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SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

<u>THE PEOPLE OF THE STATE OF CALIFORNIA</u> Plaintiff	VS.	<u>FRANK CLIFFORD CARSON</u> <u>BALJIT ATWAL</u> <u>DALJIT ATWAL</u> <u>WALTER WESTLEY WELLS</u> <u>GEORGIA DEFILIPPO</u> <u>CHRISTINA DEFILIPPO</u> <u>EDUARDO QUINTANAR</u> <u>SCOTT MCFARLANE</u> Defendants
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NATURE OF HEARING ARRAIGNMENT Case No. 1490969

JUDGE: SOCRATES PETER MANOUKIAN Bailiff: R. Moore Date: August 18, 2015  
Clerk: Cindy Luna Reporter: H. Scott Modesto, California

APPEARANCES:

Marlissa Ferreira, Deputy District Attorney and John Goold, Deputy District Attorney appearing on behalf of the People  
Defendant, Frank Carson, present with counsel, Percy Martinez, Esq.  
Defendant, Baljit Atwal, present with counsel, Martha Carlton-Magana, Esq.  
Defendant, Daljit Atwal, present with counsel, Hans Hjertonsson, Esq.  
Defendant, Walter Wells, present with counsel, Timothy Rien, Esq.  
Defendant Georgia DeFilippo, present with counsel, Tim A. Pori, Esq.

Case is called regularly for hearing.

Attorney, Mary Lynn Belsher, Esq., is present on behalf of Defendant Christina DeFilippo.

Attorney, Larry Niermeyer, Esq., is present on behalf of Defendant, Scott McFarlane.

Attorney, Alonzo Gradford, Esq., is present on behalf of Defendant, Eduardo Quintanar.

The above three defendants have posted bail and are set to appear for arraignment on September 14, 2015 at 1:30 pm.

At the request of the People, the name "Robert Lee Woody" is stricken from Count II on the Complaint. Mr. Woody's name shall remain on the overt acts as listed on the Complaint. Bruce Perry, Conflict II, is present as counsel for Mr. Woody.

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CASE NO. 1490969 PEOPLE VS. FRANK CARSON, ET AL.

At the request of Ms. Belsher, the Complaint is corrected on its face to reflect the correct name of her client, Christina Ann DeFilippo.

At the request of the People, the name "Christina DeFilippo" is stricken as to Count I only.

Defendant Baljit Atwal's last name is incorrect on the Complaint. The Complaint is corrected on its face to reflect the correct spelling "Baljit Athwal".

Defendant Georgia DeFilippo's true DOB is 11/24/1951.

The motion to exclude cameras in the courtroom during the court proceedings is GRANTED.

The motion of all defense counsel to have the defendants unshackled during the court proceedings is DENIED without prejudice.

Ms. Ferreira informs the court that the People have not determined yet if they will be seeking the death penalty in this matter.

At the request of Mrs. Carlton-Magana and Mr. Hjertonsson, two Punjabi interpreters are required for Defendants Baljit Athwal and Daljit Atwal.

It is the Court's intention to set bail at 10 million as to each defendant in custody. Ms. Ferreira objects to bail being set.

Mr. Pori files in open court his motion for order limiting use of shackles for the court to review.

All defense counsel join in on Mr. Pori's motion.

The Court continues this matter to August 25, 2015 at 9:00 am in a Department to be Assigned for continued arraignment and setting of bail.

All counsel waive time on behalf of their clients with the exception of Baljit Athwal and Walter Wells, who waive time only until August 25, 2015.

Bail remains at no bail as to Defendants in custody only.

Defendants are ordered to return on the above date and are remanded to the custody of the Sheriff.

WARRANT STANISLAUS COUNTY/SUPERIOR COURT MINUTE ORDER

CITING OFF / AGENCY

Nature of Hearing

A SO

DOB: 6/29/54

CASE NO

DATE

14909694  
8/18/15  
STATUS C

People vs. Carson, Frank Clifford Defendant JUDGE Maroukian Dept. B  
Charges FPC 187(a) FPC 182(a)(3) FPC 118(a)

D.A. Good / Ferreira Clerk C. Luna Reporter Scott Bailiff \_\_\_\_\_ Prob. Off. \_\_\_\_\_  
PD / CF I / CF II / Def. Atty: Percy Martinez Def.  pres.  NOT pres.  VC  other case  ankle mon.  parole  hold  by video  
 SP. APP.  Ret.  Apptd INTERP: \_\_\_\_\_ Lang: \_\_\_\_\_  Cert. / Non-Cert.  Sworn/Oath on file  Cert. of Unavail filed  
 Qualified/Good cause appt.  beyond time allowed  Waiver of cert. interp/Obj. to Non-cert.  Stip to Comm./Pro Tem  EDR/Taped

