



# ON THE DOCKET

July 14<sup>th</sup>, 2008

A publication of the Stanislaus County District Attorney's Office

## **TRIALS IN PROGRESS THE WEEK OF JULY 14<sup>th</sup>, 2008**

### **DEPARTMENT 5**

### **JUDGE ZEFF**

#1219173 Defendant Howard Douglas Porter. Jury trial began May 12<sup>th</sup> in Department 5 before Judge Zeff on the felony charges of Murder, Attempted Murder and Theft from An Elder by Caretaker.

### **DEPARTMENT 6**

### **JUDGE ASHLEY**

#1234136 Defendants Leroy Wayne Cole, Kenneth Haven Hansen, Kevin Gene Washburn, and Charles James Yates. Jury trial began July 10<sup>th</sup> in Department 6 before Judge Ashley on the misdemeanor charge of Trespassing.

### **DEPARTMENT 9**

### **JUDGE STEFFEN**

#1076152 and #1091955 Defendant Felix Lopez. Jury trial began June 30<sup>th</sup> in Department 9 before Judge Steffen on the felony charges of Murder, Discharging a Firearm at Inhabited Dwelling or Vehicle, and Person Previously Convicted of Violent Offense in Possession of a Firearm (#1076152) and Preventing or Dissuading a Witness From Attending or Giving Testimony (#1091955).

## **CASES TENTATIVELY SET FOR TRIAL THE WEEK OF JULY 14<sup>th</sup>, 2008**

### **DEPARTMENT 1**

### **JUDGE SALTER**

No criminal jury trials scheduled.

### **DEPARTMENT 2**

### **JUDGE SILVEIRA**

#1227336 Defendant Joseph Eugene Bruggeman. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Driving Under the Influence (DUI) and Failure to Provide Proof of Automobile Insurance.

#1237161 Defendant James Caston Palumbo. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charge of Domestic Violence.

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**#1234506** Defendant Steven Aimer Sulaiman. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Exhibition of Speed and Failure to Provide Proof of Automobile Insurance.

**#1240638** Defendant Paul Ernest Trask. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charge of Resisting Arrest.

**#1221547** Defendant Daniel Jack Valentine. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Driving Under the Influence (DUI).

## DEPARTMENT 3

## JUDGE WHITESIDE

**#1240582** Defendant Cigifred Reyes Galeana. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the felony charges of Possession of Heroin for Sale, Possession of Methamphetamine for Sale, Possession of Methamphetamine While in the Immediate Possession of an Operable Loaded Firearm, Negligent Discharge of a Firearm, and Felon in Possession of a Firearm.

**#123768** Defendant Deo Datt Sharma. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the misdemeanor charges of Assault Likely to Produce Great Bodily Injury.

**#1240657** Defendant Damon Marc Thele. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the misdemeanor charge of Domestic Battery.

**#1213287** Defendant Tamara Ann Smith. Set for jury trial July 16<sup>th</sup> in Department 3 before Judge Whiteside on the misdemeanor charge of Resisting Arrest.

**#1239795** Defendant Dharam Raj. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the misdemeanor charge of Battery.

## DEPARTMENT 4

## JUDGE JOHNSON

**#1243487** Defendant Gerad Michael Hitchcock. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the felony charge of Threatening to Commit a Crime Resulting in Great Bodily Injury or Death.

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**#1232568** Defendant Scott James Self. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the felony charges of Possession of Methamphetamine and Marijuana While in the Immediate Possession of an Operable Loaded Firearm, Possession of Methamphetamine and Marijuana for Sale, and Possession of Marijuana for Sale.

**#1234845** Defendant Emilio Barrera. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the misdemeanor charge of Battery.

**#1238297** Defendant Lori Diana Gross. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the misdemeanor charges of Being Under the Influence of a Controlled Substance and Resisting Arrest.

**#1230515 and #1236269** Defendant Rudy Marcus Rangel. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the misdemeanor charges of Driving on a Suspended License (#1230515) and Driving on a Suspended License, Displaying False Registration Tabs, and the infraction charges of Failure to Register Vehicle and Failure to Stop at a Stop Sign (#1236269).

**#1214705** Defendant Felipe C. Bolivar. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the felony charges of Possession of Cocaine for Sale, Possession of Methamphetamine for Sale, and Possession of Marijuana for Sale.

## **DEPARTMENT 5**

## **JUDGE ZEFF**

No additional criminal jury trials scheduled.

## **DEPARTMENT 6**

## **JUDGE ASHLEY**

No additional criminal jury trials scheduled.

## **DEPARTMENT 7**

## **JUDGE SHAVER**

**#1235781** Defendant Anthony August Lamboy. Set for jury trial July 15<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charges of Drunk in Public, Disturbing the Peace and Resisting Arrest.

