. (Pen. Code § 1202.4.) My ability to have my custody or parole transferred to another State will be restricted upon failure to satisfy restitution. (Pen. Code § 11177.2.)

I will be ordered to pay a parole revocation restitution fine or a postrelease community supervision revocation restitution fine in the same amount as the restitution fine. This fine shall be suspended unless my parole or postrelease community supervision is revoked. (Pen. Code § 1202.45.)

I will be ordered to pay a court security fee of \$40. (Pen. Code § 1465.8.)

I will be ordered to pay a court facilities fee of \$30 for each convicted count. (Gov. Code § 70373.)

Ky I may be ordered to pay an additional fine of up to:

- \$10,000. (Pen. Code § 672.) (For felony offenses where no other fine prescribed by statute.)
- \$50,000 for violating Health and Safety Code section 11351 or 11352 and either: (1) possessing for sale, selling, or offering to sell 14.25 grams or more of a substance containing heroin; or (2) having a prior controlled substance conviction under Health and Safety Code section 11351 or 11352. (Health & Saf. Code § 11352.5.)
- \$20,000 for violating Health and Safety Code sections 11350-11353, 11355, or 11359-11361. (Health & Saf. Code § 11372.)
- A mandatory \$50 lab fee and a \$150 drug program fee (Health & Saf. Code §§ 11372.5, 11372.7). (For violations of Health & Saf. Code §§ 11350, 11351, 11351.5, 11352, et seq.)
- \$ 5,000. (Specific fine imposed pursuant to statute, Penal Code section 489.)
- A penalty assessment of \$28 will be levied for every \$10, or fraction thereof, in fines imposed. (Pen. Code §§ 1464, 1465.7, Gov. Code §§ 70372, 76000, 76104.6, 76104.7.)

X I will be required to pay a fine of at least \$1,000 to \$2,000, in addition to a \$70 AIDS education fee. (Health & Saf. Code § 11350.)

Ky If it is discovered that the Complaint, Information or Indictment does not charge all prior felonies of which I have been convicted, I understand that the District Attorney may add such prior convictions to the Complaint, Information or Indictment by amendment prior to the time of sentencing. Such prior felony convictions could increase my maximum prison or jail term and could result in my being found eligible for state prison or ineligible for probation. Unless I have otherwise waived the right to withdraw my plea, I understand that I would be entitled to withdraw any pleas and admissions entered pursuant to this Felony Disposition Statement if the District Attorney adds prior convictions. I further understand that I could not prevent the District Attorney from adding prior convictions by refusing to withdraw my plea. (Pen. Code §§ 969a, 969.5)

X Both parties are aware that the defendant has prior felony convictions as described below which are not currently included on the Complaint, Information or Indictment. I understand that the felony convictions described below may be added to the Complaint, Information or Indictment by amendment prior to the time of sentencing. Such prior offenses could increase my maximum prison or jail term and could result in my being found eligible for prison or ineligible for probation. I would be entitled to a jury trial on

the question of whether I suffered such prior convictions, but the pleas and admissions entered pursuant to this Felony Disposition Statement would remain in effect.

E. OTHER CONSEQUENCES OF PLEA AND ADMISSIONS

(Defendant to initial, if applicable)

Because I am pleading guilty/no contest to a violent felony, I may accrue no more than 15 percent jail or prison conduct/worktime credit. (Pen. Code §§ 667.5, 2933.1.)

Because I am admitting a prior strike conviction, I may accrue prison worktime credit not to exceed 20 percent of the total term of imprisonment. (Pen. Code § 667(c)(5).)

I am ineligible to receive worktime credit. (For murder (Pen. Code § 2933.2); for third felony conviction of certain violent offenses (Pen. Code § 2933.5).)

I could be sentenced to the Division of Juvenile Facilities for a maximum possible term of ____ year(s). (Welf. & Inst. Code § 1731.5.)

I will be required to register as a sexual offender pursuant to Penal Code section 290. This is a lifetime registration requirement. I must update this registration annually within five days of my birthday, and within five days of any address change. Failure to register is a felony. (Pen. Code § 290(g)(2).) This requirement will make me eligible for a prison commitment if I am later convicted of a felony. (Pen. Code § 1170(h)(3).)

I will be required to register as a narcotics offender (Health & Saf. Code § 11590); arson offender (Pen. Code § 457.1); gang offender (Pen. Code §§ 186.30-186.33).

