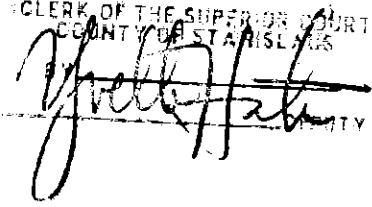


FILSO

2015 OCT -8 AM 11:51

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS



1 Kathleen M. Ewins, Bar No. 154365
 Jessica R. MacGregor, Bar No. 168777
 2 Noah S. Rosenthal, Bar No. 240742
 LONG & LEVIT LLP
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 jmacgregor@longlevit.com
 6 nrosenthal@longlevit.com

7 Attorneys for Respondent
 FRANK C. CARSON
 8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF STANISLAUS
 11

12 In the Matter of the Assumption of
 Jurisdiction over the Law Practice of

Case No. 2016630

**DECLARATION OF PRECILIANO
 MARTINEZ**

14 FRANK C. CARSON
 15 No. 136261
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FILED BY FAX

1 I, PRECILIANO MARTINEZ, declare as follows:

2 1. I am an attorney licensed to practice law in California. Frank Carson has asked me
3 to step in as co-counsel for many of his clients while he is incarcerated. Unless otherwise noted, I
4 make this declaration based on my personal knowledge and could and would testify to the facts
5 stated herein.

6 2. This declaration addresses the status of three of Mr. Carson's clients, which
7 require some explanation.

8 3. **Peter Warda**, Case No. 1465697. Mr. Warda is a criminal defendant who
9 retained Mr. Carson as counsel. Mr. Warda has that he intends to seek new counsel. However,
10 Mr. Warda has declined to come into my office prior to his next hearing to anything relieving Mr.
11 Carson as counsel. Instead, he has indicated that he intends to inform the court at his next hearing
12 that he is seeking new counsel and to ask the court to relieve Mr. Carson as counsel. The next
13 hearing is scheduled to take place on October 26, 2015. I anticipate that, after that date, Mr.
14 Carson will be relieved as Mr. Warda's counsel.

15 4. **Sterling Carson**, Case No. 1471427. I have been permitted to appear as Frank
16 Carson's co-counsel in this action, as reflected in the most recent minute order in Sterling
17 Carson's case, a true and correct copy of which is attached hereto as **Exhibit 1**. As that minute
18 order indicates, Sterling Carson was in a diversion and deferred judgment program.
19 Unfortunately, Sterling Carson cannot be located and he missed his most recent hearing. As a
20 result, the court terminated Sterling Carson's diversion and deferred judgment, and issued a bench
21 warrant for his arrest. My office has written to him, informing him of his need to appear in court.
22 A true and correct copy of that letter is attached hereto as **Exhibit 2**. He is currently a "failure to
23 appear" with a misdemeanor bench warrant. Once he is located or arrested, a hearing will be
24 scheduled. We will then ask the court to allow Frank Carson to withdraw as Sterling Carson's
25 counsel.

26 5. **Habib Mohammed Shahid**, Case Nos. 1406180, 1409770, 1414286, 1431870,
27 1447110. Mr. Shahid cannot be located. My office has written him a registered letter, informing
28 him of his need to appear in court. A true and correct copy of that letter is attached hereto as

1 **Exhibit 3.** I intend to ask the court to allow Mr. Carson to withdraw from representing Mr.
2 Shahid at the next hearing, set for November 2, 2015. Based on my experience with the judge in
3 the case, this is a preferable procedure to filing a written motion in advance of the hearing.
4 Whether or not Mr. Shahid does not show up for his next hearing (set for November 2, 2015), we
5 will ask the court to allow Mr. Carson to withdraw as Mr. Shahid's counsel.
6
7

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct and that this Declaration was executed on Oct. 7,
10 2015 at Modesto, California.
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14 PRECILIANO MARTINEZ
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EXHIBIT 1

WARRANT STANISLAUS COUNTY SUPERIOR COURT MINUTE ORDER [2 | K | 0]

CITING OFF / AGENCY (UPD)

Nature of Hearing DIVC

CASE NO. 1471127

DATE 09/28/2015 STATUS 0

People vs CARSON, STERLING BRIAN

Defendant JUDGE ASHLEY, TANCY

Dapt. 6

Charged HS 12.950(A)

D.A. LEW

Clerk DUCHIE, NELL

Reporter GUMM

Bail

Prob. Off.

