

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CASH,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

Electronically Filed
Apr 15 2019 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 77018

RESPONDENT'S APPENDIX

BRIAN RUTLEDGE, ESQ.
Nevada Bar #004739
10170 W. Tropicana #156-431
Las Vegas, Nevada 89147-2602
(702) 297-7200

STEVEN B. WOLFSON
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Nevada Bar #001565
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State of Nevada

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Counsel for Appellant

Counsel for Respondent

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State's Sentencing Memorandum, filed 07/06/18 1-55

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 15th day of April, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

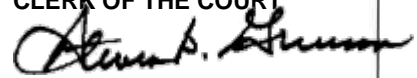
BRIAN RUTLEDGE, ESQ.
Counsel for Appellant

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

/s/ J. Garcia

Employee, Clark County
District Attorney's Office

JEV/Elliot Anderson/jg



MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SANDRA K. DIGIACOMO
Chief Deputy District Attorney
Nevada Bar #006204
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

THOMAS CASH,
#7053124

Defendant.

CASE NO: **C-18-329699-1**

DEPT NO: **VIII**

STATE'S SENTENCING MEMORANDUM

DATE OF HEARING: August 15, 2018
TIME OF HEARING: 8:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through SANDRA K. DIGIACOMO, Chief Deputy District Attorney, and hereby submits this Memorandum for the Court's consideration.

STATEMENT OF THE CASE

On April 19, 2018, the State filed an Amended Information in this case which corrected the Notice of Intent to Seek Punishment as a Habitual Criminal pursuant to NRS 207.010 and NRS 207.012. On June 28, 2018, Defendant was convicted of Second Degree Murder With Use of a Deadly Weapon. Sentencing is currently scheduled for August 15, 2018.

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ARGUMENT

Defendant has the following Felony convictions and copies of the certified records from California are attached hereto as exhibits:

1. Convicted on January 9, 1980 by the Juvenile Court of Los Angeles County for Assault with a Deadly Weapon/Use of a Firearm; *See* Exhibit 1. Defendant was paroled on July 8, 1981.
2. Convicted on April 9, 1982 by the Juvenile Court of Los Angeles County for Murder 2nd Degree. *See* Exhibit 1. Defendant was paroled on August 5, 1988 and discharged from parole on December 23, 1988.
3. Convicted on January 26, 1989 by the Superior Court of Los Angeles for Possession/Purchase Cocaine Base for Sale, Case Number A891299. *See* Exhibit 2. Defendant was sentenced to probation, which was revoked on September 11, 1990 and Defendant was sentenced to four (4) years in prison.
4. Convicted on September 27, 1991 by the Superior Court of Los Angeles for Robbery – Second Degree with Use of a Firearm, Case Number TA008691. *See* Exhibit 3. Defendant was sentenced to five (5) years for the Robbery plus a consecutive four (4) years for the firearm enhancement, for a total of nine (9) years in prison.
5. Convicted on February 6, 1997 by the Superior Court of Los Angeles for two (2) counts of Robbery – Second Degree with Use of a Firearm with Prior Convictions, Case Number BA13179801. *See* Exhibit 4. Defendant was sentenced on Count 1 to six (6) years for the Robbery plus a consecutive four (4) years for the firearm enhancement. Defendant was sentenced on Count 2 to two (2) years for the Robbery plus a consecutive one (1) year and four (4) months for the firearm enhancement. Additionally, Defendant was sentenced to a consecutive one (1) year due to his prior felony convictions plus another consecutive five (5) years for his prior violent/serious felony conviction, (case TA008691), for a total of nineteen (19) years and four (4) months in prison.

///

1 NRS 207.012 states:

2 1. A person who:

3 (a) Has been convicted in this State of a felony listed in subsection 2; and

4 (b) Before the commission of that felony, was **twice convicted of any crime**
5 which under the laws of the situs of the crime or of this State would be a felony
6 **listed in subsection 2**, whether the prior convictions occurred in this State or
7 elsewhere,

8 ---is a habitual felon and shall be punished for a category A felony by
9 imprisonment in the state prison:

10 (1) For life without the possibility of parole;

11 (2) For life with the possibility of parole, with eligibility for parole
12 beginning when a minimum of 10 years has been served; or

13 (3) For a definite term of 25 years, with eligibility for parole beginning
14 when a minimum of 10 years has been served.

15 2. **The district attorney shall include** a count under this section in any
16 information or shall file a notice of habitual felon if an indictment is found, if
17 each prior conviction and the alleged offense committed by the accused
18 constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of
19 NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366,
20 **200.380**, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection
21 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.4631,
22 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection
23 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS
24 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780,
25 paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or
26 subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060,
27 subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of
28 subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or
484E.010.

3. **The trial judge may not dismiss a count** under this section that is included
in an indictment or information.

(Emphasis added).

NRS 207.016(1) states:

A conviction pursuant to NRS 207.010, 207.012 or 207.014 operates **only to**
increase, not to reduce, the sentence otherwise provided by law for the principal
crime.

(Emphasis added).

1 As Defendant has been convicted at least twice of a violent felony, i.e. robbery in 1991
2 and 1997, and now he has been convicted of Second Degree Murder With Use of a Deadly
3 Weapon pursuant to NRS 200.030, this Court **must** adjudicate Defendant pursuant to NRS
4 207.012 as a Habitual Felon. Moreover, because according to NRS 207.016 adjudication
5 pursuant to habitual **must increase** a defendant's sentence and not reduce it, this Court **must**
6 sentence Defendant to LIFE WITHOUT THE POSSIBILITY OF PAROLE in prison.

7 Defendant was found guilty of Second Degree Murder With Use of a Deadly Weapon.
8 Pursuant to NRS 200.030 and NRS 193.165, the sentencing range Defendant may receive is:

- 9 (1) a minimum of eleven (11) years to a maximum of twenty-seven and one half (27 ½)
10 years up to a minimum of eighteen (18) years to a maximum of forty (40) years; or
11 (2) a minimum of eleven (11) years to a maximum of LIFE up to a minimum of eighteen
12 (18) years to a maximum of LIFE.

13 Under NRS 207.012, Defendant must be sentenced to either:

- 14 (1) a minimum of ten (10) years to a maximum of twenty-five (25) years;
15 (2) a minimum of ten (10) years to a maximum of LIFE; or
16 (3) LIFE WITHOUT THE POSSIBILITY OF PAROLE.

17 Accordingly, as Defendant **MUST** be sentenced pursuant to NRS 207.012 and as the sentence
18 **MUST** increase (or arguably equal) that which he would receive pursuant to NRS 200.030 and
19 NRS 193.165, the only option for this Court is to sentence Defendant to LIFE WITHOUT
20 THE POSSIBILITY OF PAROLE.

21 As the deadly weapon enhancement pursuant to NRS 193.165 may not be used in
22 conjunction with adjudication pursuant to NRS 207.010 or NRS 207.012, giving Defendant a
23 term of years or LIFE with the possibility of parole pursuant to NRS 207.012 would decrease
24 the sentence Defendant would receive if adjudicated under NRS 200.030 and NRS 193.165.
25 Odoms v. State, 102 Nev. 27, 33-34, 714 P.2d 568, 572 (1986). Accordingly, this Court may
26 not sentence Defendant to one which reduces his liability pursuant to NRS 207.012, i.e. the
27 term of years or to LIFE with the possibility of parole.

28 ///

1 CONCLUSION

2 Based upon the foregoing, this Court *must* adjudicate Defendant as a Habitual Felon
3 pursuant to NRS 207.012 and *must* sentence Defendant to LIFE WITHOUT THE
4 POSSIBILITY OF PAROLE.

5 DATED this 6th day of July, 2018.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ Sandra K. DiGiacomo
11 SANDRA K. DIGIACOMO
12 Chief Deputy District Attorney
13 Nevada Bar #006204

14
15
16
17
18 CERTIFICATE OF ELECTRONIC TRANSMISSION

19 I hereby certify that service of the above and foregoing was made this 6th day of July,
20 2018, by electronic transmission to:

21 KENNETH LONG, ESQ.
22 Email Address: kenlongattorney@gmail.com

23 BY: /s/ J. Georges
24 Secretary for the District Attorney's Office

25
26
27
28 SKD/jg/SVU

EXHIBIT 1

Division of Juvenile Justice

Ward Master File Unit
Post Office Box 588501
Elk Grove, California 95758-8501
Telephone (916) 683-7489 - FAX (916) 683-7767



February 8, 2018

Office of the District Attorney
County of Clark
P.O. Box 552211
Las Vegas, Nevada 89155-2211

Attention: District Attorney
Court Case Number: 17FN2591X

RE: CASH, Tommy
DJJ#: 27833
Juv. Ct. No.: J007533

Dear Sir or Madam:

Your request dated February 7, 2018, for information to establish a prior conviction in the above named case has been received.

Our records indicate that the subject was committed to the Department of Corrections and Rehabilitation-Division of Juvenile Justice (formerly the Department of the Youth Authority) by the Juvenile Court of Los Angeles County on January 9, 1980, for §245(a)/12022.5 PC – Assault with a Deadly Weapon/Use of a Firearm (F) and §12031 PC – Carrying a Loaded Firearm in Public Place(M) and was discharged from the Department of Corrections and Rehabilitation-Division of Juvenile Justice on December 23, 1988.

Since the subject's commitment ended in 1988, we are unable to provide you with a copy of the court Order of Commitment, as under the present policy, we do not retain case files on discharged wards beyond the period of seven years.

This is to certify that the foregoing is true and correct information from the original document ("Register of Actions" card) on file in this office.

Sincerely,

A handwritten signature in blue ink that reads "Marci Tijerina".

Marci Tijerina, CCRA
Custodian of Records

Attachment

RA000007

Division of Juvenile Justice

Ward Master File Unit
Post Office Box 588501
Elk Grove, California 95758-8501
Telephone (916) 683-7489 - FAX (916) 683-7767



February 8, 2018

Office of the District Attorney
County of Clark
P.O. Box 552211
Las Vegas, Nevada 89155-2211

Attention: District Attorney
Court Case Number: 17FN2591X

RE: CASH, Tommy
DJJ#: 27833
Juv. Ct. No.: J007533

Dear Sir or Madam:

Your request dated February 7, 2018, for information to establish a prior conviction in the above named case has been received.

Our records indicate that the subject was recommitted to the Department of Corrections and Rehabilitation-Division of Juvenile Justice (formerly the Department of the Youth Authority) by the Juvenile Court of Los Angeles County on April 9, 1982, for §187 PC – Murder 2nd Degree (F) and was discharged from the Department of Corrections and Rehabilitation-Division of Juvenile Justice on December 23, 1988.

Since the subject's commitment ended in 1988, we are unable to provide you with a copy of the court Order of Commitment, as under the present policy, we do not retain case files on discharged wards beyond the period of seven years.

This is to certify that the foregoing is true and correct information from the original document ("Register of Actions" card) on file in this office.

Sincerely,

A handwritten signature in blue ink that reads "Marci Tijerina". The signature is fluid and cursive, with the first name "Marci" being more prominent.