**#1233368** Defendant Wally A. Pool. Set for jury trial July 15<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charge of Making Harassing Telephone Calls.

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## DEPARTMENT 8

## JUDGE CORDOVA

No criminal jury trials scheduled.

## DEPARTMENT 9

## JUDGE STEFFEN

#**1240751** Defendant Johnny Delrio. Set for jury trial July 14<sup>th</sup> in Department 9 before Judge Steffen on the felony charge of Possession of Methamphetamine.

#**1243154** Defendant Shawn Everett Moore. Set for jury trial July 14<sup>th</sup> in Department 9 before Judge Steffen on the felony charge of Petty Theft With Prior Theft Convictions.

## **DISPOSITION OF CASES SET FOR TRIAL/PRETRIAL** **THE WEEK OF JULY 7<sup>th</sup>, 2008**

## DEPARTMENT 1

## JUDGE SALTER

No cases to report.

## DEPARTMENT 2

## JUDGE SILVEIRA

#**1221806** Defendant Elvin Stevenson. Set for jury trial July 8<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charge of Disturbing the Peace. The trial date was vacated after the defendant failed to appear for trial.

#**1228406** Defendant Felix Gilbert Gomez. Set for jury trial July 8<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Driving Under the Influence (DUI). The trial date was vacated after the Court granted the defense motion to continue the case due to scheduling conflicts. The jury trial is rescheduled for September 23<sup>rd</sup> in Department 2.

#**1242964** Defendant Santiago Miramontes. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Driving Under the Influence (DUI), Carrying a Concealed Firearm, Carrying a Concealed Weapon, and Driving on a Suspended License. The trial date was vacated after the defendant failed to appear at a pretrial hearing. A new pretrial hearing is scheduled for July 15<sup>th</sup> in Department 2.

#**1237375** Defendant Hortencia Gonzalez. After a three-day jury trial beginning July 8<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charges of Hit and Run and

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Driving on a Suspended License, having two prior convictions for driving on a suspended license, the jury found the defendant guilty as charged. She was placed on 3 years informal probation, ordered to pay specified fines, and sentenced to 30 days in the county jail and 40 hours of community service. Deputy District Attorney Meghan Greerty prosecuted the case on behalf of the People.

**#1238762** Defendant Gary Lee Sweeten. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the misdemeanor charge of Battery. The trial date was vacated after the defendant failed to appear at a pretrial hearing. A new pre-trial hearing is scheduled for July 11 in Department 2.

**#1222690** Defendant William Sam Hiserman. Set for jury trial July 15<sup>th</sup> in Department 2 before Judge Silveira on the felony charge of Possession of Methamphetamine. The trial date was vacated upon the defense's request that the case be reviewed by the District Attorney's Office Three Strikes Committee. The jury trial is rescheduled for September 16<sup>th</sup> in Department 2.

## DEPARTMENT 3

## JUDGE WHITESIDE

**#1240600 and #1237584** Defendant Dharam Raj. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the felony charges of Threatening to Commit a Crime Resulting in Great Bodily Injury or Death (#1240600) and Domestic Battery (#1237584). The trial date was vacated after the Court granted the People's motion to dismiss both cases due to insufficient evidence.

**#1240582** Defendant Cigifred Reyes Galeana. Set for jury trial July 15<sup>th</sup> in Department 3 before Judge Whiteside on the felony charges of Possession of Heroin for Sale, Possession of Methamphetamine for Sale, Possession of Methamphetamine While in the Immediate Possession of an Operable Loaded Firearm, Negligent Discharge of a Firearm, and Felon in Possession of a Firearm. The trial date was vacated after the defendant pled guilty to Possession of Methamphetamine for Sale and Felon in Possession of a Firearm, was placed on 3 years formal probation and sentenced to 365 days in the county jail. The defendant also had to felony Violations for Probation which he admitted and was sentenced to 180 days in the county jail to run consecutive to the 365 days.

**#1227569** Defendant Jennifer Michele Macedo. Set for jury trial July 8<sup>th</sup> in Department 3 before Judge Whiteside on the felony charges of Grand Theft and Petty Theft With Prior Theft Convictions. The trial date was vacated after the defendant pled guilty to the misdemeanor charge of Petty Theft with Prior Theft Convictions, was placed on 3 years informal probation and sentenced to 5 days in the county jail.

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**#1239874** Defendant Brandon Bailey. Set for jury trial July 29<sup>th</sup> in Department 3 before Judge Whiteside on the misdemeanor charges of Driving Under the Influence (DUI), Driving Without a License, and Possession of a Controlled Substance. The trial date was vacated after the Court granted the People's motion to continue the case because a key witness would be unavailable. A new pretrial hearing is scheduled for July 21<sup>st</sup> in Department 3.