TIME WAIVED  10/60  TIME NOT WAIVED  10 DAYS TOLLED  Good Cause to Con't.  Arb. Waiver  PC 977 Waiver filed  
NEXT APPEARANCE DATE: 8-25-15 TIME: 9:00 AM / PM DEPT: TBA / 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

NEXT APPEARANCE:  for POC  Case # \_\_\_\_\_ To be Set for VOP ARR/HRG  
 JT  OR / Bail Rev.  Contested viol. of \_\_\_\_\_  Adm / Deny  Viol. of Prob. / Mand. Sup. / PRCS  
 Fur Arr.  Set JT  CT  Sent./Credits  Surr  DV Cal.  PC 1368 / 1370  WI 3051  Dr's Report  CONREP Report  
 Appt / Obt Co.  FPT  PX  MH Cr.  Prop 36  Drug Cr.  Def. Jdmt 1 2 3  Rev  VACATE  
 EOP  PT  RJT  TRC  Prob. Modif  Trail # \_\_\_\_\_  L&M Setting of Bail  
 LNC  NO COMPLAINT FILED  DA TO FILE BY NEXT DATE  REFER TO DA FOR AFF. / ARREST WARRANT  
Assigned to Judge \_\_\_\_\_ Dept \_\_\_\_\_ for all purposes. CCP 170.6 / 170.3 filed by Judge \_\_\_\_\_ / Peo/Def. against \_\_\_\_\_

TRIAL STATUS / MOTIONS / COUNSEL / ARRN / PLEA / PROBATION VIOLATION

No dispo. matter confirmed/set for JT / PX / PT / L&M / Contested VOP Time Estimate \_\_\_\_\_ Min/Hrs/Days/Weeks. Mot(s) in Limine est. \_\_\_\_\_ Hrs./Days  
 Motion of  Court  D.A.  Prob.  Defense  Cont'd MH - A's unshackled in  futh. inv.  add'l disc.  to ret. co.  
 People  Defense  Object  No oppos.  4 room - DENIED w/o pres Motion is  Granted  Denied  Continued  Dropped  
COUNSEL: Court appts  PD  CF I  CF II  \_\_\_\_\_  Advised purs PC 987.8  Def. waives Co.  Advised purs Faretta  
 Def. Co. declares conflict  \_\_\_\_\_ is discharged / relieved  Disco. Tendered  \_\_\_\_\_ subs. in as Def. Co.

ARR. / PLEA:  Amended  Complaint  Infor.  Disc. Stip  Lodged  Filed  Formal Arr. Waived  Def. Arrgn'd.  True name as charged  
 Complaint / Information amended on face to reflect: 4 - I - Christina Defilippo - stricken - 4 - I only  
 Def. moves to change plea  Defendant  advised of  Immig. 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): \_\_\_\_\_

Peo. 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  Priors \_\_\_\_\_  Enh \_\_\_\_\_  Sp. / Refusal Alleg. \_\_\_\_\_  
 Stricken:  Priors \_\_\_\_\_  Enh. \_\_\_\_\_  Sp / Refusal Alleg.  CASE / CT(S) BAL. DISM. / IOJ / ISE \_\_\_\_\_  
 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. cont. sub.  \_\_\_\_\_  
 Failure to:  Pay Restitution  Obey all laws  Provide curr./change of address  Re-refer / Re-enroll \_\_\_\_\_  In Compliance  \_\_\_\_\_

DEFERRED JUDGMENT / DRUG COURT / PROP. 36 / DOMESTIC VIOLENCE REVIEW

Judgment Deferred  pur. PC1000  Pend. Drug Court Completion  Enroll in \_\_\_\_\_  PC 1000.90 \$ \_\_\_\_\_  
 Div. Admin. Fee \$ \_\_\_\_\_  Show  PROOF OF ENROLLMENT  shown  Cont'd to Show Proof of Completion  Contact treatment provider  
 W/ \_\_\_\_\_ days/hrs.  Ref. to  Drug Ct. / M.H. Ct.  Granted as to Ct(s) \_\_\_\_\_ / Denied / Rejected  Released purs. to Drug Ct. contract  
 Def. Jdmt rein/ext. \_\_\_\_\_ mos.  Re-ref. for Def. Jdmt.  Def. Jdmt / Prop 36 / Drug Ct./MH Cr. success. completed. / inelig. / deleted terminated  
 Def. Jdmt / Prop 36 / Drug Ct / MH Cr. continued  to pay fees  for final 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 & Consid'd  Submit'd  
 IT IS ORDERED: PROB. / PRCS / MAND. SUPV. IS / REMAINS  GRANTED  DENIED  REV.  REIN.  MOD.  TERM.  
 EXTENDED TO \_\_\_\_\_  
DA - not determined if seeking death penalty yet