Marci Tijerina, CCRA
Custodian of Records

Attachment

RA000008

NAME		D		AGE	BIRTHDATE	RACE	SEX	EXP. DATE	DISCH. DATE	YA NO.
CASH, Tommy				13	11-17-	65 B	M	—	12/30/88	27833
AKA				SSA NO.	CII NO.					
						6688052		245aPC; & 12031PC; assault w/		
COURT	COUNTY	JUDGE	COURT NO.	DATE COMMIT.		OFFENSE				
Juv	L.A.	XXXXRef Moore	J007533	9/21/79		a deadly weapon-carrying a loaded firearm in a pub/ place. (m)				
COURT	COUNTY	JUDGE	COURT NO.	DATE COMMIT.		OFFENSE				
Juv	L.A.	Moore	J007533	1-9-80		12022.5PC; use of firearm				
COURT	COUNTY	JUDGE	COURT NO.	DATE COMMIT.						
Juv	L.A.		J007533	4-9-82		245(a)/12022.5 PC Assault with Deadly Weapon/ Use of Firearm (F) 12031 PC Carry Loaded Firearm in Public Place (m) 187 PC Murder, 2nd° (F)				
DATE		ACTION				DATE				
10-18-79		Rec'd SECC								
12-7-79		Ret. to L.A. County								
1-28-80		Rec'd SECC								
2-8-80		cont Jan 1982 - Trans. Nelles								
2-14-80		Rec'd Nelles								
2-11-81		Cont Sept 1981 - Annual Rev - carry								
12/23/88		Honorable Discharge								

MASTER RECORD YA 1.101 REV. 1 (8-71) 2-8-80 FULL BOARD 6.22-82 FULL BOARD

CERTIFICATION

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: February 8, 2018
Marci Dykstra

Supervisor, Ward Master File Unit
Dept of Corrections & Rehabilitation
Division of Juvenile Justice

RA000009

EXHIBIT 2

ABSTRACT OF JUDGMENT - PRISON COMMITMENT SINGLE OR CONCURRENT COUNT FORM

FORM DSL 290.1

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

BRANCH EAST

COURT I.D.

1 9 0 0 0 2

CASE NUMBER

A 891299

PEOPLE OF THE STATE OF CALIFORNIA versus
DEFENDANT: OI CASH, THOMAS

AKA:

☒ PRESENT
☐ NOT PRESENT

COMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT

AMENDED
ABSTRACT ☐

DATE OF HEARING (MO) (DAY) (YR)
09 11 90

DEPT. NO
EA M

JUDGE
SAM CIANCHETTI

CLERK
C ZIMMERMAN

REPORTER
J MALLETT

COUNSEL FOR PEOPLE
G HEARNSBERGER

COUNSEL FOR DEFENDANT
L JACOSTE DPD

PROBATION NO. OR PROBATION OFFICER
X-243354

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONY (OR ALTERNATE FELONY/MISDEMEANOR):

COUNT	CODE	SECTION NUMBER	CRIME	YEAR TRIAL COMPLETED	DATE OF CONVICTION				CONVICTED BY			PENAL \$ & YR	TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	ALA	YEARS		MONTHS	
1	HS	11351.5	POSS SALE COC BSE	88	01	26	89			x	M	4	0	

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.

For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter the total in right-hand column.

Count	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Total
											0

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.

List all enhancements based on prior convictions or prior prison terms charged and found true: #2 or more under the same section, repeat it for each enhancement (e.g., #2 non-violent prior prison terms under § 667.5(b) for § 667.5(b)(2) times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Total
										0

4. OTHER ORDERS:

5. TIME STAYED § 1170.1(b) (DOUBLE BASE LIMIT)

0

6. TOTAL TERM IMPOSED:

4

0

7. ☐ THIS SENTENCE IS TO RUN CONCURRENT WITH ANY PRIOR UNCOMPLETED SENTENCE(S)

8. EXECUTION OF SENTENCE IMPOSED:

A. ☐ AT INITIAL SENTENCING HEARING

B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL

C. ☒ AFTER REVOCATION OF PROBATION

D. ☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(a))

E. ☐ OTHER

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR)
09 11 90

CREDIT FOR TIME SPENT IN CUSTODY
389

INCLUDING

ACTUAL LOCAL TIME

LOCAL CONDUCT CREDITS

STATE INSTITUTIONS
☐ CMH ☐ CDC

10. DEFENDANT IS REMAND TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH

☐ AFTER 48 HOURS:
EXCLUDING SATURDAYS,
SUNDAYS AND HOLIDAYS

INTO THE CUSTODY OF
THE DIRECTOR OF
CORRECTIONS AT THE
RECEPTION-GUIDANCE
CENTER LOCATED AT:

☐ CALIF. INSTITUTION FOR
WOMEN - FRONTIERA

☐ CALIF. MEDICAL
FACILITY - VACAVILLE

☒ CALIF. INSTITUTION
FOR MEN - CHINO

☐ DELUEL VOC. INST.

☐ OTHER (SPECIFY):

I hereby certify the foregoing to be a correct abstract of the judgment made.

DEPUTY'S SIGNATURE

L. McClure



9-18-90

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213.5. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT
SINGLE OR CONCURRENT COUNT FORM

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

FORM DSL 290.1

Form Adopted by the
Judicial Council of California
Effective April 1, 1990

DISTRIBUTION:

PINK COPY - COURT FILE

YELLOW COPY - DEPARTMENT OF CORRECTIONS

WHITE COPY - CLERK OF THE COURTS

RA000011

MUNICIPAL COURT OF POMONA JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

v.

THOMAS CASH

Defendant(s)

Case No. A891299

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about November 29, 1988, in the County of Los Angeles, the crime of POSSESSION FOR SALE OF COCAINE BASE, in violation of HEALTH AND SAFETY CODE SECTION 11351.5, a Felony, was committed by THOMAS CASH, who did willfully and unlawfully possess for sale and purchase for purposes of sale cocaine base.

FILED

DEC 19 1988

FRANK S. ZOLIN, County Clerk

M. Jordan
M. JORDAN, DEPUTY

De Plea Report

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND
THAT THIS COMPLAINT, CASE NUMBER A891299, CONSISTS OF 1 COUNT(S).

Executed at Pomona, County of Los Angeles, on November 30, 1988.



D. WILLIAMS
DECLARANT AND COMPLAINANT

.....
IRA REINER, DISTRICT ATTORNEY

BY: 

ROBERTA T SCHWARTZ, DEPUTY

AGENCY: POM. P.D.
DR NO: 88-188670

I/O: ID NO: PHONE NO:
OPERATOR: JAD PRELIM. TIME EST.:

DEFENDANT
CASH, THOMAS

<u>CHI NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
A06688052	11/17/65	1138275	\$ 5,000	

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

THOMAS CASH

COUNT
NO.
1

CHARGE
HS11351.5

SPECIAL
ALLEGATION

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

THOMAS CASH

5,000.00 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

THOMAS CASH

12-28-88 in Dept: E

at: 8:30 A.M.

Date: DEC 14 1988


Committing Magistrate JACK P. HUNT

FILED

NOV 19 1990

LOS ANGELES COUNTY CLERK

M. J. ...

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT EAST "M"

HON. SAM CIANCHETTI, JUDGE

--000--

THE PEOPLE OF THE STATE OF CALIFORNIA,)
PLAINTIFF,)

VS.

THOMAS CASH,

DEFENDANT.)

NO. A891299
STATE PRISON

POMONA, CALIFORNIA; TUESDAY, SEPTEMBER 11, 1990; 9:48 A.M.

UPON THE ABOVE DATE THE DEFENDANT PERSONALLY
APPEARED IN OPEN IN COURT WITH COUNSEL, L. JACOSTE, DEPUTY
PUBLIC DEFENDER OF LOS ANGELES COUNTY. THE PEOPLE BEING
REPRESENTED BY, G. BEARNSBERGER, DEPUTY DISTRICT ATTORNEY OF
LOS ANGELES COUNTY, THE FOLLOWING PROCEEDINGS WERE HELD:

(JOYCE L. HALLETT, OFFICIAL REPORTER, CSR #1712)

* * * * *

THE COURT: IT APPEARS TO ME THAT THERE'S JUST A
CLEAR VIOLATION OF PROBATION.

ALL RIGHT. PROBATION IS ORDERED REVOKED. AND
THE -- DO YOU WAIVE ARRAIGNMENT FOR JUDGMENT AND SENTENCE.

1 MS. JACOSTE?

2 MS. JACOSTE: SO WAIVED.

3 THE COURT: ANY LEGAL CAUSE WHY SENTENCE SHOULD NOT
4 NOW BE PRONOUNCED?

5 MS. JACOSTE: NO LEGAL CAUSE.

6 THE COURT: ALL RIGHT. IT'S THE COURT'S VIEW, IN
7 LIGHT OF MR. CASH'S UNSUCCESSFUL PERFORMANCE ON PROBATION,
8 THAT A STATE PRISON SENTENCE IS INDICATED.

9 THERE BEING NO EVIDENCE OFFERED AT THE TIME
10 THAT HE ORIGINALLY WAS SENTENCED, BY WAY OF MITIGATION OR
11 AGGRAVATION, ITS THE FURTHER VIEW OF THE COURT THAT THE
12 APPROPRIATE TERM WOULD BE THE MIDDLE TERM.

13 PROBATION IS DENIED, MR. CASH. YOU'RE ORDERED
14 TO SERVE A TERM OF FOUR YEARS IN THE STATE PENITENTIARY.

15 NOW, YOU WERE IN CUSTODY ON THIS CASE
16 ORIGINALLY FOR A PERIOD OF ONE YEAR. YOU'RE TO RECEIVE
17 CREDIT FOR 365 DAYS FOR THAT PERIOD OF TIME.

18 AND, MS. JACOSTE, DO YOU KNOW WHAT THE
19 REMAINING CREDITS ARE?

20 MS. JACOSTE: YES, YOUR HONOR. THERE WOULD BE 16
21 ACTUAL DAYS.

22 THE COURT: ALL RIGHT. YOU ARE TO RECEIVE CREDIT,
23 THEN, FOR 16 ADDITIONAL DAYS. AND TO THAT TIME I AM GOING TO
24 ADD EIGHT DAYS OF GOOD AND WORK TIME CREDITS, SO THE TOTAL
25 PRE-SENTENCE CREDITS THAT YOU'LL BE RECEIVING WILL BE 389
26 DAYS.

27 AT THIS TIME YOU'RE REMANDED TO THE CUSTODY OF
28 THE LOS ANGELES COUNTY SHERIFF. AND THE SHERIFF IS ORDERED

1 TO DELIVER YOU TO THE DEPARTMENT OF CORRECTIONS AT CHINO,
2 CALIFORNIA, AND THAT WILL BE ON A FORTHWITH BASIS.
3

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1
2 SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 FOR THE COUNTY OF LOS ANGELES

4 DEPARTMENT EAST "M"

HON. SAM CIANCHETTI, JUDGE

5 THE PEOPLE OF THE STATE OF CALIFORNIA,)
6 PLAINTIFF,)

NO. A891299

7 VS.

) REPORTER'S CERTIFICATE

8 THOMAS CASH,

)
DEFENDANT.)