My driver's license will be revoked for a period of ____ years. (Up to three years for violating Health & Saf. Code §§ 11350, 11351, 11352, 11353, 11357, 11359, 11360, or 11361 (Veh. Code § 13202)) or for manslaughter resulting from operation of a vehicle, gross vehicular manslaughter, or repeat Vehicle Code offenses (Veh. Code § 13351); one year for violating Veh. Code § 20001, any felony in which a motor vehicle is used in its commission, or reckless driving causing bodily injury (Veh. Code § 13350).)

The court may suspend or revoke my driver's license for three years for any Health and Safety Code violation involving a controlled substance and the use of a motor vehicle. (Veh. Code § 13202(a), applies to violations other than those set forth in the above paragraph.)

My driver's license may be suspended or revoked for violation of Vehicle Code section 10851. (Veh. Code § 13357.)

- My driver's license will be revoked for life for a felony violation of Penal Code § 245 in which a vehicle was used as a deadly weapon. (Veh. Code § 13351.5.)
- I will not be granted probation, and execution or imposition of sentence will not be suspended. (Pen. Code §§ 1203(k), 1203.055(c), 1203.06, 1203.065, 1203.066, 1203.07, 1203.075, 1203.08, 1203.085, 1203.09; 667(c); and Health & Saf. Code § 11370.)
- I will not be granted probation unless the court finds that this is an unusual case where the interests of justice would best be served by granting probation. (Pen. Code §§ 462, 462.5, 1203(e), 1203.044(d), 1203.045, 1203.046, 1203.048, 1203.049, 1203.065(b), 1203.073, 1203.074.)
- I will not be granted probation, and execution of sentence will not be suspended, unless the court makes the findings specified in Penal Code section 1203.066(d).
- If the court imposes and executes the enhancement for excessive taking (Penal Code section 186.11), the sentence shall be served in state prison.
- If I am granted probation for any offense involving a controlled substance set forth in sections 11000-11650 of the Health and Safety Code, I will be required to attend a drug education or treatment program. (Health & Saf. Code § 11373.)
- I will be ordered to pay restitution to the victim(s). I understand that I am entitled to a judicial determination of the amount of restitution and that, unless otherwise ordered, the probation and sentencing hearing will constitute the hearing on the amount of restitution.
- For violation of Penal Code section 288, the court will order me to pay restitution to the victim(s) for noneconomic losses, including but not limited to pain, suffering and emotional distress for psychological harm. (Pen. Code § 1202.4(f)(3)(F).)
- I am required to submit blood and saliva samples, thumbprints, and palm prints. (Pen. Code § 296.)
- I am required to submit to a blood test for AIDS. (Pen. Code §§ 1202.1, 1202.6.)
- I may be required to undergo chemical castration. (Pen. Code § 645.)

Proposition 36 consequences:

- If I am placed on probation, the conditions will include successful completion of a drug treatment program of up to one year, which may include outpatient treatment, half-way house treatment, narcotic replacement therapy, and/or inpatient or residential drug treatment, which may be followed by up to six months of aftercare services. I may be ordered to pay the cost of my drug treatment program. (Pen. Code § 1210 et seq.)

F. DRIVING UNDER THE INFLUENCE-RELATED CASES

SENTENCES FOR MISDEMEANOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VEHICLE CODE § 23152)

Offense	Min. & Max. Sentences When Probation is Granted (3-5 yrs. probation term)	Min. & Max. Sentences Without Probation
1 st offense within 10 years (Veh. Code §§ 23536; 23538; 13352(a)(1); 13352.4)	Two options, both requiring attendance at an alcohol/drug program, a fine of \$390 to \$1,000, plus either: A) 48 hours to 6 months jail; or B) A six-month license restriction allowing driving for work and alcohol/drug program.	96 hours to 6 months in jail, \$390 to \$1,000 fine, and a 6-month license suspension.
2 nd offense within 10 years (Veh. Code §§ 23540; 23548; 13352(a)(3); 13352(a)(6); 13352.5)	Two options, both carrying a fine of \$390 to \$1,000, plus either: A) 10 days to 1 year in jail and a two-year license suspension; or B) Two increments of 48 continuous hours to 1 year in jail, an 18-month or 30-month alcohol/drug program, and a license restriction allowing driving only for work and alcohol/drug program for two years.	90 days to 1 year in jail, \$390 to \$1,000 fine, and a two-year license suspension.
3 rd offense within 10 years (Veh. Code §§ 23546; 23552; 13352(a)(5); 13352(a)(7); 23597)	120 days to 1 year in jail; \$390 to \$1,000 fine, a 3-year or 10-year license revocation, and an 18-month alcohol/drug program if I have not completed one before; or a 30-month driving under the influence program.	120 days to 1 year in jail, \$390 to \$1,000 fine, and a 3-year or 10-year license revocation.

