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MARTHA CARLTON-MAGAÑA CSB #70391
1012 Eleventh Street Suite 103
Modesto, CA 95354
(209) 524-5616
Attorney for BALJIT SINGH ATHWAL

FILED
15 SEP -1 PM 2:44
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
DEPUTY

STANISLAUS COUNTY SUPERIOR COURT
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

BALJIT ATHWAL,
Defendant.

CASE NO. 1490969
REQUEST FOR ORDER
TO SHOW CAUSE IN RE
CONTEMPT

SEP 14 2015 8:30
Hearing: at 8:30 a.m
Dept: TBA


TO: Stanislaus County Sheriff Adam Christianson, Stanislaus County Counsel,
Stanislaus County District Attorney;

COMES NOW before this court, BALJIT ATHWAL, thru counsel, to
request this court issue an ORDER TO SHOW CAUSE IN RE CONTEMPT to
Stanislaus County Sheriff Adam Christianson for willful and intentional disregard
the order of this court, issued by the Honorable Socrates Peter Manoukian,
judge, sitting by assignment in this matter , on August 25 2015 that the jail is
to unshackle at least one hand while the defendant meets with counsel in the
jail interview room. (interim order) Such order is reflected in this court's minute
order of the proceedings of August 25, 2015. This request is supported by the
attached declarations.

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1 Dated: August 29 2015

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Martha Carlton- Magaña
Attorney for Defendant

1 MARTHA CARLTON-MAGAÑA CSB #70391
2 1012 Eleventh Street Suite 103
3 Modesto, CA 95354
4 (209) 524-5616
5 Attorney for BALJIT SINGH ATHWAL

6 STANISLAUS COUNTY SUPERIOR COURT
7 STATE OF CALIFORNIA

8 THE PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

CASE NO. 1490969
DECLARATION IN SUPPORT OF
REQUEST FOR ORDER
TO SHOW CAUSE IN RE
CONTEMPT

11 vs.

12 BALJIT ATHWAL,
13 Defendant.

14 _____
15 I, MARTHA CARLTON-MAGAÑA, DECLARE THAT:

16 1. I am an attorney licensed to practice in the State of California and as such
17 represent defendant Baljit Athwal in the above entitled action. Baljit Athwal is in
18 custody at the Stanislaus County jail, held without bail on the charges in this
19 case.

20 2. On August 25, 2015 I was personally in court representing Mr. B. Athwal
21 when the Honorable Socrates Peter Manoukian, judge, sitting by assignment in
22 this matter ordered that "the jail is to unshackle at least one hand while the
23 defendant meets with counsel in the jail interview room. (interim order)"

24 3. On August 28, 2015 at 2:30, I went to the Stanislaus County Men's Jail at
25 1115 H St. Modesto, CA. to visit my client Baljit Athwal. I was accompanied by
26 my investigators in this case Gary Ermoian and Brad Bongiorno.
27
28

1 4. I showed the electronic copy of the minute order on the Stanislaus County
2 Court web site to Custodial Officer J. Quizzetti and requested one hand of Baljit
3 Athwal be unshackled during my interview with Mr. Athwal. We were escorted to
4 a third floor interview room where Baljit Athwal was brought into the room in
5 shackles, his hands in Cuffs fastened together and fastened to a belly chain and
6 held to the belly chain by a box locked to the belly chain. He was then placed
7 on a stool and shackled to a bolt in the floor by an approximately four foot long
8 chain locked onto the belly chain.
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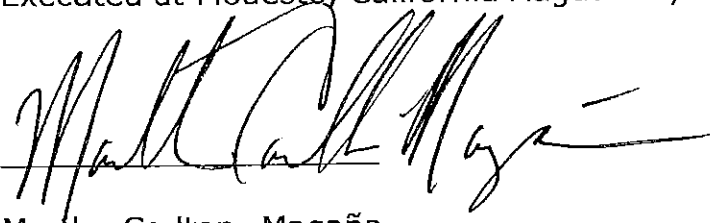
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11 5. Custodial Officer J. Quizzetti confirmed to Custodial Officer Parker that he had
12 reviewed the Court's order. Custodial Officer Parker contacted Sgt. Mark
13 Cardoza, and informed us that pursuant to a directive of the Sheriff, Mr.
14 Athwal's hand would not be unshackled. I requested to speak directly with Sgt.
15 Cardoza. Sgt Cardoza arrived at the interview room and confirmed that,
16 pursuant to a directive of the Sheriff, no inmate, including Mr. Athwal would be
17 unshackled for an attorney client interview. I pointed out that the court's order
18 overrides the Sheriff's general directive. I was told that Sgt. Cardoza would not
19 disobey the Sheriff's directive. Sgt. Cardoza later confirmed that the Sheriffs
20 directive was issued after the order of August 25, 2015. He also confirmed that
21 he also had three other orders from three of the other defendants dated August
22 25, 2015 and that in each instance the jail had refused to follow the order and
23 free one hand of the inmate from shackles during the attorney client interview
24 based on the directive of the Sheriff.
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1 6. I then conducted an interview of approximately forty minutes in length with
2 my client. His hands remained shackled together and shackled tightly to the
3 belly chain during the interview.
4