PD / CF / CF II / Def. Atty. Carson, Brian Def. pres. NOT pres. IC other case ankle mon. parole hold by video SP. APP. Rat. Apptd INTERP. Camp. Cert. / Non-Cert. Sworn/Oath on file Cert. of Unavail filed Qualified/Good cause appt. beyond time allowed Waiver of cert. Interp/Obl. to Non-cert. Slip to Comm/Pro Tern EDR/Taped TIME WAIVED 10/60 TIME NOT WAIVED 10 DAYS TOLLED Good Cause to Cont. Arb. Waiver PC 977 Waiver filed

NEXT APPEARANCE DATE: TIME: AM / PM DEPT: Def. ordered to appear / excused
OTHER APPEARANCE DATE: TIME: AM / PM DEPT: Def. ordered to appear / excused
OTHER APPEARANCE DATE: TIME: AM / PM DEPT: Def. ordered to appear / excused

for POC Case # Adm / Dany Viol. of Prob. / Mand. Sup. / PRCS
 JT OR / Bail Rev. Contested viol. of WI 3051 Dr's Report CONREP Report
 Fur Ar. Bel JT CT Sent/Credits Surr DV Cal. PC 1368 / 1370 WI 3051 Dr's Report CONREP Report
 Appt / Otd Co. FPT PX MH Cr. Prop 36 Drug Cr. Def. Jdmt 1 2 3 Rev VACATE
 EOP PT RJT TRC Prob. Modif Trial # LAM
 LNO NO COMPLAINT FILED DA TO FILE BY NEXT DATE REFER TO DA FOR AFF. / ARREST WARRANT
Assigned to Judge _____ Ref. for all purposes CCP 170.8 / 170.3 filed by Judge _____ / Pcc/Def. assigned

TRIAL STATUS / ACTIONS / COUNSEL / ARRIGN / PLEA / PROBATION VIOLATION

No dispo. matter confirmed/set for JT / PX / PT / LAM / Contested VOP Time Estimate _____ Min/Hrs/Days/Weeks, Mot(s). In Umine est. _____ Hrs/Days
 Motion of Court D.A. Prob. Defense Cont'd. see below Rth. inv. add'l disc. to rel. co.
 People Defense Object No oppos. Motion is Granted Denied Continued Dropped
COUNSEL: Court apptd PD CF I CF II Disc. Stip Lodged Filed Formal Arr. Waived Def. Arrign'd True name es changed
 Def. Co. declares conflict is discharged / relieved Disc. Tendered Def. waives Co. Adv'd purs Faretta subs. In as Def. Co.

ARR / PLEA Amended Complaint Infor. Disc. Stip Lodged Filed Formal Arr. Waived Def. Arrign'd True name es changed
 Complaint / Information amended on face to reflect:
 Def. moves to change plea Defendant advised of Innig. Rts given and could result in deportation, exclusion or denial of naturalization
 waives his Constitutional rights per Watson 23593 VC re VOP Adv. Priorable Def. enters a plea of GUILTY
 NOLO CONTENDERE NOT GUILTY NOT GUILTY / NGI to Ct(s): _____

Pco. v. West as a lesser included / related offense to Ct(s) Harvey Waiver entered re Case / Ct(s)
 Based upon plea of NOLO CONTENDERE, Court finds Defendant GUILTY of Ct(s) Viol. of Prob. / Mand. Sup. / PRCS DROPPED
 Court finds Def. has made an intelligent waiver of his rights; plea was freely and voluntarily made; and there is a factual basis for the plea.
Def. admits denies Pledge Enh Sp / Refusal Alleg. CASE / CT(S) BAL. DISM. / IOJ / ISF
 Stipoken: Prior Enh. Sp / Refusal Alleg. CASE / CT(S) BAL. DISM. / IOJ / ISF
 Refer to Prob. / Prop. 36 / Drug Ct. / MH Ct. to det. CTS for pre-plea / Sent. Rpt. Ind. Sent.