9
10 STATE OF CALIFORNIA)
11) SS
COUNTY OF LOS ANGELES)

12 I, JOYCE L. MALLETT, OFFICIAL REPORTER OF THE
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY
14 OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING IS A
15 TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD AT THE
16 TIME OF PRONOUNCING SENTENCE IN THE ABOVE-ENTITLED CAUSE;
17 THAT THE VIEWS AND RECOMMENDATIONS OF THE COURT, IF ANY, ARE
18 CONTAINED THEREIN, PURSUANT TO SECTION 1203.01 OF THE PENAL
19 CODE.

20 DATED THIS 2ND DAY OF NOVEMBER, 1990.

21
22
23
24 *Joyce L. Mallett* CSR #1712
25 OFFICIAL REPORTER
26
27
28

4 MISC.

Date
HONORABLE
404SEPTEMBER 11 1990
SAM CIANCHETTI
C. HUGHESJUDGE
Deputy SheriffDEPT.
C. A. ZIMMERMAN
J. WALLETTSAM
Deputy Clerk
Reporter

CASE NO.

X243299-71

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
VS

Counsel for People:

DEPUTY DISTRICT ATT. G. HEARNESBURGER ✓

01 CASH TRFMS

Counsel for Defendant: L. JACOSTE DPL

H11371.5

01675

CHARGE

X

(BOX CHECKED IF ORDER APPLICABLE)

NATURE OF PROCEEDINGS

MISCL X243299-71 V/P R M

IS SWORN AS THE ENGLISH:

INTERPRETER

101 ☐☐ PUBLIC DEFENDER APPOINTED, D.P.D.102 ☐☐ DUE TO CONFLICT OF INTERESTS, PUBLIC DEFENDER RELIEVED. PURSUANT TO PENAL CODE SECTION 987.2/GOVERNMENT CODE SECTION 31800 ALTERNATE DEFENSE COUNSEL. IS APPOINTED.104 ☐☐ DEFENDANT IS ADVISED OF RIGHTS RE HEARING ON VIOLATION, DEFENDANT ADMITS VIOLATION OF PROBATION AND WAIVES RIGHTS TO REVOCATION HEARING.105 ☒☒ DEFENDANT IS FOUND TO BE IN VIOLATION OF PROBATION.106 ☒☒ PROBATION IS REVOKED / REMAINS REVOKED. SENTENCE IMPOSED AS FOLLOWS:☐ SENTENCE PREVIOUSLY IMPOSED PLACED IN FULL FORCE AND EFFECT☒ IMPRISONED IN STATE PRISON FOR MEDIAN TERM OF 4 YEARS107 ☐☐ PROBATION REINSTATED / CONTINUED ON SAME TERMS AND CONDITIONS, EXCEPT FOR MODIFICATION (SEE BOX 114)108 ☐☐ PROBATION REINSTATED FOR A PERIOD OF _____ YEARS (SEE CONDITIONS BELOW / ATTACHED)109 ☐☐ PROBATION IS EXTENDED TO _____110 ☐☐ ON _____ MOTION, FURTHER PROCEEDINGS CONTINUED TO _____

AT _____ A.M. IN DEPT. _____

☐ NON-APPEARANCE CALENDAR111 ☐☐ DEFENDANT INSTRUCTED TO RETURN ON ABOVE DATE.112 ☐☐ SUPPLEMENTAL PROBATION REPORT IS ORDERED.113 ☐☐ DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR114 ☒☒ FURTHER ORDERS AS FOLLOWS: Melvin Mestres and Thomas
Clark are proven and accepted the first
counts Exhibit #1 (Probation Report) 5-23-90
in evidence by reference to Confidential Envelope.115 ☐☐ SENTENCE/COUNTS TO RUN CONSECUTIVELY / CONCURRENTLY WITH _____116 ☒☒ DEFENDANT TO BE GIVEN CREDIT FOR 389 DAYS IN CUSTODY (INCLUDES _____ GOOD TIME / WORK TIME).117 ☐☐ COURT ADVISES DEFENDANT OF HIS APPEAL / PAROLE RIGHTS.118 ☐☐ SHERIFF IS ORDERED TO ALLOW DEFENDANT _____ PHONE CALLS AT DEFENDANT'S EXPENSE.119 ☐☐ CRIMINAL PROCEEDINGS ADJOURNED.120 ☐☐ DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 1203.03 PENAL CODE.121 ☐☐ FURTHER PROCEEDINGS CONTINUED TO _____ AT _____ A.M. IN DEPT. _____122 ☐☐ EXECUTION OF SENTENCE IS SUSPENDED. PETITION ORDERED FILED IN DEPARTMENT 95 PURSUANT TO SECTION 3051 WELFARE AND INSTITUTIONS CODE. FURTHER PROCEEDINGS CONTINUED TO _____ AT 10:00 A.M. IN DEPARTMENT 95.123 ☐☐ COUNSEL AND DEFENDANT ARE ORDERED TO APPEAR IN DEPARTMENT 95 ON THE ABOVE DATE.124 ☐☐ FURTHER PROCEEDINGS CONTINUED TO _____ AT 9:00 A.M. IN THIS DEPARTMENT.125 ☐☐ DEFENDANT HAVING BEEN COMMITTED BY DEPARTMENT 95 PURSUANT TO SECTION 3051 WELFARE AND INSTITUTIONS CODE, N.D.A. NUMBER _____ MATTER IS ORDERED OFF CALENDAR.126 ☐☐ PURSUANT TO SECTION 17 PENAL CODE, OFFENSE IS DEEMED TO BE A MISDEMEANOR.127 ☐☐ PROBATION IS ORDERED TERMINATED PURSUANT TO SECTION 1203.3 PENAL CODE.128 ☐☐ PLEA OF GUILTY OR CONVICTION IS SET ASIDE, A PLEA OF NOT GUILTY IS ENTERED, CASE IS DISMISSED PURSUANT TO SECTION 1208.4 PENAL CODE.129 ☐☐ ORDER OF _____ GRANTING _____ DAYS GOOD TIME / WORK TIME CREDITS IS ORDERED VACATED. DEFENDANT NOTIFIED BY U.S. MAIL.130 ☐☐ DEFENDANT'S EX PARTE REQUEST / MOTION FOR _____ IS DENIED / GRANTED. DEFENDANT NOTIFIED BY U.S. MAIL.131 ☐☐ DEFENDANT FAILS TO APPEAR WITH / WITHOUT SUFFICIENT EXCUSE.132 ☐☐ BAIL, IF POSTED, FORFEITED / O.R. REVOKED, BENCH WARRANT ORDERED ISSUED / REISSUED / AND HELD UNTIL _____

NO BAIL / BAIL FIXED AT \$ _____

133 ☐☐ BENCH WARRANT RECALLED / QUASHED / RECALL # _____ ISSUED. () WARRANT / ABSTRACT FILED.134 ☐☐ UPON PAYMENT OF \$ _____ COSTS BEFORE _____ IS _____ COSTS HAVING BEEN PAID TIME / Y (RECEIPT # _____) ORDER OF _____ FORFEITING BAIL IS / IS TO BE VACATED AND BAIL REIN-STATED AND EXONERATED. ☐ CERTIFICATE OF MAILING EXECUTED AND FILED / NOTICE WAIVED135 ☐☐ DEFENDANT'S MOTION FOR RELEASE ON O.R. / REDUCTION OF BAIL IS GRANTED / DENIED REASON _____136 ☐☐ BAIL RESET AT \$ _____

REMANDED

RELEASED

☐ BAIL☐ O.R.☐ BENCH WARRANT☐ BAIL EXON☐ O.R. DISCHARGED

MINUTE ORDER

☐ BOND NO☐ IN CUSTODY OTHER MATTER☐ ON PROBATION

MINUTES ENTERED

RA000019

COUNTY OF SAN FRANCISCO

76C777D

Printed by: 4/2/91

4 MISC.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date

SEPTEMBER 11 1994

HONORABLE

JUDGE

Deputy Sheriff

DEPT.

C. A. ZIMMERMAN

Deputy Clerk

Report

CASE NO.

101797-1

(Plaintiff and Counsel Checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

VS

01 LASH TROMAS

111351.5

JURY

Counsel for People

DEPUTY DISTRICT ATTY:

G. HEARNESBERGER

Counsel for Defendant L. JACOBY SPO

CHARGE

(BOX CHECKED IF ORDER APPLICABLE)

NATURE OF PROCEEDINGS

MISC. 101797-1 V/P D.M.

101 ☐ IS SWORN AS THE (ENGLISH) INTERPRETER102 ☐ PUBLIC DEFENDER APPOINTED, D.P.D.103 ☐ DUE TO CONFLICT OF INTERESTS, PUBLIC DEFENDER RELIEVED. PURSUANT TO PENAL CODE SECTION 987.2 GOVERNMENT CODE SECTION 31000104 ☐ ALTERNATE DEFENSE COUNSEL IS APPOINTED105 ☐ DEFENDANT IS ADVISED OF RIGHTS RE HEARING ON VIOLATION. DEFENDANT ADMITS VIOLATION OF PROBATION AND WAIVES RIGHTS TO REVOCATION HEARING106 ☒ DEFENDANT IS FOUND TO BE IN VIOLATION OF PROBATION107 ☒ PROBATION REMAINS REVOKED. SENTENCE IMPOSED AS FOLLOWS:☐ SENTENCE PREVIOUSLY IMPOSED PLACED IN FULL FORCE AND EFFECT.☒ IMPRISONED IN STATE PRISON FOR 4 YEARS TERM OF COUNTY I108 ☐ PROBATION REINSTATED/CONTINUED ON SAME TERMS AND CONDITIONS, EXCEPT FOR MODIFICATION (SEE RULE 114)109 ☐ PROBATION GRANTED FOR A PERIOD OF 4 YEARS (SEE CONDITIONS BELOW/ATTACHED)110 ☐ PROBATION IS EXTENDED TO111 ☐ ON NOTICE FURTHER PROCEEDINGS CONTINUED TO AT AM IN DEPT 1100 AM APPEARANCE CALENDAR112 ☐ DEFENDANT INSTRUCTED TO RETURN ON ABOVE DATE113 ☐ SUPPLEMENTAL PROBATION REPORT IS ORDERED114 ☐ DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR115 ☒ FURTHER ORDERS AS FOLLOWS:

Defendant is to be released on bail for \$15,000.00. Bail is to be paid by the defendant or a surety. The defendant is to appear in court on the date and time specified in the notice of hearing. The defendant is to comply with all conditions of probation. The defendant is to be notified by the court of any changes to the conditions of probation.