**#1218941** Defendant Eric Peliago Albarico. After a three-day jury trial beginning July 8<sup>th</sup> in Department 3 before Judge Whiteside on the felony charges of Lewd Act with Child, Annoying or Molesting a Child 14 or 15 Years of Age, Oral Copulation With Person Under 16 Years of Age, and Sexual Penetration by Foreign Object, having an allegation of substantial sexual conduct, the jury found the defendant guilty as charged. Sentencing is scheduled for August 11<sup>th</sup> in Department 3. Deputy District Attorney Annette Rees prosecuted the case on behalf of the People.

## DEPARTMENT 4

## JUDGE JOHNSON

**#11230653** Defendant Racheal E. Friel. Set for jury trial July 8<sup>th</sup> in Department 4 before Judge Johnson on the misdemeanor charge of Petty Theft. The trial date was vacated after the defendant pled no contest to Petty Theft as an infraction, was placed on 6 months informal probation and ordered to pay restitution.

**#1214705** Defendant Felipe C. Bolivar. Set for jury trial July 8<sup>th</sup> in Department 4 before Judge Johnson on the felony charges of Possession of Cocaine for Sale, Possession of Methamphetamine for Sale, and Possession of Marijuana for Sale. The trial date was vacated after the Court granted the People's motion to continue the case because a key witness would be unavailable. The jury trial is rescheduled for July 15<sup>th</sup> in Department 4.

**#1220659** Defendant Bora Suy. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the felony charge of Failure to Register as a Sex Offender. The trial date was vacated after the defendant pled guilty. The defendant also pled guilty in Case #1244268 to the felony charges of Domestic Violence, Failure to Register as a Sex Offender, and the misdemeanor charge of Threatening to Commit a Crime Resulting in Great Bodily Injury or Death. The defendant was placed on 3 years formal probation and sentenced to 365 days in the county jail.

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**#1237185** Defendant Dwayne Alan Proetel. Set for jury trial July 15<sup>th</sup> in Department 4 before Judge Johnson on the felony charge of Assault with Stun Gun or Taser. The trial date was vacated after the defendant pled guilty to the lesser included misdemeanor offense of Battery, was placed on 3 years informal probation and ordered to serve 1 day in the county jail.

## **DEPARTMENT 5**

## **JUDGE ZEFF**

**#1225697** Defendant Chanta Brown. Set for jury trial November 10<sup>th</sup> in Department 5 before Judge Zeff on the misdemeanor charges of Disturbing the Peace, Resisting Arrest, Drunk in Public, and Harming or Interfering with Police Dog. The trial date was vacated after the Court granted the People's motion to continue the case due to a key witness being unavailable. The jury trial is rescheduled for February 23<sup>rd</sup> in Department 5.

**#1233399** Defendant Cristobal Perez. Set for jury trial July 14<sup>th</sup> in Department 5 before Judge Zeff on the misdemeanor charges of Petty Theft and Attempted Second Degree Burglary. The trial date was vacated after the defendant pled guilty to the misdemeanor charge of Receiving Stolen Property, was placed on 3 years informal probation, ordered to pay specified fines, and sentenced to 5 days in the county jail.

**#1240556** Defendant Blanca Delgado. Set for jury trial July 21<sup>st</sup> in Department 5 before Judge Zeff on the misdemeanor charge of Domestic Battery. The trial date was vacated after the defendant pled no contest, was placed on 3 years informal probation, ordered to pay specified fines, serve 40 hours community service and sentenced to 1 day in the county jail.

**#1241591** Defendant Lee Letourneau. Set for jury trial September 15<sup>th</sup> in Department 5 before Judge Zeff on the misdemeanor charge of Making or Passing a Fictitious Bill. The trial date was vacated after the Court granted the People's request to dismiss the case due to insufficient evidence.

**#1236138** Defendant Porfirio Solorzano. Set for jury trial July 21<sup>st</sup> in Department 5 before Judge Zeff on the misdemeanor charges of Assault With a Deadly Weapon and Threatening to Commit a Crime Resulting in Great Bodily Injury or Death. The trial date was vacated due to scheduling conflicts. The jury trial is rescheduled for January 26<sup>th</sup> in Department 5.

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## DEPARTMENT 6

## JUDGE ASHLEY

**#1102773 and #1105051** Defendant Devin Lane Ketner. Set for jury trial July 7<sup>th</sup> in Department 6 before Judge Ashley on the felony charges of Petty Theft With Prior Theft Convictions, (#1102773) and Grand Theft, having two prior felony convictions for which the defendant served a commitment to state prison, and having one prior felony conviction that falls under California's "Three Strikes Law" (#1105051). The trial date was vacated after the defendant pled guilty and admitted all of the prior convictions in Case #1105051. He was sentenced to 6 years in state prison. The Court granted the People's request to dismiss Case #1102773 due to insufficient evidence. Deputy District Attorney Tracy Roland prosecuted the case on behalf of the People.