SENTENCE FOR FELONY DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VEHICLE CODE § 23152/23550)

Offense	Min. & Max. Sentence When Probation is Granted (3-5 yrs. probation term)	Min. & Max. Sentence Without Probation or if Probation is Revoked
4 th or subsequent offense within 10 years (Veh. Code § 23550; 23597)	180 days to 1 year in jail; \$390 to \$1,000 fine, a 4-year or 10-year license revocation, and an 18-month alcohol/drug program if I have not completed one before.	16 months, or 2 or 3 years in county jail (or in state prison if eligible), or 180 days to 1 year in county jail; \$390 to \$1,000 fine, & a 4-year or 10-year license revocation.

**SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL
AND/OR DRUGS CAUSING INJURY (VEHICLE CODE § 23153)**

Offense	Min. & Max. Sentences When Probation is Granted (3-5 yrs. probation term)	Min. & Max. Sentences Without Probation or when Probation is Revoked
1 st offense within 10 years (Veh. Code §§ 23554; 23556; 13352(a)(2))	5 days to 1 year in county jail, \$390 to \$1,000 fine, attendance at an alcohol/drug program, and a 1-year license suspension.	90 days to 1 year in county jail, or 16 months or 2 or 3 years in state prison, \$390 to \$1,000 fine, and a 1-year license revocation.
2 nd offense within 10 years (Veh. Code §§ 23560; 23562; 13352(a)(4))	Two options: A) 120 days to 1 year in county jail, \$390 to \$5,000 fine, and a 3-year license revocation; or B) 30 days to 1 year in county jail, \$390 to \$1,000 fine, an 18-month or 30-month alcohol/drug program, and a 1-year license revocation followed by a 2-year license restriction allowing driving for work and alcohol/drug program only.	120 days to 1 year in county jail, or 16 months or 2 or 3 years in state prison, \$390 to \$5,000 fine, and a 3-year license revocation.
3 rd or subsequent offense within 10 years (Veh. Code §§ 23566; 13352(a)(8))	30 days to 1 year in county jail, \$390 to \$5,000 fine, a 30-month alcohol/drug program, between 120 to 300 hours of community service, and a 5-year license revocation.	2, 3, or 4 years in state prison, \$1,015 to \$5,000 fine, and a 5-year license revocation.
4 th or subsequent offense within 10 years (Veh. Code §§ 23566(c))		3 rd offense sentence plus 3 additional years in state prison

I am aware of the minimum and maximum sentence I could receive (set forth above) solely as a result of my plea of guilty to the violation of Vehicle Code section 23152 or 23153 and the admission of prior convictions as charged in the Information or Indictment.

If the alleged violation of Vehicle Code section 23153, Penal Code sections 191.5 or 192(c)(3) caused bodily injury or death to more than one victim, upon a felony conviction, my sentence will be enhanced by one year in county jail or state prison for each additional victim. (Veh. Code § 23558.)

X I understand that the DMV may restrict, suspend, or revoke my license under an administrative procedure which is separate from this criminal action. If such a procedure is used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it. (Applies to all DUI-related offenses.)

X I understand that the DMV will not issue a restricted license or restore my driving privilege following a restriction, suspension, or revocation unless I have proof of insurance and maintain it for three years. The DMV will suspend my license: (1) until proof of insurance is provided by my insurance company to the DMV, and (2) upon my failure to maintain such proof during the three-year period. (Applies to all DUI related offenses.)

X If I am convicted of a violation of Vehicle Code section 23152 or 23153, I may be required to pay for the installation of an ignition interlock device on any vehicle I own or operate and must maintain this device for up to three years. (Veh. Code § 23575.)

X Upon conviction of a third or subsequent violation of Vehicle Code section 23152 or 23153, I will be designated as a habitual traffic offender for a period of three years after my conviction (Veh. Code § 23546, 23550, 23566(d)) and receive an enhanced jail term of 180 days if I drive in violation of my license suspension or revocation. (Veh. Code § 14601.3.)

X Upon conviction of Vehicle Code section 23152 or 23153 with designated prior convictions, or Penal Code section 191.5, 192(c)(3), or 192.5(a), if I am the registered owner of the vehicle driven, the court will order the vehicle sold or destroyed as a nuisance. (Veh. Code § 23596.)

X You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder. (Veh. Code § 23593.)

G. WAIVER OF PRELIMINARY HEARING (Defendant to initial)

KX I understand that, before this case could proceed to trial in the Superior Court, I have a right to a preliminary hearing before a magistrate.