116 ☐ SENTENCE/COUNTS TO RUN CONSECUTIVELY/CONCURRENTLY WITH117 ☒ DEFENDANT TO BE GIVEN CREDIT FOR 384 DAYS IN CUSTODY (INCLUDES GOOD TIME/WORK TIME)118 ☐ COURT ADVISES DEFENDANT OF HIS APPEAL/PAOLE RIGHTS119 ☐ SHALL IF ORDERED TO ALLOW DEFENDANT PHONE CALLS AT DEFENDANT'S EXPENSE120 ☐ CRIMINAL PROCEEDINGS ADJOURNED121 ☐ DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 1203.03 PENAL CODE122 ☐ FURTHER PROCEEDINGS CONTINUED TO AT AM IN DEPT123 ☐ EXECUTION OF SENTENCE IS SUSPENDED. PETITION ORDERED FILED IN DEPARTMENT 15 PURSUANT TO SECTION 3051 WELFARE AND INSTITUTIONS CODE. FURTHER PROCEEDINGS CONTINUED TO AT 10:00 A.M. IN DEPARTMENT 15124 ☐ COUNSEL AND DEFENDANT ARE ORDERED TO APPEAR IN DEPARTMENT 15 ON THE ABOVE DATE.125 ☐ FURTHER PROCEEDINGS CONTINUED TO AT 1:00 A.M. IN THIS DEPARTMENT126 ☐ DEFENDANT HAVING BEEN COMMITTED BY DEPARTMENT 15 PURSUANT TO SECTION 3051 WELFARE AND INSTITUTIONS CODE, N.D.A. NUMBER MATTERS ORDERED OFF CALENDAR127 ☐ PURSUANT TO SECTION 17 PENAL CODE, OFFENSE IS DEEMED TO BE A MISDEMEANOR128 ☐ PROBATION IS ORDERED TERMINATED PURSUANT TO SECTION 1203.3 PENAL CODE.129 ☐ PLEA OF GUILTY OR CONVICTION IS SET ASIDE. A PLEA OF NOT GUILTY IS ENTERED. CASE IS DISMISSED PURSUANT TO SECTION 1203.4 PENAL CODE.130 ☐ ORDER OF GRANTING DAYS GOOD TIME/WORK TIME CREDITS IS ORDERED VACATED. DEFENDANT NOTIFIED BY U.S. MAIL.131 ☐ DEFENDANT'S EX PARTE REQUEST / MOTION FOR IS DENIED/GRANTED. DEFENDANT NOTIFIED BY U.S. MAIL.132 ☐ DEFENDANT FAILS TO APPEAR WITH/WITHOUT SUFFICIENT CAUSE133 ☐ BAIL, IF POSTED, FORFEITED OR REVOKED. BENCH WARRANT ORDERED ISSUED/REISSUED AND HELD UNTIL NO BAIL / BAIL FIXED AT \$134 ☐ BENCH WARRANT RECALLED / CASHED (THE CALL # ISSUED) WARRANT / ABSTRACT FILED.135 ☐ UPON PAYMENT OF \$ COSTS IN FULL IS COSTS HAVING BEEN PAID TIMELY (RECEIPT # ORDER OF FORFEITING BAIL IS / IS TO BE VACATED AND BAIL REIN-136 ☐ STATED AND OPERATED CERTIFICATE OF MAILING EXECUTED AND FILED NOTICE WAIVED137 ☐ DEFENDANT'S MOTION FOR RETURN ON OR REVOCATION OF BAIL IS GRANTED/DENIED. REASON DEFENDANT138 ☒ BAIL RESET AT \$ 15139 ☒ REMANDED140 ☐ RELEASED141 ☐ BAIL142 ☐ OR143 ☐ BENCH WARRANT144 ☐ BAIL EXON145 ☐ OR DISCHARGED146 ☐ MINUTE ORDER147 ☐ BEING NO148 ☐ IN CUSTODY OTHER MATTER149 ☐ ON PROBATION

MINUTES ENTERED

COUNTY CLERK 4 MISC

JAC 1770
G142011 V 10/21/94

RA000020

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

v.

THOMAS CASH

Defendant(s)

Case No. A891299

INFORMATION

Arraignment Date: 12/28/88

Department: EA P

FILED

DEC 28 1988

CLERK OF SUPERIOR COURT, COUNTY OF LOS ANGELES

INFORMATION

SUMMARY

Ct.	Charge	Charge	Defendant	Special	Alleg.
No.	Charge	Range	Defendant	Allegation	Effect
1	HS11351.5	3-4-5	CASH, THOMAS		

The District Attorney of the County of Los Angeles, by this Information alleges that:

COUNT 1

On or about November 29, 1988, in the County of Los Angeles, the crime of POSSESSION FOR SALE OF COCAINE BASE, in violation of HEALTH AND SAFETY CODE SECTION 11351.5, a Felony, was committed by THOMAS CASH, who did willfully and unlawfully possess for sale and purchase for purposes of sale cocaine base.

THIS INFORMATION CONSISTS OF 1 COUNT(S).

IRA WEINER
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: John F. Haynes, Jr.
ROBERT L JOHNSON
DEPUTY DISTRICT ATTORNEY

Filed in Superior Court,
County of Los Angeles

/JND

DATED: 10-23-88

EXHIBIT 3

ABSTRACT OF JUDGMENT – PRISON COMMITMENT SINGLE OR CONCURRENT COUNT FORM

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
BRANCH SOUTH CENTRAL

COURT I.D.

1 9 0 0 1 3

CASE NUMBER

PEOPLE OF THE STATE OF CALIFORNIA versus

DEFENDANT: CASH, TOMMY

☒ PRESENT☐ NOT PRESENT

TA008691

COMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT

AMENDED
ABSTRACT ☐

DATE OF HEARING (MO) (DAY) (YR)

10-15-91

DEPT. NO

SCL

JUDGE

HICKOK

CLERK

N. FERRERO

REPORTER

C. ARCHAMBEAU

COUNSEL FOR PEOPLE

J. KELLY

COUNSEL FOR DEFENDANT

P. DAVIS DPD

PROBATION NO. OR PROBATION OFFICER

X-243354

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONY (OR ALTERNATE FELONY/MISDEMEANOR):

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			TERM (YR)	TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA		YEARS	MONTHS
2	PC	211 **	ROBBERY SEC DEG	90	9	27	91			X	U	5	

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.:

For each count list enhancements horizontally. Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter time total in right-hand column.

Count	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Total
2	12022.5	4									4

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Enhancement	Yrs or 'S'	Total

4. OTHER ORDERS:

5. TIME STAYED § 1170.1(a) (DOUBLE BASE LIMIT):

6. TOTAL TERM IMPOSED:

9

7. ☐ THIS SENTENCE IS TO RUN CONCURRENT WITH ANY PRIOR UNCOMPLETED SENTENCE(S):

8. EXECUTION OF SENTENCE IMPOSED:

A. ☒ AT INITIAL SENTENCING HEARING B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d)) E. ☐ OTHER _____

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 10-15-91 CREDIT FOR TIME SPENT IN CUSTODY 623 INCLUDING: ACTUAL LOCAL TIME 415 LOCAL CONDUCT CREDITS 208 STATE INSTITUTIONS ☐ DMH ☐ CDC

10. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ WITHIN 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT: ☐ CALIF. INSTITUTION FOR WOMEN - FRONTERA ☐ CALIF. MEDICAL FACILITY - VACAVILLE ☒ CALIF. INSTITUTION FOR MEN - CHINO ☐ DEUEL VOG. INST. ☐ OTHER (SPECIFY): _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

K. A. [Signature]

DATE

10-16-91

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determinate sentences under Penal Code § 1170. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT – COMMITMENT SINGLE OR CONCURRENT COUNT FORM

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

FORM DSL 290.1

Form Adopted by the
Judicial Council of California
Effective April 1, 1989

DISTRIBUTION:

PINK COPY – COURT FILE

YELLOW COPY – DEPARTMENT OF CORRECTIONS

WHITE COPY – ADMINISTRATIVE OFFICE OF THE COURTS

RA000024

atc
A & J
cust 9-10-90

MUNICIPAL COURT OF COMPTON JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

Case No. TA008691

v.

FELONY COMPLAINT
FOR ARREST WARRANT

01 COREY LAMAR JOHNSON, and

02 TOMMY CASH

Defendant(s)

SEP 10 1990 FILE/UPDATE/DISP/RT

The undersigned is informed and believes that:

RENEE BOWEN

COUNT 1

FILED
OCT 18 1990
CLERK OF SUPERIOR COURT
A. MICHAELS, DEPUTY

10-26 J

On or about August 27, 1990, in the County of Los Angeles, the crime of KIDNAPPING FOR ROBBERY, in violation of PENAL CODE SECTION 209(b), a Felony, was committed by COREY LAMAR JOHNSON and TOMMY CASH, who did willfully and unlawfully kidnap and carry away Louis Reese to commit robbery. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(20).

It is further alleged that in the commission and attempted commission of the above offense, the said defendant(s), COREY LAMAR JOHNSON and TOMMY CASH, personally used a firearm(s) within the meaning of Penal Code Sections 1203.06(a)(1) and 12022.5 and also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

* * * * *

ASSIGN CASE
TO DIVISION

RA000025

COUNT 1

On or about August 27, 1990, in the County of Los Angeles, the crime of 2ND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a Felony, was committed by COREY LAMAR JOHNSON and TOMMY CASH, who did willfully, unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of Louis Reese. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(19).


It is further alleged that in the commission and attempted commission of the above offense, the said defendant(s), COREY LAMAR JOHNSON and TOMMY CASH, personally used a firearm(s) within the meaning of Penal Code Sections 1203.06(a)(1) and 12022.5 and also causing the above offense to become a serious felony pursuant to Penal Code Section 1192.7(c)(8).

* * * * *

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) COREY LAMAR JOHNSON and TOMMY CASH, for the above-listed crimes. Wherefore, a warrant of arrest is requested for COREY LAMAR JOHNSON.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER TA008691 , CONSISTS OF 2 COUNT(S).

Executed at Compton, County of Los Angeles, on September 7, 1990.


DET. JACKSON

DECLARANT AND

TIM R. AGUILAR, COURT ADMINISTRATOR
OF THE JUDICIAL DISTRICT COURT COMPTON
JUDICIAL DISTRICT COUNTY OF
LOS ANGELES STATE OF CALIFORNIA

IRA REINER, DISTRICT ATTORNEY

BY 

DEPUTY

BY: 

THOMAS ROMEYN, DEPUTY

AGENCY: COM
DR NO: E041635

I/O: ID NO: PHONE NO:
OPERATOR: LRH PRELIM.TIME EST.:

DEFENDANT
JOHNSON, COREY LAMAR
CASH, TOMMY

<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
A07957134	1/24/70		\$ 100,000	
A06688052	11/17/65	2161 305	\$ 100,000	9/10/90

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above named defendant(s), the warrant is so ordered.

Judge of the above entitled Court

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

COREY LAMAR JOHNSON

Count	Charge	Charge Range	Special Allegation	Alleg. Effect
No.				
1	PC209(b)	LIFE	PC12022.5(a)\1203.	+2YRS,MSP*
2	PC211	2-3-5	PC12022.5(a)\1203.	+2YRS,MSP*

TOMMY CASH

Count	Charge	Charge Range	Special Allegation	Alleg. Effect
No.				
1	PC209(b)	LIFE	PC12022.5(a)\1203.	+2YRS,MSP*
2	PC211	2-3-5	PC12022.5(a)\1203.	+2YRS,MSP*

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

COREY LAMAR JOHNSON

\$100,000 Dollars

TOMMY CASH

\$100,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

COREY LAMAR JOHNSON

Oct 26 1990 in Dept: REJ

TOMMY CASH

Oct 26 1990 in Dept: REJ

at: 830 A.M.

Date: 10/12/90



[Signature]
Committing Magistrate

Date OCT 13 1991

HONORABLE

PHILIP H. HICKOK

JUDGE

Deputy Sheriff

FERRERO

Deputy Clerk

302

J. Allen

C. ARCHAMBEAU

Reporter

CASE NO.

TA008671-02

(Parties and counsel checked if present)

Counsel for People:

DEPUTY DISTRICT ATT.