**#370185C0/241558** Defendant Jesus Pena. Set for jury trial July 21<sup>st</sup> in Department 6 before Judge Ashley on the felony charge of Possession of Marijuana for Sale. The trial date was vacated after the defendant pled guilty, was placed on 3 years probation and sentenced to 365 days in the county jail. The defendant also admitted a Violation of Probation in Case #351185C0/194449 for which he received an additional 90 days in the county jail to run consecutively to the new charge.

**#1234490** Defendant Jermaine Beard. Set for jury trial July 21<sup>st</sup> in Department 6 before Judge Ashley on the felony charge of Possession of Methamphetamine and the misdemeanor charge of Domestic Violence. The trial date was vacated after the Court granted the People's request to dismiss the case in lieu of the defendant admitting a violation of probation in Case #1077398 for which he was sentenced to 2 years in the state prison.

**#1097480** Defendant Adam Valdobinos. After a two-week jury trial beginning June 23<sup>rd</sup> in Department 6 before Judge Ashley on the felony charge of Murder, the jury found the defendant guilty as charged. The next court hearing set for July 25<sup>th</sup> in Department 6. Chief Deputy District Attorney Steve Casey prosecuted the case on behalf of the People.

**#1239645** Defendants Rafael Aguilar and Sergio Aguilar. Set for jury trial July 21<sup>st</sup> in Department 6 before Judge Ashley on the misdemeanor charges of Drunk in Public, Creating a Public Nuisance and Disturbing the Peace. The trial date was vacated after the Court granted the request by all parties to continue the case after the People were given leave to amend the criminal complaint. A hearing to reset the jury trial is scheduled for July 21<sup>st</sup> in Department 6.

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## DEPARTMENT 7

## JUDGE SHAVER

**#1209199** Defendant Tony Lester Carr. Set for jury trial July 8<sup>th</sup> in Department 7 before Judge Shaver on the felony charge of Second Degree Burglary, having two prior felony convictions for which the defendant served a commitment to state prison. The trial date was vacated after the defendant failed to appear at the pretrial hearing.

**#1241346** Defendant Luis Alfonso Farias. Set for court trial July 7<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charge of Soliciting for Prostitution. The trial date was vacated after the Court granted the defense motion to continue the case due to discovery issues. The jury trial is rescheduled for July 21<sup>st</sup> in Department 7.

**#1234318** Defendant Oscar Acosta Mendoza. Set for jury trial July 8<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charges of Driving Under the Influence (DUI), having a blood alcohol content over .15% and a prior conviction of DUI. The trial date was vacated after the defendant pled guilty, and admitted both the high blood alcohol content and the prior conviction. The defendant was placed on 36 months informal probation, ordered to pay specified fines, attend a Level 2 alcohol counseling program, and sentenced to 20 days in the county jail.

**#1230568** Defendant Amanda Ann Garcia. Set for jury trial July 1<sup>st</sup> and trailing to July 8<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charges of Driving Under the Influence (DUI). The trial date was vacated after the defendant pled no contest, was placed on 36 months informal probation, ordered to pay specified fines, attend a Level I alcohol counseling program, and sentenced to 2 days in the county jail.

**#1237991** Defendant Richard Allen Ivy. Set for jury trial July 14<sup>th</sup> in Department 7 before Judge Shaver on the felony charges of Auto Theft and Possession of a Stolen Vehicle. The trial date was vacated after the defendant failed to appear for a pretrial hearing.

**#1231420** Defendant Bradley Alan Baumgartener. Set for jury trial July 8<sup>th</sup> in Department 7 before Judge Shaver on the misdemeanor charges of Driving Under the Influence (DUI). The trial date was vacated after the defendant pled guilty to the lesser offense of misdemeanor Alcohol Related Reckless Driving, was placed on 3 years informal probation and ordered to pay specified fines.

## DEPARTMENT 8

## JUDGE CORDOVA

No cases to report.

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## DEPARTMENT 9

## JUDGE STEFFEN

**#1234061** Defendant Felipe Perez. Set for jury trial July 14<sup>th</sup> in Department 9 before Judge Steffen on the misdemeanor charges of Driving Under the Influence (DUI), Giving False Identification to a Peace Officer, and Driving on a Suspended License. The trial date was vacated after the defendant pled guilty, was placed on 3 years informal probation, ordered to pay specified fines, and sentenced to 160 days in the county jail.

**#1236436** Defendant Neil Kumar. Set for jury trial August 25<sup>th</sup> in Department 9 before Judge Steffen on the felony charge of Possession of Oxycodone. The trial date was vacated in order to have the defendant examined for mental competency by a psychologist. A hearing on the doctor's report is scheduled for August 5<sup>th</sup> in Department 9.

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