5 7. Wherefore, it is abundantly clear that Sheriff Christianson has chosen to
6 willfully and intentionally ignore an order of this court to the detriment of the
7 dignity and authority of this court, the declarant requests this court issue an
8 Order to Show Cause in re Contempt to Stanislaus County Sheriff Adam
9 Christianson.
10

11 I declare the foregoing to be true to the best of my knowledge and recollection.
12

13 Executed at Modesto, California August 29, 2015.

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17 Martha Carlton- Magaña
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1 MARTHA CARLTON-MAGAÑA CSB #70391
1012 Eleventh Street Suite 103
2 Modesto, CA 95354
3 (209) 524-5616
Attorney for BALJIT SINGH ATHWAL
4

5 STANISLAUS COUNTY SUPERIOR COURT
6 STATE OF CALIFORNIA
7

8 THE PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

CASE NO. 1490969
DECLARATION IN SUPPORT OF
REQUEST FOR ORDER
TO SHOW CAUSE IN RE
CONTEMPT

10
11 vs.
12

13 BALJIT ATHWAL,
Defendant.
14

15 I, GARY L. ERMOIAN, DECLARE THAT:

16 1. I am an a private investigator licensed in the State of California, proprietor of
17 Gary L. Ermoian Investigations and retained by attorney Martha Carlton-
18 Magaña, attorney for defendant Baljit Athwal in the above entitled action. Baljit
19 Athwal is in custody at the Stanislaus County jail, held without bail on the
20 pending charges in this case.
21

22 2. On August 28, 2015 at 2:30 I accompanied attorney Carlton-Magaña and
23 fellow investigator Brad Bongiorno, to the Stanislaus County Men's Jail at 1115
24 H St. Modesto, CA. to visit client Baljit Athwal.
25

26 3. Ms. Carlton-Magaña showed the electronic copy of the minute order on the
27 Stanislaus County Court web site to Custodial Deputy J. Quizzetti and requested
28 one

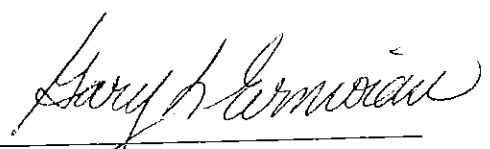
1 hand of Baljit Athwal be unshackled during my interview with Mr. Athwal. We
2 were escorted to a third floor interview room where Baljit Athwal was brought
3 into the room in shackles, his hands in handcuffs fastened together at the front
4 of his body and connected to a belly chain. The handcuffs were covered with
5 what is known as a "black box", which covers the key holes of the handcuffs.
6 The "black box" was then padlocked. He was then placed on a stool and a chain
7 secured to the floor, approximately four foot in length was then locked onto the
8 belly chain. Mr. Athwal was unable to stand up from this restraint.