PEOPLE OF THE STATE OF CALIFORNIA

VS

02 CASH TONNY

Counsel for Defendant:

P. DAVIS DPE

CHARGE

209.2 01LTS 211 01LTS

(BOX CHECKED IF ORDER APPLICABLE)

NATURE OF PROCEEDINGS

PCS

PLCA REA

10-25-91

INTERPRETER

71

☐

PUBLIC DEFENDER APPOINTED, D.P.D.

☐ OATH FILED PER SECTION 68560 GOVERNMENT CODE☐

DUE TO CONFLICT OF INTERESTS, PUBLIC DEFENDER RELIEVED. PURSUANT TO PENAL CODE SECTION 987.27 GOVERNMENT CODE SECTION 31000

ALTERNATE DEFENSE COUNSEL

IS APPOINTED.

72

☐

CRIMINAL PROCEEDINGS ADJOURNED/RESUMED.

73

☐

DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS PER SECTION 1203.03 PENAL CODE

74

☐

ON MOTION, PROBATION AND SENTENCE HEARING/FURTHER PROCEEDINGS CONTINUED TO

75

☐

AT A.M. IN DEPT.

☐ SUPPLEMENTAL PROBATION REPORT/PROGRESS REPORT ORDEREDDEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR SENTENCING. ☐ DEFENDANT ORDERED TO RETURN.

76

☒

PROBATION DENIED / PROCEEDINGS SUSPENDED / SENTENCE IMPOSED AS FOLLOWS

IMPRISONED IN STATE PRISON FOR

☐ TERM PRESCRIBED BY LAW

TOTAL OF 9 YEARS MONTHS

COURT SELECTS 4

TERM OF 5

YEARS/MONTHS FOR THE BASE TERM AS TO COUNT

PLUS 1

YEARS/MONTHS PURSUANT TO SECTION

1002.5 OF THE

CODE

AS INDICATED BELOW

☐ COMMITTED TO CALIFORNIA YOUTH AUTHORITY, THE TERM OF IMPRISONMENT TO WHICH THE DEFENDANT WOULD

HAVE BEEN SENTENCED PURSUANT TO SECTION 1770 PENAL CODE IS

YEARS

☐ IMPRISONED IN LOS ANGELES COUNTY JAIL FOR TERM OF

DAYS

☐ FINED IN SUM OF \$

PLUS ADDITIONAL FINE OF \$

(113725 HEALTH & SAFETY CODE) FOR A

TOTAL FINE OF \$

PLUS \$

ASSESSMENT AND SURCHARGE (1464 PC & 76000 GC), TO

BE PAID TO COUNTY CLERK

X PAY RESTITUTION FINE IN SUM OF \$

100.00 PURSUANT TO SECTION 13967(a)

GOVERNMENT CODE PAYABLE TO RESTITUTION FUND

SENTENCE IS SUSPENDED.

77

☐

PROBATION GRANTED FOR A PERIOD OF

YEARS

☐ PROBATION TO BE WITHOUT FORMAL SUPERVISION.

78

☐

DIVERSION GRANTED PER SECTION 1000.1 PENAL CODE FOR PERIOD OF

YEARS/MONTHS

79

☐

DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR TRIAL

☐ SPEND FIRST

DAYS IN COUNTY JAIL

☐ ROAD CAMP OR HONOR FARM RECOMMENDED.☐ WORK FURLOUGH PROGRAM RECOMMENDED☐ NOT TO BE ELIGIBLE FOR COUNTY PAROLE☐ FINED IN SUM OF \$

PLUS ADDITIONAL FINE OF \$

(113725 HEALTH & SAFETY CODE) FOR A

TOTAL FINE OF \$

PLUS \$

ASSESSMENT AND SURCHARGE (1464 PC & 76000 GC), TO

BE PAID TO PROBATION OFFICER IN SUCH MANNER AS HE SHALL PRESCRIBE

☐ MAKE RESTITUTION OF \$

TO THE VICTIM/RESTITUTION FUND PURSUANT TO SECTION 1203.04

PENAL CODE IN SUCH MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE.

☐ TOTAL AMOUNT OF RESTITUTION TO

INCLUDE

% SERVICE CHARGE AS AUTHORIZED BY SECTION 1203.1 PC

☐ PAY RESTITUTION FINE IN SUM OF \$

PURSUANT TO SECTION 13967(a) GOVERNMENT CODE PAYABLE TO

PROBATION DEPARTMENT IN SUCH MANNER AS THEY PRESCRIBE.

☐ SAID FINE TO BE STAYED WHILE DEFENDANT PAYS RESTITUTION.

AND IF RESTITUTION IS PAID IN FULL, STAY SHALL BE PERMANENT

☐ MINIMUM PAYMENT OF FINE/RESTITUTION TO BE \$☐ NOT DRINK ANY ALCOHOLIC BEVERAGE AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE.☐ NOT USE OR POSSESS ANY NARCOTICS, DANGEROUS OR RESTRICTED DRUGS OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID

PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS CONGREGATE.

☐ NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE NARCOTIC OR DRUG USERS OR SELLERS.☐ SUBMIT TO PERIODIC ANTI-NARCOTIC TESTS AS DIRECTED BY THE PROBATION OFFICER. SUCH TESTING TO BE SUSPENDED WHILE THE

DEFENDANT IS IN CUSTODY, IS HOSPITALIZED, OR IS IN A RESIDENTIAL DRUG TREATMENT PROGRAM APPROVED BY PROBATION

OFFICER.

☐ HAVE NO BLANK CHECKS IN POSSESSION. NOT WRITE ANY PORTION OF ANY CHECKS. NOT HAVE BANK ACCOUNT UPON WHICH YOU

MAY DRAW CHECKS.

☐ NOT GAMBLE OR ENGAGE IN BOOKMAKING ACTIVITIES OR HAVE PARAPHERNALIA THEREOF IN POSSESSION, AND NOT BE PRESENT IN

PLACES WHERE GAMBLING OR BOOKMAKING IS CONDUCTED.

☐ NOT ASSOCIATE WITH☐ COOPERATE WITH PROBATION OFFICER IN A PLAN FOR

SUPPORT DEPENDENTS AS DIRECTED BY PROBATION OFFICER.

☐ SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS APPROVED BY PROBATION OFFICER.☐ MAINTAIN RESIDENCE AS APPROVED BY PROBATION OFFICER.☐ SURRENDER DRIVERS LICENSE TO CLERK OF COURT TO BE RETURNED TO DEPARTMENT OF MOTOR VEHICLES.☐ NOT DRIVE A MOTOR VEHICLE UNLESS LAWFULLY LICENSED AND INSURED.☐ NOT OWN, USE OR POSSESS ANY DANGEROUS OR DEADLY WEAPONS☐ SUBMIT PERSON AND PROPERTY TO SEARCH OR SEIZURE AT ANY TIME OF THE DAY OR NIGHT BY ANY LAW ENFORCEMENT OFFICER

WITH OR WITHOUT A WARRANT.

☐ OBEY ALL LAWS, ORDERS, RULES AND REGULATIONS OF THE PROBATION DEPARTMENT AND OF THE COURT.

80

☒

DEFENDANT GIVEN TOTAL CREDIT FOR 613

DAYS IN CUSTODY.

415

DAYS ACTUAL CUSTODY AND

208

DAYS GOOD TIME/WORK TIME

81

☐

SENTENCE/COUNTS TO RUN CONSECUTIVELY TO/CONCURRENTLY WITH

82

☐

STAY OF EXECUTION OF

GRANTED TO

83

☒

ON MOTION OF PEOPLE, COUNTS

DISMISSED IN FURTHERANCE OF JUSTICE

84

☒

COURT ADVISES DEFENDANT OF HIS/HER PAROLE RIGHTS

85

☐

NOTICE RE CERTIFICATE OF REHABILITATION AND PARDON GIVEN TO DEFENDANT.

86

☐

DEFENDANT TO PAY COSTS OF PROBATION SERVICES IN AMOUNT OF \$

87

☐

COURT FINDS THAT DEFENDANT DOES NOT HAVE THE PRESENT ABILITY TO PAY COSTS OF INCARCERATION/LEGAL SERVICES RENDERED/

PROBATION SERVICES RENDERED

88

☐

DEFENDANT IS REFERRED TO TREASURER/TAX COLLECTOR FOR FINANCIAL EVALUATION.

89

☐

FURTHER ORDER AS FOLLOWS/ADDITIONAL CONDITIONS OF PROBATION:

90

☐

SHERIFF IS ORDERED TO ALLOW DEFENDANT PHONE CALLS AT DEFENDANT'S OWN EXPENSE

91

☐

DEFENDANT FAILS TO APPEAR WITH/WITHOUT SUFFICIENT EXCUSE

92

☐

BAIL IF POSTED, FORFEITED/O.R. REVOKED. BENCH WARRANT ORDERED ISSUED/REISSUED/AND HELD UNTIL

☐ NO BAIL/BAIL FIXED AT \$

93

☐DEFENDANT APPEARING BENCH WARRANT ORDERED RECALLED/QUASHED ☐ RECALL NO.

WRITTEN ABSTRACT FILED

94

☒

REMANDED

☐

BAIL

☐

BAIL EXON.

☐

BOND NO.

95

☐

RELEASED

☐

O.R.

☐

O.R. DISCHARGED

☐

ON PROBATION

96

☐

BENCH WARRANT

☐

IN CUSTODY OTHER MATTER

MINUTES ENTERED

RA000029

3 P & S

SEP 10 1990

CAUSE CALLED, IRMA J. BROWN, JUDGE PRESIDING

1 Cash (only)

WARRANT ORDERED RECALLED

DEFENDANT DOES/DOES NOT QUALIFY FOR THE SERVICES
OF THE PUBLIC DEFENDER - PD APPTD

COUNSEL AND DEFENDANT WAIVE READING OF COMPLAINT AND
STATEMENT OF RIGHTS

DEFENDANT PLEADS NOT GUILTY

PRELIMINARY HEARING SET 9-21-90 DEPT. 14
AT 8:30 PUBLIC DEFENDER REQUESTED/ORDERED
BAIL \$100,000 (9/10)
JP

SEP 12 1990

CAUSE CALLED, IRMA J. BROWN, JUDGE PRESIDING

1 Johnson. (only)

DEFENDANT DOES/DOES NOT QUALIFY FOR THE SERVICES
OF THE PUBLIC DEFENDER - PD APPTD

DEPUTY PUBLIC DEFENDER DECLARES A CONFLICT OF INTEREST
AND WILL REPRESENT DEFENDANT _____, ATTORNEY
Ray Johnson APPOINTED TO REPRESENT DEFENDANT
JOHNSON PURSUANT TO 987.2 P.C.

COUNSEL AND DEFENDANT WAIVE READING OF COMPLAINT AND
STATEMENT OF RIGHTS

DEFENDANT PLEADS NOT GUILTY

PRELIMINARY HEARING SET 9-21-90 DEPT. 14
AT 8:30 PUBLIC DEFENDER REQUESTED/ORDERED
\$100,000 JP (7/10)

RA000030

IN THE MUNICIPAL COURT OF _____ JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Court convened at _____ M, on _____; present Hon. _____ Judge
_____ Deputy Clerk

CASE NO. _____ v _____

Plaintiff(s) _____ appearing by attorney(s) _____

Defendant(s) _____ appearing by attorney(s) _____

~~SEP 21 1990~~

CAUSED CALLED, STEVEN SUZUKAWA, JUDGE PRESIDING

upon Δ ~~Cash's~~ ^{req.} ~~req.~~ MTC 10/3/90 9/10 - T/W.
over Δ ^{Johnson's} objection P/H also set for
10/3/90 per PC 1050.1 Bail \$ 100,000
each. SS.

