

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.

AW

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 A 50

DOB: 12/2/81

CASE NO 1490967
DATE 8/18/15 STATUS C

People vs. Wells, Walter, Defendant JUDGE Manoukian Dept. 8

Charges F PC 187(a) F PC 187(a)(5)

D.A. Goold/Ferrera Clerk C. Luna Reporter Scott Bailiff _____ Prob. Off. _____

PD / CF I / CF II / Def. Atty: To Ben Def. pres. NOT pres. IC 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 Cont. 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

Fur Arr. Set JT CT OR / Bail Rev. Contested viol. of _____ Adm / Deny Viol. of Prob. / Mand. Sup. / PRCS

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 min - A to be unshackled futh. inv. add'l disc. to ret. co.

People Defense Object No oppos. In court - DENIED w/o prej 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: ct I - Christina Defilippo - Shakin - ct 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 _____ Prob. to prepare 1203c report. Def. is sentenced to State Prison: _____

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 1320 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

DA PD JAIL CF I CF II D.CO. DEF PROB BHRS REVREC L-1 L-2 MH INT M.CA CA DOC CRC CONREP BOND REPTR