KX The purpose of a preliminary examination is to safeguard against unwarranted, groundless or unsupported charges, and to have a judge determine whether there is sufficient cause to believe that I committed a public offense to hold me to answer for any charges in the Superior Court.

KX I understand that there will be no record or transcript of testimony of witnesses called at the preliminary examination, because there will be no preliminary examination.

KY My attorney has explained to me, and I understand, that this waiver and plea will result in the case being certified to the Superior Court on the above-mentioned charges and sentencing by a judge of the Superior Court.

KY I now waive (give up) my right to a preliminary hearing and to the filing of an Information in Superior Court.

H. WAIVER OF CONSTITUTIONAL RIGHTS (Defendant to initial)

My attorney has explained to me, and I understand, that this plea will result in my conviction and that I am therefore waiving (giving up) each of the following constitutional rights:

- KY 1. The right to have every charge and allegation against me determined by a jury of 12 persons;
- KY 2. The right to confront and, through my attorney, cross-examine each witness called by the prosecution at the preliminary hearing and at trial to prove my guilt;
- KY 3. The right against self-incrimination, which means I would not have to testify at preliminary hearing or trial and if I did not, the judge or jury could not consider this as evidence against me.

I. HARVEY WAIVER (Defendant to initial, if applicable)

KY I agree that all facts and information relating to any and all counts, allegations of prior convictions, and other sentencing enhancement allegations which are dismissed by the court as part of this disposition may be included in the probation report and considered by the court in determining sentence.

J. WAIVER OF ATTORNEY (Defendant to initial, if applicable)

X I understand that I have the right to have a lawyer defend me at all stages of the proceedings, and that if I cannot afford to hire a lawyer, the court will provide one for me. I knowingly and intelligently waive (give up) my right to a lawyer.

K. WAIVER OF APPEAL (Defendant to initial, if applicable)

KY I understand that unless I give up the right to appeal, the law would permit me to appeal to a higher court following my plea of guilty or no contest in order to raise reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings, or to challenge a search or seizure ruling made in a motion to suppress evidence. I now waive and give up my right to appeal in this case. (*People v. Olson* (1989) 216 Cal.App.3d 601.)

L. VOLUNTARINESS OF PLEA AND ADMISSIONS (Defendant to initial)

KY I am entering this plea and these admissions freely and voluntarily and not as the result of any force, pressure, threats or coercion brought against me or any member of my family; further, no commitments have been made to me or my attorney other than those that appear on this form.

II.

DEFENDANT'S AND DEFENSE ATTORNEY'S POSITION

I have discussed with my attorney the facts of the case, the elements of the charged offenses and allegations, and all possible defenses which I might have. I have read and understand this form. I have discussed with my attorney and understand the consequences of this plea and my constitutional rights. I waive (give up) the above-mentioned constitutional rights. I request that the court accept my new plea.

DATED: 8/24/15

[Signature] on behalf of PAK Environmental
(Defendant's Signature)

I have explained to the defendant all of his constitutional rights. I am satisfied he understands them and also understands that by entering this plea he is giving up each of them. I have discussed with the defendant the facts of the case, the elements of the charged offenses and allegations, and all possible defenses. I have explained the direct and indirect consequences of this plea to the defendant and am satisfied he understands them. I am satisfied the defendant is voluntarily and of his own free will seeking to enter this plea. I request the court accept this plea.

DATED: 8/24/15

[Signature]
(Defendant's Attorney's Signature)

III.

DISTRICT ATTORNEY *General*

A. SUMMARY OF DISTRICT ATTORNEY'S REASON FOR DISMISSAL OR AMENDMENT (Deputy ~~District~~ Attorney to initial)
General

X The defendant is entering (a plea to the most serious charge/pleas to sufficient counts) to give the court adequate discretion to impose an appropriate sentence.

KY The defendant cannot be (convicted/sentenced) on the count because it arises from the same facts as the count(s) to which the defendant has pleaded.

General's
B. DISTRICT ATTORNEY'S POSITION ON SENTENCE
(Deputy ~~District~~ *General* Attorney to initial)

X Any authorized sentence may be sought.

X The defendant should be committed to state prison.

X Probation where defendant is eligible for state prison: The defendant should be placed on probation and not now be committed to state prison. The defendant may, however, at a later time be committed to state prison if a court finds he has violated a term or condition of probation.

X Probation where defendant is not eligible for state prison: The defendant shall be placed on probation, which may include up to one year in jail as a condition of probation (Pen. Code § 1203). The defendant may at a later time be sentenced pursuant to Penal Code section 1170(h) if a court finds the defendant has committed a violation of a term or condition of probation.