OCT 03 1990

CAUSED CALLED, STEVEN SUZUKAWA, JUDGE PRESIDING

Δ S MTC 10/12/90 9/10 T/W.... Bail \$100,000
each Δ . - wits Louis Reese. - Ofcr. Harris.
O/B for the Tt.

SS.

OCT 12 1990

CAUSED CALLED, STEVEN SUZUKAWA, JUDGE PRESIDING

The foregoing minutes are correct.

DEPUTY CLERK

EXHIBIT 4

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

000478 FORM DSL 290

☒ SUPERIOR
☐ MUNICIPAL
☐ JUSTICE

COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

COURT (I.D.)
1 9-0001

BRANCH OR JUDICIAL DISTRICT: CENTRAL CRIMINAL

PEOPLE OF THE STATE OF CALIFORNIA versus

DEFENDANT: CASH, THOMAS

AKA:

☒ PRESENT

BAI31798 -A

☐ NOT PRESENT

-B

-C

-D

-E

COMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENTAMENDED
ABSTRACT ☐**FILED**
LOS ANGELES SUPERIOR COURT

APR 28 1997

JAMES H. DEMPSEY, CLERK

BY C. WIGGINS-KING, DEPUTY

DATE OF HEARING (MO) (DAY) (YR)

3-20-97

DEPT. NO

117

JUDGE

CAROLYN RUHL

CLERK

C RAMEY

REPORTER

A WALKER

COUNSEL FOR PEOPLE

D HOEHLMAN

COUNSEL FOR DEFENDANT

G WIGODSKY

PROBATION NO. OR PROBATION OFFICER

X248608

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS):

☐ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT

(NUMBER OF PAGES)

SENTENCE RELATION

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			TERM (L.A.U.)	CONCURRENT	CONSECUTIVE MAY VIOLENT	CONSECUTIVE NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCES CH-117(b)(1)	654 NEW	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	CAJCT TRIAL	PLEA								YEARS	MONTHS
1	PC	211	2ND DEG ROBBERY	96	02	06	97	X			M							6	
2	PC	211	" " "	96	02	06	97	X			M	X						2	

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.:

For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter time total in right-hand column.

Count	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
1	12022.5	4									4
2	1170.1(A)										1 4

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
667.5	1	667(A)(1)	5							6
Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total

4. INCOMPLETED SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS

Use additional sheets of plain paper if necessary.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A):

7. TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS: DOUBLE-BASED-TERM LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.)

8. TOTAL TERM IMPOSED:

19 4

9. EXECUTION OF SENTENCE IMPOSED:

A. ☒ AT INITIAL SENTENCING HEARINGB. ☐ AT RESSENTENCING PURSUANT TO DECISION ON APPEALC. ☐ AFTER REVOCATION OF PROBATIOND. ☐ AT RESSENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d))E. ☐ OTHER

10. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR)

3-20-97

CREDIT FOR TIME SPENT IN CUSTODY

TOTAL DAYS

369

ACTUAL LOCAL TIME

321

LOCAL CONDUCT CREDITS

48

STATE INSTITUTIONS

☐ DMH☐ CDC

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS

INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:

☐ CALIF. INSTITUTION FOR WOMEN - FRONTIERA☐ CALIF. MEDICAL FACILITY - VACAVILLE☒ CALIF. INSTITUTION FOR MEN - CHINO☐ DEUEL VOC. INST.☐ SAN QUENTIN☐ OTHER (SPECIFY):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

C. Wiggins-King

DATE

APR 28 1997

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

FORM DSL 290

Form Adopted by the
Judicial Council of California
Effective April 1, 1992

DISTRIBUTION:

PINK COPY - COURT FILE

YELLOW COPY - DEPARTMENT OF CORRECTIONS

RA000033

Pen.C. 1213.5

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

000092

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

01 THOMAS CASH, and
02 JAMES DOUGLAS WOOTEN

Defendant(s).

CASE NO. BA131798

INFORMATION **FILED**
LOS ANGELES SUPERIOR COURT

Held To Answer
Date: 07/03/1996
Department: CEN 117

JUL 03 1996

JOHN A. CLARKE, CLERK
Hartman
BY J BARTOLINI, DEPUTY

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Special Allegation	Alleg. Effect
1	PC 211	2-3-5	CASH, THOMAS	PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D) PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D)	+3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code +3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code
			WOOTEN, JAMES DOUGLAS		
2	PC 211	2-3-5	CASH, THOMAS	PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D) PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D)	+3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code +3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code
			WOOTEN, JAMES DOUGLAS		

The District Attorney of the County of Los Angeles, by this Information alleges that:

000093

COUNT 1

On or about May 4, 1996, in the County of Los Angeles, the crime of 2ND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a Felony, was committed by THOMAS CASH and JAMES DOUGLAS WOOTEN, who did willfully, unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of ERNIE BALACHIL.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

* * * * *

COUNT 2

On or about May 4, 1996, in the County of Los Angeles, the crime of 2ND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a Felony, was committed by THOMAS CASH and JAMES DOUGLAS WOOTEN, who did willfully, unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of VICMAR DELEON.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

It is further alleged as to count(s) 1 and 2 that in the commission and attempted commission of the above offense, the said defendant(s), THOMAS CASH and JAMES DOUGLAS WOOTEN, personally used a firearm(s), to wit: PISTOLS, within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8).

It is further alleged as to count(s) 1 and 2 that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

RA000035

It is further alleged as to count(s) 1 and 2 pursuant to Penal Code section 667.5(b) that the defendant(s), THOMAS CASH, has suffered the following prior conviction(s):

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A891299	HS11351.5	09/11/1990	LOS ANGELES	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged as to count(s) 1 and 2 that said defendant(s), THOMAS CASH, was on and about the 7TH day of SEPTEMBER, 1990, in the SUPERIOR Court of the State of CA, for the County of LOS ANGELES, convicted of a serious felony, to wit: ROBBERY, in violation of section 211 of the PENAL Code, case TA008691 within the meaning of Penal Code Section 667(a)(1).

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1 and 2 that said defendant(s), THOMAS CASH, has suffered the following prior conviction of a serious or violent felony or juvenile adjudication:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
TA008691	PC211	09/07/1990	LOS ANGELES	CA	SUPERIOR

It is further alleged as to count(s) 1 and 2 pursuant to Penal Code section 667.5(b) that the defendant(s), JAMES DOUGLAS WOOTEN, has suffered the following prior conviction(s):

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A650374	PC459	03/07/1989	LOS ANGELES	CA	SUPERIOR
TA011842	HS11351	04/12/1991	LOS ANGELES	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did

not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged as to count(s) 1 and 2 that said defendant(s), JAMES DOUGLAS WOOTEN, was on and about the 7TH day of MARCH, 1989, in the SUPERIOR Court of the State of CA, for the County of LOS ANGELES, convicted of a serious felony, to wit: BURGLARY, in violation of section 459 of the PENAL Code, case A650374 within the meaning of Penal Code Section 667(a)(1).

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1 and 2 that said defendant(s), JAMES DOUGLAS WOOTEN, has suffered the following prior convictions of a serious or violent felony or juvenile adjudication:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A650374	PC459 FIRST DEGREE	03/07/1989	LOS ANGELES	CA	SUPERIOR
A650374	PC459 FIRST DEGREE	03/07/1989	LOS ANGELES	CA	SUPERIOR

* * * * *

000096

THIS INFORMATION CONSISTS OF 2 COUNT(S).

GIL GARCETTI
DISTRICT ATTORNEY
County of Los Angeles,
State of California

BY: 

MICHAEL J. DELANEY
DEPUTY DISTRICT ATTORNEY

Filed in Superior Court,
County of Los Angeles

/W R

DATED: _____

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

FILED
LOS ANGELES SUPERIOR COURT

JUN 19 1996

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

01 THOMAS CASH, and
02 JAMES DOUGLAS WOOTEN

Defendant(s).

CASE NO. BA131798

JOHN A. CLARKE CLERK

BY N ARMOR, DEPUTY

FELONY COMPLAINT

MAY -7 P1-52

FILED
MUNICIPAL COURT
LOS ANGELES

The undersigned is informed and believes that:

COUNT 1

On or about May 4, 1996, in the County of Los Angeles, the crime of 2ND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a Felony, was committed by THOMAS CASH and JAMES DOUGLAS WOOTEN, who did willfully, unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of ERNIE BALACHIL.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

* * * * *

COUNT 2

On or about May 4, 1996, in the County of Los Angeles, the crime of 2ND DEGREE ROBBERY, in violation of PENAL CODE SECTION 211, a Felony, was committed by THOMAS CASH and JAMES DOUGLAS WOOTEN, who did willfully, unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of VICMAR DELEON.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

It is further alleged as to count(s) 1 and 2 that in the commission and attempted commission of the above offense, the said defendant(s), THOMAS CASH and JAMES DOUGLAS WOOTEN, personally used a firearm(s), to wit: PISTOLS, within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8).

It is further alleged as to count(s) 1 and 2 that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, PISTOLS, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

It is further alleged as to count(s) 1 and 2 pursuant to Penal Code section 667.5(b) that the defendant(s), THOMAS CASH, has suffered the following prior conviction(s):

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A891299	HS11351.5	09/11/1990	LOS ANGELES	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged as to count(s) 1 and 2 that said defendant(s), THOMAS CASH, was on and about the 7TH day of SEPTEMBER, 1990, in the SUPERIOR Court of the State of CA, for the County of LOS ANGELES, convicted of a serious felony, to wit: ROBBERY, in violation of section 211 of the PENAL Code, case TA008691 within the meaning of Penal Code Section 667(a)(1).

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1 and 2 that said defendant(s), THOMAS CASH, has suffered the following prior conviction of a serious or violent felony or juvenile adjudication:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
TA008691	PC211	09/07/1990	LOS ANGELES	CA	SUPERIOR

It is further alleged as to count(s) 1 and 2 pursuant to Penal Code section 667.5(b) that the defendant(s), JAMES DOUGLAS WOOTEN, has suffered the following prior conviction(s):

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A650374	PC459	03/07/1989	LOS ANGELES	CA	SUPERIOR
TA011842	HS11351	04/12/1991	LOS ANGELES	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged as to count(s) 1 and 2 that said defendant(s), JAMES DOUGLAS WOOTEN, was on and about the 7TH day of MARCH, 1989, in the SUPERIOR Court of the State of CA, for the County of LOS ANGELES, convicted of a serious felony, to wit: BURGLARY, in violation of section 459 of the PENAL Code, case A650374 within the meaning of Penal Code Section 667(a)(1).

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1 and 2 that said defendant(s), JAMES DOUGLAS WOOTEN, has suffered the following prior convictions of a serious or violent felony or juvenile adjudication:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
A650374	PC459 FIRST DEGREE	03/07/1989	LOS ANGELES	CA	SUPERIOR
A650374	PC459 FIRST DEGREE	03/07/1989	LOS ANGELES	CA	SUPERIOR

* * * * *

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
AND THAT THIS COMPLAINT, CASE NUMBER BA131798, CONSISTS OF 2 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on May 7, 1996.