VOP Def. admits/denies VOP Court finds Prob Cause Def. is / is NOT in VOP as alleged No VOP for plea in #
 For FTA at: Court / Jail on Prob / Prop 36 / Counseling / Comm. Service / Lev I / II Use / poss. conl. sub.
 Failure to: Pay Restitution Obey all laws Provide curr./change of address Re-appear / Re-enroll In Compliance

DEFERRED JUDGMENT / DRUG COURT / PROP. 36 / DOMESTIC VIOLENCE REVIEW
 Judgment Deferred pur. PC1090 Pend. Drug Court Completion Enroll in PC 1000.00 \$
 Div. Admn. Fee \$ _____ Show PROOF OF ENROLLMENT shown Cont'd to Show Proof of Completion Contact treatment provider
 WI _____ days/hrs. Ref. to Drug Ct. / M.H. Ct. Granted as to Ct(s) _____ / Denied / Rejected Released purs. to Drug Ct. contact
 Def. Jdmt relin/ext. _____ mo. Re-ref. for Def. Jdmt Def. Jdmt / Prop 36 / Drug Ct / MH Cr. success. completed. / Inelig. / selected/terminated
 Def. Jdmt / Prop 36 / Drug Ct / MH Cr continued to pay fees for trial review No new law viol. plea of GUILTY/NOLO set aside
 Jail release to Prob / BHRS / MH for entry into Jail please dress out Defendant for next appearance.

SENTENCING / PRISON / PROBATION / POST RELEASE SUPERVISION
Report From: Prob. Waived re Sentencing CRC / Doctor(s) / VMRC / CONREP / Other Rec'd & Concl'd Subm't'd
 IT IS ORDERED: PROB. / PRCS / MAND. SUPV. IS / REMAINS GRANTED DENIED REV. REIN. MOD. TERM.
 EXTENDED TO _____ Prob. to prepare 12030 report. Def. is sentenced to State Prison:

Pursuant to 1170(h)(6)(A)(B) to a total term of _____ mths/yrs. _____ mths/yrs. county jail; _____ mths/yrs. susp'd; mandatory supervision
 Execution Imposition of sentence is susp. Def. admitted to FORMAL INFORMAL probation for a period of _____ years months
 Add'l. conditions of prob/posl. rel. superv. imposed as set forth and filed this date. As a condition precedent to being released to probation:
 Def. shall serve a term of _____ hrs/days ca oo to: _____ Total Days: _____ days suspended Pend. Drug Ct. / Prob.
 Def. awarded credits of _____ days, plus _____ days good/work time credits, total of _____ days.
 Stay of execution granted ext'd until _____ at / by _____ AM / PM Surrender to Jail PSC Dept. #
FEES/TILES: PC 1202.4(b)/PC 1202.44/45 payable through Prob. DOC Revenue Recovery Prob. Mgt Fee up to \$50
 Booking Fee \$68.26 Cite Fee \$10.00 Atty Fees \$ _____ payable through Revenue Recovery Fine \$ _____ with
\$ _____ CT8. Emergency Med. fee \$4.00 C.A.F. \$ _____ GC 70379 Court Oper. Assess. \$ _____ PC 1203.007 fee \$ _____
 \$25 Admn. Screen Fee PC 1463.07, payable through Prob. Rev. Rec.
 Submit to DNA/Teasing pursuant to: PC 1202.6 / PC 1202.1 / PC 288. Def. given copy of PC 1202.6 test Retest at Pub. Health by
 HS 11372.5 Lab Fee, when assess. \$185.00 HS 11372.7 Drug Ed. Fee \$150.00 \$70 AIDS Ed. Fee PC 1202.6 fine \$ _____
 Pay victim restitution [PC 1202.4(E)] of \$ _____ to _____ Appeal Rts given / waived