X Imposition of sentence where defendant is not eligible for state prison: The defendant shall be sentenced to county jail. A concluding portion of this term may be suspended, during which time the defendant would be supervised by a probation officer. (Pen. Code § 1170 (h)(5)).

KP Corporate defendant to \$19,000 in
Restitution to the State Water Resources Control Board.

General's
C. SUMMARY OF DISTRICT ATTORNEY'S REASON FOR SENTENCE
(Deputy ~~District~~ *General* Attorney to initial)

KP The defendant has no prior criminal record.

KP The severity and frequency of the defendant's prior criminal record is not serious.

KP The underlying facts of the case are not sufficiently serious to require a state prison sentence or executed jail sentence at this time.

X The need for an adequate period of probation supervision to protect society and to deter the defendant from reoffending.

KP The availability of opportunities and mechanisms to obtain restitution.

General's
D. DISTRICT ATTORNEY'S STATEMENT
(Deputy ~~District~~ Attorney to initial)

General
KV

With the exception of any commitments made to the defendant by the court, the District Attorney agrees to the terms of this disposition and requests that the court accept it and order this statement filed.

X

The District Attorney objects to the terms of this disposition as being an unlawful plea bargain unduly lenient (check one or both, if applicable) and requests the court to set or confirm the trial date for the counts and/or allegations not covered by such disposition.

Kamala D. Harris, Attorney General
~~GREGORY D. TOTTEN, District Attorney~~
~~County of Ventura, State of California~~

DATED: 8/24/15

By _____

Deputy ~~District~~ Attorney *General*

IV.

INTERPRETER (IF APPLICABLE)

I have read and explained all the above to the defendant in the

_____ language.

DATED: _____

(Interpreter's Signature)

V.

THE COURT

A. COURT'S POSITION ON SENTENCE:
(Judge to initial)

_____ The court makes no commitments; any authorized sentence may be imposed.

The court, in this non-Proposition 8 case, makes the following statements concerning sentencing:

_____ Probation where defendant is eligible for state prison: The defendant will be placed on probation and not now be committed to state prison. If, however, he later violates probation he may be sent to prison at that time.

_____ Probation where defendant is not eligible for state prison: The defendant will be placed on probation, which may include up to one year in jail as a condition of probation (Pen. Code § 1203). The defendant may at a later time be sentenced pursuant to Penal Code section 1170(h) if a court finds the defendant has committed a violation of a term or condition of probation.

_____ Imposition of sentence where defendant is not eligible for state prison: The defendant will be sentenced to county jail. (Pen. Code § 1170(h)(5)).

_____ A concluding portion of this term may be suspended, during which time the defendant would be supervised by a probation officer. The court requests that the Probation Agency recommend a specific period of mandatory supervision, and terms for such supervision, to be considered by the court. (Pen. Code § 1170(h)(5)).

_____ The court does not intend to suspend a portion of the jail term and does not intend to release defendant on mandatory supervision.

B. COURT'S ADVISEMENT ON PAROLE/COMMUNITY SUPERVISION

I have now advised the defendant that if sentenced to state prison, he or she shall also serve a period of parole or post-release community supervision. I now order that if released on parole, the defendant shall report to the parole office closest to the defendant's last legal residence upon release from prison, or such county as directed by the Board of Parole Hearings or the Department of Corrections and Rehabilitation. If released from prison on post-release community supervision, I now order the defendant report to the probation office in the county of the defendant's last legal residence, or such other agency designated by that county. (Pen. Code § 3003.)

C. FINDINGS

The court finds that:

1. Defendant and his attorney appeared in open court and the defendant entered his plea(s) and admission(s).
2. Defendant understands the nature of the charge(s) and the consequences of his plea(s) and admission(s).
3. Defendant has knowingly, intelligently, and understandingly waived his rights as set forth above.
4. Defendant's waivers of his rights, and his plea(s) and admission(s), are free and voluntary.
5. There is a factual basis for the plea.

IT IS ORDERED THAT:

1. Defendant's plea(s) and admission(s) are accepted.
2. The clerk file this document and incorporate it in the minutes of this case.

DATED: 8/24/11

By 

Judge of the Superior Court

The defendant's plea is accepted conditionally, pursuant to Penal Code section 1192.5, and I have advised the defendant that my approval of this plea is not binding, that at the probation and sentencing hearing I may withdraw my approval, and that if I do, the defendant may withdraw his plea if he desires to do so.

DATED: _____

By _____

Judge of the Superior Court