GEORGE DIAZ
DECLARANT AND COMPLAINANT

.....
GIL GARÇETTI, DISTRICT ATTORNEY

BY: 
MARK B. VEZZANI, DEPUTY

AGENCY: LAPD -
SOUTHWEST
AREA

I/O: LEONARD AVALOS ID NO.: 30143

PHONE : (213) 485-2561

DR NO.: 960300676

OPERATOR: SJG

PRELIM. TIME EST.: 1 HOUR(S)

<u>DEFENDANT</u>	<u>CIT NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOMD</u>	<u>CUSTODY RTN DATE</u>
CASH, THOMAS	A06688052	11/17/1965	4817598	\$200,000	5/7/1996
WOOTEN, JAMES DOUGLAS	A08437758	3/30/1970	4817608	\$610,000	5/7/1996

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

FELONY COMPLAINT – ORDER HOLDING TO ANSWER – P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

THOMAS CASH

<u>Count</u> <u>No.</u>	<u>Charge</u>	<u>Charge</u> <u>Range</u>	<u>Special</u> <u>Allegation</u>	<u>Alleg.</u> <u>Effect</u>
1	PC 211	2-3-5	PC 12022.5(A)(1)	+3-4-10
2	PC 211	2-3-5	PC 12022(A)(1) PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D)	+1 Yr. +3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code

JAMES DOUGLAS WOOTEN

<u>Count</u> <u>No.</u>	<u>Charge</u>	<u>Charge</u> <u>Range</u>	<u>Special</u> <u>Allegation</u>	<u>Alleg.</u> <u>Effect</u>
1	PC 211	2-3-5	PC 12022.5(A)(1)	+3-4-10
2	PC 211	2-3-5	PC 12022(A)(1) PC 12022.5(A)(1) PC 12022(A)(1) PC 667.5(B) PC 667(A)(1) PC 1170.12(A)-(D)	+1 Yr. +3-4-10 +1 Yr. +1 yr. per prior +5 yrs per prior MSP Check Code

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

THOMAS CASH

200,000 Dollars

JAMES DOUGLAS WOOTEN

610,000 Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:


THOMAS CASH

JAMES DOUGLAS WOOTEN

at: 800 A.M.

Date:

~~MAY 17 1996~~
~~JUN 13 1996~~
~~JUN 19 1996~~

~~MAY 17 1996~~
~~JUN 13 1996~~
~~MAY 31 1996~~
Dept 123/117
in Dept 123/117


Committing Magistrate
WILLIAM R CHIDSEY JR.

DIV. 34

IN THE MUNICIPAL COURT OF CRIM JUSTICE CTR (LAC) JUDICIAL
DISTRICT, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
NO. BA131798 PAGE NO. 1
THE PEOPLE OF THE STATE OF CALIFORNIA VS. CURRENT DATE 04/06/18
DEFENDANT 01: THOMAS CASH
LAW ENFORCEMENT AGENCY EFFECTING ARREST: LAPD - SOUTHWEST AREA

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
--------------------------	-------------------	----------------	------------------------	----------------	--------------------

CASE FILED ON 05/07/96.
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING
COMMITTED, ON OR ABOUT 05/04/96 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING
OFFENSE(S) OF:
COUNT 01: 211 PC FEL
COUNT 02: 211 PC FEL
PCD FOUND ON 05-05-96 AT 10:19
ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 11351.5 H&S ON 09/11/90 IN L.A.
COUNTY SUPERIOR JUDICIAL DISTRICT UNDER CASE NUMBER A891299.
ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 211 PC ON 09/07/90 IN L.A. COUNTY

SUPERIOR JUDICIAL DISTRICT UNDER CASE NUMBER TA008691.
NEXT SCHEDULED EVENT:
05/07/96 830 AM ARRAIGNMENT DIST CRIM JUSTICE CTR (LAC) DIV 030

ON 05/07/96 AT 830 AM IN CRIM JUSTICE CTR (LAC) DIV 030

CASE CALLED FOR ARRAIGNMENT
PARTIES: JACOB ADAJIAN (JUDGE) COLLEEN WELCH (CLERK)
CHARLENE KRISTOFF (REP) JESSE CORTEZ, JR. (DDA)
DEFENDANT DEMANDS COUNSEL.
COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.
PUBLIC DEFENDER DECLARES CONFLICT OF INTEREST.
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY LEE E. ROSEN ALTERNATE PUBLIC
DEFENDER
DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.
A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.
DEFENDANT'S FINANCIAL STATEMENT FILED.
DEFENDANT ADVISED THAT IN ANY CASE IN WHICH YOU ARE FURNISHED A LAWYER, EITHER
THROUGH THE PUBLIC DEFENDER OR PRIVATE COUNSEL APPOINTED BY THE COURT, UPON

CONCLUSION OF THE CRIMINAL PROCEEDINGS IN THE TRIAL COURT, THE COURT SHALL
MAKE A DETERMINATION OF YOUR PRESENT ABILITY TO PAY ALL OR A PORTION OF THE
COST OF COUNSEL. IF THE COURT DETERMINES THAT YOU HAVE THE PRESENT ABILITY
TO PAY ALL OR PART OF THE COST, IT SHALL ORDER YOU TO PAY THE SUM TO THE
COUNTY IN ANY INSTALLMENTS AND MANNER WHICH IT BELIEVES REASONABLE AND
COMPATIBLE WITH YOUR FINANCIAL ABILITY. EXECUTION MAY BE ISSUED ON THE ORDER
IN THE SAME MANNER AS ON A JUDGEMENT IN A CIVIL ACTION;
DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF
CONSTITUTIONAL AND STATUTORY RIGHTS.
DEFENDANT WAIVES FURTHER ARRAIGNMENT.
DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 211 PC.
DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 211 PC.
PRELIMINARY TIME ESTIMATED 1 HOUR
BAIL SET AT \$200,000.
NEXT SCHEDULED EVENT:

RA000045

CASE NO. BA131798
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/06/18

05/17/96 900 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DIV 034

CUSTODY STATUS: REMANDED TO CUSTODY

ON 05/13/96 AT 1000 AM :

ORDER TO LOS ANGELES COUNTY SHERIFF SHERMAN BLOCK SIGNED BY THE
COURT. (AFTER EX-PARTE IN-CAMERA REQUEST)

ON 05/17/96 AT 900 AM IN CRIM JUSTICE CTR (LAC) DIV 034

CASE CALLED FOR PRELIMINARY HEARING
PARTIES: WILLIAM R. CHIDSEY, JR. (JUDGE) ROBERT SAIKI (CLERK)
F. ELOIS DUNCAN (REP) DENISE MOEHLMAN (DA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY GARY WIGODSKY ALTERNATE

PUBLIC DEFENDER
BAIL SET AT \$200,000
APD VICTOR MARTINEZ STANDING IN FOR WIGODSKY.
DEFENDANT INFORMED OF AND WAIVED RIGHT TO HAVE PRELIMINARY
HEARING HEARD WITHIN 10/60 COURT/CALENDAR DAYS FROM ARRAIGNMENT
DEFENDANT STIPULATED THAT RETURN DATE WILL BE 0 OF 10 FOR
PRELIMINARY HEARING PURPOSES. COUNSEL JOINED IN THE WAIVERS
AND STIPULATION.
DISCOVERY ISSUES IN DISPUTE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT
06/05/96 830 AM PRELIM SETTING/RESETTING DIST CRIM JUSTICE CTR (LAC) DIV
034

CUSTODY STATUS: REMANDED TO CUSTODY

ON 05/17/96 AT 1000 AM :

WITNESS FEES AND EXPENSES IN THE AMOUNT OF \$18.00 TO
VICMAR DELEON ORDERED BY THE COURT.

ON 06/05/96 AT 830 AM IN CRIM JUSTICE CTR (LAC) DIV 034

CASE CALLED FOR PRELIM SETTING/RESETTING
PARTIES: WILLIAM R. CHIDSEY, JR. (JUDGE) ROBERT SAIKI (CLERK)
PATRICIA MCNEAL (REP) DENISE MOEHLMAN (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY GARY WIGODSKY ALTERNATE
PUBLIC DEFENDER
BAIL SET AT \$200,000
CASE TRAILED TO DAY 6 OF 10.
OFFICERS MATTINGLY AND RAYMOND DORSEY ORDERED TO RETURN.
THE PEOPLE BELIEVE CASE MAY TAKE MORE THAN 2 HOURS.
NEXT SCHEDULED EVENT:
BY STIPULATION CAUSE CONTINUED TO
06/13/96 830 AM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DIV 034
CUSTODY STATUS: REMANDED TO CUSTODY

RA000046

CASE NO. BA131798
DEF NO. 01

PAGE NO. 3
DATE PRINTED 04/06/18

ON 06/13/96 AT 830 AM IN CRIM JUSTICE CTR (LAC) DIV 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: WILLIAM R. CHIDSEY, JR. (JUDGE) PAUL DYE (CLERK)
JULIE GOSNELL (REP) DENISE MOEHLMAN (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY GARI WIGODSKY ALTERNATE
PUBLIC DEFENDER

BAIL SET AT \$200,000

CO-COUNSEL IS ILL THIS DATE.

MATTER IS TRAILED TO DAY 10 OF 10.

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT

06/19/96 130 PM PRELIMINARY HEARING DIST CRIM JUSTICE CTR (LAC) DIV 034

CUSTODY STATUS: REMANDED TO CUSTODY

ON 06/19/96 AT 130 PM IN CRIM JUSTICE CTR (LAC) DIV 034

CASE CALLED FOR PRELIMINARY HEARING

PARTIES: WILLIAM R. CHIDSEY, JR. (JUDGE) ROBERT SAIKI (CLERK)
NANCY DOTSON (REP) DENISE MOEHLMAN (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY GARY WIGODSKY ALTERNATE
PUBLIC DEFENDER

COUNT (01) : DISPOSITION: HELD TO ANSWER

COUNT (02) : DISPOSITION: HELD TO ANSWER

DEFENDANT AND COUNSEL WAIVE FURTHER READING OF THE COMPLAINT AND
STATEMENT OF HIS CONSTITUTIONAL RIGHTS.

DEFENSE MOTION TO EXCLUDE ANY POTENTIAL WITNESSES IS GRANTED.

PEOPLE'S WITNESS SWORN AND EXAMINED: VICMAR DELEON, CHERYL NALLS,
RAYMOND DORSEY

THE PEOPLE REST.

NO AFFIRMATIVE DEFENSE.

DEFENSE MOTION TO DISMISS DUE TO INSUFFICIENCY OF EVIDENCE IS

DENIED. PRE-PEA REPORT ORDERED.

FILE TO COUNTY CLERK. EXHIBIT RECEIPT #1554237

BAIL SET AT \$200,000.

COMMITMENT ISSUED

NEXT SCHEDULED EVENT:

FELONY ARRAIGNMENT/PLEA, ON JULY 03, 1996, IN SUPERIOR COURT OF LOS ANGELES
COUNTY, ***DISTRICT NOT FOUND **NO TABLE VALUE#, DIV 123, AT 830 AM.