1368 PC / 3051 WI PROCEEDINGS
 CRIM. PROC.: Remain SUBP. REIN. RE PC 1368 / PC 1399(a) / WI 3051 Ref. to BHRS / Dr(s)
 Ref. to CONREP for exam & rpt. VMRC DBHC for in-patient Comp. Restor. Prog. including meda. SO trans. To DBHC / back to Court
 Ref. for med. eval. Court finds Def. Incompet. / Deval. Disabled / compel. Def. waives ref. to doctor and any / rsg., all parties stip. to prov. of
WI 3051 & Court finds Def. falls under prov. of WI 3051 Def. comm. to CRC / Napa / Alcatraz / Pelton for a max term of _____

RAIL / OR / BENCH WARRANT / ARREST WARRANT
 Def. FTA Bail for. In open court. OR rev'kd Good cause not to for. bail / not to rev'k OR / prob.
 BENCH WARRANT ISSUED, day/night service Bail set at \$ 2,500 Exonerated / Reduced / Increased to \$ _____
 For. set aside/bail rein. Pay \$50 admn. fee B/W stayed B/W RECALLED OR reinst. OSO issued Surr letter to issue
 Do Not O.R./Cite Dropped from cal. B/W remains out Do not recalendar. \$75 fee for FTA ARREST WARR.

SPECIAL TERMS REGARDING OR / RAIL RELEASE / SENTENCING
 Register pursuant to H&S 11500 / PC 280 / PC 457.1 / PC 186.30 DO NOT drive unless properly licensed and insured.
 DO NOT: Contact Annoy, harass, molest, strike, harm, phone, stalk, assault, disturb the peace of be within 100 yards of the residence / employment of alleged victim except for peaceful / lawful child visitation.
 DO NOT USE / POSSESS: alcohol drugs/drug paraph. Do not be in / about place where alcoh. is sold Shall not assoc. w/ known users Submit your person, home, & vehicle to search for alcohol drugs/drug paraph. firearms deadly weapons stolen property _____
 Attend _____ AA / NA meetings _____ times per week. Show proof to attend. at each court hearing.
CUSTODY: Defendant released on Bail OR PC 1320 ADVISED Probation Mand. Supv. Parole PRCS Discharged this case
 Bail currently set at \$ _____ Def. remanded to the custody of the Sheriff to serve original sent. / VOP
 for delivery to NKSP COWF CRC Alcatraz Napa Pelton _____ BUT NOT BEFORE _____
 DEF. REPORT NOW Window "A" WITHIN / BY _____ days of Release to Prob. Rev. Reov. Pub. Del. CF I / CF II Lev I / Lev II

Hearing still pending. DO NOT TRANSPORT TO CDCR Surrender date of _____ is VACATED.
DA PD JAIL CF I CF II D.CO. DEF PROB BHRS REVREC L1 L2 MH INT MCA CA DOC CRC CONREP BOND REPTR

EXHIBIT 2

LAW OFFICE OF
PRECILIANO MARTINEZ

1120 14th Street, Suite 5, Modesto, Ca. 95354
(209) 579-2206 / (209) 579-2211 FAX
attymartinezp@yahoo.com

September 22, 2015

Sterling Brian Carson
114 Virginia Ave.
Modesto, CA 95354

*Re: People vs. Sterling Brain Carson
Case no. 1471427*

Mr. Carson,

Our office has made several unsuccessful attempts to contact you. We need you to contact our office immediately in regards to your criminal matter. Your next court date is September 28, 2015, 8:30 a.m., department 6. Again, please contact our office at your earliest convenience.

Respectfully,

Mayra Mendoza, Secretary to
PRECILIANO MARTINEZ, ESQ.

EXHIBIT 3

LAW OFFICE OF
PRECILIANO MARTINEZ

1120 14th Street, Suite 5, Modesto, Ca. 95354
(209) 579-2206 / (209) 579-2211 FAX
attymartinezp@yahoo.com

September 21, 2015

Habib Shahid
616 Park Hurst Way
Modesto, CA 95358

Re: People vs. Habib Shahid

Mr. Shahid,

Our office has made several unsuccessful attempts to contact you. We need you to contact our office immediately in regards to your criminal matter. Your next court date is November 2, 2015, 8:30 a.m., department 8. Again, please contact our office at your earliest convenience.

Respectfully,

Mayra Mendoza, Secretary to
PRECILIANO MARTINEZ, ESQ.