9
10 4. Custodial Deputy J. Quizzetti confirmed to Custodial Deputy A. Parker that he
11 had reviewed the Court's order. Custodial Officer Parker contacted Sgt. Mark
12 Cardoza, and informed us that pursuant to a directive of the Sheriff, Mr.
13 Athwal's hand would not be unshackled. Sgt. Cardoza arrived at the interview
14 room and confirmed that, pursuant to a directive of the Sheriff, no inmate,
15 including Mr. Athwal would be unshackled for an attorney client interview. Sgt.
16 Cardoza stated he would not disobey the Sheriff's directive. Sgt. Cardoza later
17 confirmed that the Sheriffs directive was issued after the order of August 25,
18 2015. He also confirmed that he also had three other orders from three of the
19 other defendants dated August 25, 2015 and that in each instance the jail had
20 refused to follow the order and free one hand of the inmate from shackles
21 during the attorney client interview based on the directive of the Sheriff.

22
23 5. We conducted an interview of approximately forty minutes in length with Mr.
24 Athwal. His hands remained handcuffed tightly to the belly chain during the
25 interview.
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1 I declare the foregoing to be true to the best of my knowledge and recollection.

2 Executed at Modesto, California August 30, 2015.

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5 Gary L. Ermoian

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2 MARTHA CARLTON-MAGAÑA CSB #70391
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5 (209) 524-5616
6 Attorney for BALJIT SINGH ATHWAL

7 STANISLAUS COUNTY SUPERIOR COURT

8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE OF CALIFORNIA,

10 Plaintiff,

CASE NO. 1490969
DECLARATION IN SUPPORT OF
REQUEST FOR ORDER
TO SHOW CAUSE IN RE
CONTEMPT

11 vs.

12 BALJIT ATHWAL,
13 Defendant.

14 _____/
15 I, BRAD BONGIORNO, DECLARE THAT:

16 1. I am an a private investigator licensed in the State of California employed by
17 Gary L. Ermoian Investigations who are retained by attorney Martha Carlton-
18 Magaña, attorney for defendant Baljit Athwal in the above entitled action. Baljit
19 Athwal is in custody at the Stanislaus County jail, held without bail on the
20 pending charges in this case.

21
22 2. On August 28, 2015 at 2:30, I accompanied attorney Carlton-Magaña and
23 Gary L. Ermoian to the Stanislaus County Men's Jail at 1115 H St. Modesto, CA.
24 to visit client Baljit Athwal.

25
26 3. Ms. Carlton-Magaña showed the electronic copy of the minute order on the
27 Stanislaus County Court web site to Custodial Deputy Quizzetti, and requested
28 that one hand of Baljit Athwal be unshackled during my interview with Mr.

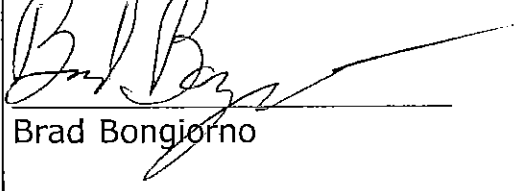
1 Athwal. We were escorted to a third floor interview room where Baljit Athwal
2 was brought into the room in shackles, his hands in cuffs fastened together and
3 fastened to a belly chain and held to the belly chain by a box locked to the belly
4 chain. He was then placed on a stool and shackled to a bolt in the floor by an
5 approximately four foot long chain locked onto the belly chain.
6

7 4. Custodial Deputy Quizzetti confirmed to Custodial Deputy A. Parker that he
8 had reviewed the Court's order. Custodial Deputy A. Parker contacted Sgt. M.
9 Cardoza, and informed us that pursuant to a directive of the Sheriff, Mr.
10 Athwal's hand would not be unshackled. Sgt. M. Cardoza arrived at the
11 interview room and confirmed that, pursuant to a directive of the Sheriff no
12 inmate, including Mr. Athwal would be unshackled for an attorney client
13 interview. Sgt. M. Cardoza stated he would not disobey the Sheriff's directive.
14 Sgt. M. Cardoza later confirmed that the Sheriffs directive was issued after the
15 order of August 25, 2015. He also confirmed that he also had three other orders
16 from three of the other defendants dated August 25, 2015 and that in each
17 instance the jail had refused to follow the order and free one hand of the inmate
18 from shackles during the attorney client interview based on the directive of the
19 Sheriff.
20
21
22

23 5. We conducted an interview of approximately forty minutes in length with Mr.
24 Athwal. His hands remained shackled together and shackled tightly to the belly
25 chain during the interview.

26 I declare the foregoing to be true to the best of my knowledge and recollection.
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1 Executed at Modesto, California August 30, 2015.

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4 Brad Bongiorno

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