Pursuant to 1170(h)(5)(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./post rel. suprvs. 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  cs  cc 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 \_\_\_\_\_

FEES/FINES:  PC 1202.4(b)/PC 1202.44/45 \$ \_\_\_\_\_ payable through  Prob.  DOC  Revenue Recovery  Prob. Mgt Fee up to \$50  
 Booking Fee \$88.26  Cite Fee \$10.00  Atty Fees \$ \_\_\_\_\_ payable through Revenue Recovery  Fine \$ \_\_\_\_\_ with  
\$ \_\_\_\_\_ CTS.  Emergency Med. fee \$4.00  C.A.F. \$ \_\_\_\_\_ GC 70373  Court Oper. Assess. \$ \_\_\_\_\_  PC 1203.097 fee \$ \_\_\_\_\_  
 \$25 Admin. Screen Fee PC 1463.07, payable through  Prob.  Rev. Rec.  
 Submit to DNA/Testing pursuant to: PC 1202.6 / PC 1202.1 / PC 296  Def. given copy of PC 1202.6 test  Retest at Pub. Health by \_\_\_\_\_  
 HS 11372.5 Lab Fee, w/pen. assess. \$135.00  HS 11372.7 Drug Ed. Fee \$150.00  \$70 AIDS Ed. Fee  PC 1202.5 fine \$ \_\_\_\_\_  
 Pay victim restitution [PC 1202.4(E)]  of \$ \_\_\_\_\_ to \_\_\_\_\_  \_\_\_\_\_  Appeal Rts given / waived

1368 PC / 3051 WI PROCEEDINGS

CRIM. PROC.  Remain  SUSP.  REIN. RE  PC 1368 / PC 1369(a) / WI 3051  Ref. to BHRS / Dr.(s) \_\_\_\_\_  
 Ref. to  CONREP for exam & rpt.  VMRC  DBHC for In-patient Comp. Restor. Prog. Including meds.  SO trans. To DBHC / back to Court  
 Ref. for meds. eval.  Court finds Def.  Incompet. / Devel. Disabled / compet.  Def. waives ref. to doctor and any irreg., all parties stip. to prov. of  
WI 3051 & Court finds Def. falls under prov. of WI 3051  Def. comm. to CRC / Napa / Atascadero / Patton for a max term of: \_\_\_\_\_

BAIL / OR / BENCH WARRANT / ARREST WARRANT

Def. FTA  Bail forf. In open court  OR rev'k'd  Good cause not to forf. bail / not to rev'k OR / prob.  
 BENCH WARRANT ISSUED, day/night service  Bail  set at \$ \_\_\_\_\_  Exonerated / Reduced / Increased to \$ \_\_\_\_\_  
 Forf. set aside/bail rein.  Pay \$50 admin. fee  B/W stayed  B/W RECALLED  OR reinst.  OSC 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 / BAIL RELEASE / SENTENCING

Register pursuant to H&S 11590 / PC 290 / 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  \_\_\_\_\_  \_\_\_\_\_ Hrs. community service  
 Attend \_\_\_\_\_  AA / NA meetings \_\_\_\_\_ times per week.  Show proof to attend. at each court hearing.

CUSTODY:  Defendant released on  Bail  OR  PC 1820 ADVISED  Probation  Mand. Supv.  Parole  PRCS  Discharged  this case  
 Bail currently set at \$ No Bail  Def. remanded to the custody of the Sheriff  to serve original sent. / VOP  
 for delivery to  NKSP  CCWF  CRC  Atascadero  Napa  Patton  \_\_\_\_\_  BUT NOT BEFORE \_\_\_\_\_  
 DEF. REPORT NOW  Window "A"  WITHIN / BY \_\_\_\_\_ days  of Release to  Prob.  Rev. Recov.  Pub. Def.  CF I / CF II  Lev I / Lev II

Hearing still pending, DO NOT TRANSPORT TO CDCR  
Surrender date of \_\_\_\_\_ is VACATED.