04/06/18

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY  _____, DEPUTY



RA000047

THE PEOPLE OF THE STATE
OF CALIFORNIA VSATTORNEY FOR
THE PEOPLEFELONY
NUMBER BA 131798

DEFT ID	NAME	BAIL	1st CHARGE	2nd CHARGE	3rd CHARGE	ATTORNEY FOR DEFENDANT
01	CASH THOMAS 11 17 1965	200000	P .211 002 CTS			① G. WIGODSKY APD
02	WOOTEN JAMES DOUGLAS 03 30 1970	610000	P .211 002 CTS			② S. GILLIAM APD by W. BLAUSTEIN

Division or Mun. Ct.	34	Date of Crime	05 04 1996	Arresting Agency	LAPD - SOUTH	Superior Court Judges
Complaint Filed:		06 19 1996		In Dept. 123		PROBATION NO. ① 243304 ② 248608
Arraignment Set For		07 03 1996		CENTRAL		
Preliminary transcript and		copies filed		forwarded to		on

Copy of transcript received

DATE	DEPT	PROCEEDINGS	ENTERED BY	REPORTER
		X INFORMATION FILED		
		Certificate on guilty plea filed		
		Indictment filed		
7-30-96	117	① ② TR. CONT 8-29-96 8/117	① REM	WALKER
8-29-96	117	① ② PTC/TS CONT 9-10-96 8/117 TR		
		CONT 9-30-96 8/117	① REM	" "
9-10-96	117	① ② TR REMS 9-19-96 8/117	① REM	" "
9-19-96	117	① ② TR TRLD TO 9-26-96 8:30/117	① REM	" "
9-26-96	117	① ② TR CONT 10-24-96 8:30/117 WT +	① REM	" "
		10 days	① REM	" "
10-24-96	117	① ② PTC/TS CONT 11-7-96 8:30/117 TR		
		CONT 11-25-96 8:30/117 ① WT + 10	① REM	" "
		days	① REM	" "
FURTHER PROCEEDINGS CONTINUED ON BACK SIDE				

DEPT. NO.	BOND FILED	NAME OF SURETY	NAME OF AGENT

RA000048

FELONY NUMBER		THE PEOPLE OF THE STATE OF CALIFORNIA VS				
DATE	DEPT	PROCEEDINGS			ENTER- ED BY	REPORTER
11-7-96	117	①② TR. REMS. 11-25-96 8/117. WT + 10				
		DAYS. ①② REM			PP	KNUTH
11-25-96	117	①② TR. CONT 12-4-96 8/117. ①② REM			PP	WALKER
12-4-96	117	①② PTC/TS CONT 12-20-96 830/117				
		TR ? 12-20-96 830/117 WT+15 DAYS				
		① REM			PP	" "
12/6/96	117	① PD \$250 TO DR TERENCE SEAN MC GEE #0-5466			PP	
12/20/96	117	①③ PTC/TS HLD AND CONT 12/19/96 830/117 ① REM			PP	A. WALKER
1-2-97	117	① PTC/TS CONT 1-3-97 8:30 / 117				
		② PTC/TS O/C				
		①② TR TRLD TO 1-6-97 8:30 / 117				
		① REM			PP	" "
1-3-97	117	① CS TRANSF TO DEPT 100 FOR TR ON				
		1-6-97 800/100 ① REM			PP	A WALKER
1/6/97	100	① TR CONT 1/13/97 8 ⁰⁰ /100 ① REM			PP	K. KNUTH
1-13-97	100	①② CS TRANSF TO DEPT 117 F/W				
		① REM			PP	" "
1-13-97	117	①② TR CONT 1-14-97 10 ³⁰ /117 ① REM			PP	A WALKER
1-14-97	117	①② TR CONT 1-15-97 11/117 ① REM			PP	A Walker
1-15-97	117	①② TR CONT 1-16-97 10:30/117 WT + 1				
		day ① REM			PP	C Zink
1-16-97	117	①② TR CONT 1-17-97 10/117 ① REM			PP	DL Passons
1/17/97	117	①② TR CONT 1/21/97 10 ⁴⁵ /117 ① REM			PP	A WALKER
1/21/97	117	①② TR CONT 1-22-97 10 ³⁰ /117 ① REM			PP	" "
1/23/97	117	①② TR CONT 1/24/97 10 ³⁰ /117 ① REM			PP	" "
1-23-97	117	①② TR CONT 1-24-97 10 ³⁰ /117 ① REM			PP	" "
1-27-97	117	①② TR CONT 1-28-97 10:30/117 ① REM			PP	Osorio/Peckham
1-28-97	117	①② TR CONT 1-29-97 10 ³⁰ /117 ① REM			PP	A WALKER
1/29/97	117	①② TR CONT 1/30/97 10 ³⁰ /117 ① REM			PP	A WALKER
1-30-97	117	①② TR CONT 1-31-97 10:30/117 ① REM			PP	" "
1/31/97	117	①② TR CONT 2/3/97 10 ³⁰ /117 ① REM			PP	" "
2-3-97	117	①② TR CONT 2-4-97 10 ³⁰ /117 ① REM			PP	" "
2-4-97	117	①② TR CONT 2-5-97 10/117 ① REM			PP	" "
2-5-97	117	①② TR CONT 2-6-97 9/117 ① REM			PP	A Walker

RA000049

FELONY NUMBER		THE PEOPLE OF THE STATE OF CALIFORNIA VS				
DATE	DEPT	PROCEEDINGS			ENTER- ED BY	REPORTER
3/20/97	117	① PROB DEN. SP, A TOTAL OF 19 YRS, 4 MOS, 369 DAYS CRT. CTS RUN CONSEC W/EA OTHER NOTICE OF APPEAL RECEIVED. ② PROB DEN. S/P, 65 YRS, 4 MOS, 369 DAYS CRT. CTS RUN CONSEC W/EA OTHER. NOTICE OF APPEAL. EARM				A. WACKER
3-21-97	117	② ORD PD \$480 TO Carl W. Hensgen #9 902745				
4/4/97	117	① CORRECTION TO M.O. DATED 3/20/97 NONC PRO TUNC. BY DEL: PLUS 4 YRS PURSUANT TO SECT. 12022.5 P.C. AS TO CT. 2, THE CRT SELECTS 1/3 THE MT. OF 1 YR WHICH IS DOUBLED PURSUANT TO SECT. 1170 (C)(1), FOR A TOTAL OF 2 YRS. PLUS 1 YR AND 4 MOS. PURSUANT TO SECT. 1170.1(a) P.C. 1170.1(a) P.C. PLUS AN ADDITIONAL 5 YRS PURSUANT TO SECT 667(a) P.C. AND 1 YR PURSUANT TO SECT 667.5 P.C. BY ADD: PLUS 4 YRS PURSUANT TO SECT. 12022.5(a)(1) P.C. AS TO CT. 2, THE CRT SELECTS 1/3 MT OF 1 YR, WHICH IS DOUBLED PURSUANT TO SECT. 1170(C)(2) A THROUGH D, FOR A TOTAL OF 2 YRS, PLUS 1 YR AND 4 MOS. PURSUANT TO SECT. 1170(C)(2) A THROUGH D P.C. PLUS AN ADDITIONAL 5 YRS PURSUANT TO SECT. 667(a)(1) P.C. AND 1 YR PURSUANT TO SECT 667.5(b) P.C. IN ALL OTHER ASPECTS THE M.O. REMS THE SAME.				NONE
4/4/97	117	② CORRECTION TO M.O. DATED 3/20/97 NONC PRO TUNC. BY DEL: 25 YRS TO LIFE, PLUS 4 YRS PURSUANT TO SECT. 12022.5 P.C. TOTAL SENT AS TO CT. 1 IS 29 YRS TO LIFE, AS TO CT. 2, THE CRT SELECTS TERM PRESCRIBED BY LAW OF 29 YRS TO LIFE, PLUS 1/3 MT OF 1 YR AND 4 MOS. PURSUANT TO SECT. 12022.5 P.C.; PLUS 10 YRS PURSUANT TO SECT. 667(a) P.C. THE ENHANCEMENT AS TO SECT. 667.5 P.C. IS STAYED PURSUANT TO SECT. 654 P.C.				

RA000051

FELONY
NUMBER BA 131798

[illegible]

RA000052

IN THE SUPERIOR COURT OF CENTRAL DISTRICT JUDICIAL DISTRICT,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

NO. BA131798

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/06/18

DEFENDANT 01: THOMAS CASH

LAW ENFORCEMENT AGENCY EFFECTING ARREST: LAPD - SOUTHWEST AREA

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
--------------------------	-------------------	----------------	------------------------	----------------	--------------------

CASE FILED ON 05/07/96.

MISCELLANEOUS FILING FOR TRACKING PURPOSES

OFFENSE(S):

COUNT 01: 211 PC FEL

COUNT 02: 211 PC FEL

COMMITTED ON OR ABOUT 05/04/96 IN THE COUNTY OF LOS ANGELES

ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 11351.5 H&S ON 09/11/90 IN L.A.

COUNTY SUPERIOR JUDICIAL DISTRICT UNDER CASE NUMBER A891299.

ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 211 PC ON 09/07/90 IN L.A. COUNTY

SUPERIOR JUDICIAL DISTRICT UNDER CASE NUMBER TA008691.

NEXT SCHEDULED EVENT:

03/12/99 830 AM MISCELLANEOUS DIST CENTRAL DISTRICT DEPT 117

ON 03/12/99 AT 830 AM IN CENTRAL DISTRICT DEPT 117

CASE CALLED FOR MISCELLANEOUS

PARTIES: THOMAS L WILLHITE JR. (JUDGE) CLARENCE RAMEY (CLERK)
NONE (REP) RALPH SHAPIRO (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
PETITION FOR WRIT OF HABEAS CORPUS

THE COURT HAVING READ AND CONSIDERED DEFENDANT'S PETITION FOR
WRIT OF HABEAS CORPUS, RULES AS FOLLOWS:

THE PETITION IS DENIED.

PETITIONER'S CLAIM THAT THE TRIAL COURT ERRORED IN NOT STRIKING
HIS PRIOR CONVICTION AS UNCONSTITUTIONAL COUNLD HAVE BEEN RAISED
ON APPEAL. (IN RE: CLARK 5 CAL 4TH 750, 765.)

PETITIONER'S CLAIM THAT TRIAL COUNSEL AND/OR COUNSEL ON APPEAL
WERE INEFFICIENT, FAILS TO STATE FACTS SUFFICIENT TO SATISFY THE
STANDARD OF STRICKLAND VS WASHINGTON, 466 U.S. 668.

THE CLERK IS DIRECTED TO SEND A COPY OF THIS MINUTE ORDER VIA
THE U.S. MAIL, ADDRESSED AS FOLOWS:

DEPARTMENT OF CORRECTIONS
SOLANO STATE PRISON VACAVILLE
THOMAS CASH, H-11405
C.S.P. SOLANO 1-1-103
P.O. BOX 4000
VACAVILLE, CALIFORNIA 95696-4000

RA000054

CASE NO. BA131798
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/06/18

NEXT SCHEDULED EVENT:
UPON MOTION OF COURT
PROCEEDINGS TERMINATED

04/06/18

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.
SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY _____, DEPUTY

