

CRIMINAL COURTS BAR ASSOCIATION NEWSLETTER

PUBLISHED BY THE CRIMINAL COURTS BAR ASSOCIATION

March 2015

MARCH MEETING

*The Criminal Courts Bar Association
cordially invites you to the March Dinner Meeting*

with Guest Speaker

The Honorable

WILLIAM C. RYAN

Judge of the Superior Court of California
Director of the Criminal Division's Writs Center



Writs Center

*Proposition 36 (Three Strikes Reform Act)
Proposition 47 (Safe Neighborhoods and Schools Act)*

TUESDAY, MARCH 10, 2015

Cocktails / Reception - 6:30 p.m.

Dinner Meeting begins promptly at 7:00 p.m.

\$40.00 per person

TAIX FRENCH RESTAURANT

1911 Sunset Blvd., Los Angeles, CA 90026 (Near Alvarado)

1.0 Hour MCLE Credit

Reservations advised. Call Elizabeth Ferrat at (626) 577-5005
or email at criminalcourtsbarassociation@gmail.com.

PAY BY CREDIT CARD/ONLINE REGISTRATION IS AVAILABLE! GO TO "SEE EVENTS."

<http://www.laccba.org>

JUDGE WILLIAM C. RYAN

Oath Date: January 24, 2000

Current Assignment: Clara Shortridge Foltz CJC

Birth Place: Rochester, New York

Education:

- Southwestern University School of Law, J.D., 1986
- State University of New York, Albany, B.S., 1982

State Bar Admission: December 11, 1986

Career:

- Associate, Sidley Austin Brown & Wood, 1986 - 1994
- Law Clerk, Manatt, Phelps, Rothenberg & Tunney, during law school
- Consultant, Automotive Product Marketing after high school

Prior Judicial Experience:

- Judge, Los Angeles Municipal Court, February 10, 1994 - January 24, 2000, Appointed by Governor Pete Wilson, January 26, 1994, to replace David Milton.

"My current position is Director of the Criminal Writs Center at Foltz, which I have held since November 2012. In that position, I am responsible for adjudicating all centrally adjudicated writs of habeas corpus and mandate. I am assisted by a staff of six full time research attorneys and two full time externs.

Prior to that I had a felony trial court at Foltz from September 2005 to November 2012. Prior to that I was at the Airport Courthouse where I had a mixed Early Disposition and Felony Trial Court from Early 2002 to September 2005. Prior to that I held a variety of misdemeanor trial, preliminary hearing, master calendar and arraignment court assignments at the Metropolitan, Hollywood, CCB and Glendale courthouses from 1994 to 2002."



IN THE TRENCHES

Congratulations to executive board member, Louis Sepe, for his recent successes.

In a case tried before the Honorable Antonio Barreto, Department C at LAX Superior Court, Mr. Sepe's client was found not guilty after deliberations of a day in a half.

Two people, not including Mr. Sepe's defendant, broke into a home and stole numerous items of jewelry at gun point. There were three victims involved. All of the defendants were charged with robbery, kidnapping for robbery and assault.

At a P. C. 995 hearing all kidnapping for robbery charges were dismissed.

Mr. Sepe's trial was separated from the others.

In total proceedings lasting approximately two months, Mr. Sepe's client was found not guilty and the other defendants were found guilty.

In another recent trial Mr. Sepe tried a case with a district attorney from the Hardcore Gang Unit in downtown Los Angeles before the Honorable Henry Hall, in Department 111.

Mr. Sepe's client and the codefendant were driving at 8:30 a.m. in rival gang territory. The codefendant was the passenger. At a stop sign, the codefendant pulled out a gun and shot at two purported rival gang members, hitting one on the leg. Neither of those individuals were gang members.

Both defendants were charged with two counts of attempted murder with gang allegations, personal and principal use of a gun. In an interesting motion and ruling Judge Hall gave the defense accessory after the fact instructions. The trial lasted for three weeks and deliberations took two days. Mr. Sepe's client was found not guilty and the codefendant was convicted.

Congratulations to Simon Aval on his recent success before the Honorable Yvonne Sanchez, Department S in Norwalk.

The complaining witness was robbed at gun point while standing on his front porch at nighttime. The complaining witness told the police that he recognized the suspect as his son's friend. The suspect was wearing a ski mask at the time of the robbery. The complaining witness and another witness testified that they were both 100 percent certain defendant was the suspect since they have known him since childhood. The trial lasted five days and the deliberations lasted one hour. Mr. Aval's client was found not guilty.

The offer before trial was nine years. The defendant turned down the offer and presented an alibi defense. The defendant testified that he was home at the time of the commission of the crime and that testimony was supported by his mother and brother. The District Attorney did not cross examine the defendant. The defendant's testimony was entirely consistent with the statement he gave to police.

CCBA NEWSLETTER CASE DIGEST

By Gary Mandinach

People v. Armogeda (2015) __ Cal.App.4th __, reported on January 22, 2015, in 2015 Los Angeles Daily Journal 837, the Fourth Appellate District, Division 3 held that Postrelease Community Supervision Act of 2011, section 3450 et. sec., which was passed by the legislature, to the extent it permits revocation of postrelease community supervision for a person who commits a non-violent drug possession (NVDP) offense, (see § 3455) and permits confinement time, conflicts with voter-approved Proposition 36, which was passed in 2000, and thus violates the state Constitution. Appellant contended, and the Court of Appeal agreed that he should have been classified as a parolee under section 3063.1 and given drug treatment instead of jail.

People v. Camp (2015) __ Cal.App.4th __, reported on January 22, 2015, in 2015 Los Angeles Daily Journal 855, the Fourth Appellate District, Division 1, held that the trial court did not err when it permitted appellant to be released to an immigration enforcement agent after he had served 14 months of a 28 month "split sentence" (see § 1170, subd. (h)(5)(B)(i)), based on a negotiated plea. Pursuant to the deal, appellant was to served another 14 months on mandatory supervision. The Court of Appeal upheld the trial court's ruling that he be released to the immigration officer, rather than serving the 14 months on mandatory supervision. Section 1170, subdivision (h) (5)(B)(i) indicates that a period of mandatory supervision may be terminated by court order; and there is no limitation on the court's order. Additionally, nothing in section 1203.2, subdivisions (a) and (b), nor section 1202.3, which governs proceedings to revoke or modify mandatory supervision, contains any language that would require a court to impose the suspended portion of the sentence upon early termination of mandatory supervision.

DINNER MENU

Appetizer:

- Imported Cheese Platter**
- Homemade Potato Chips**
- Country Platter**



The main entrees will be:

- Roast Top Sirloin**
- Sliced medium rare with mirepoix and roasted scallions.*

Fresh Boneless Trout Almandine

Entrees include relish trays, soup du jour, fresh sourdough bread, garden salad with house vinaigrette dressing, fresh vegetable, rice or potato, sherbet and coffee or tea.



CRIMINAL COURTS BAR ASSOCIATION

**Attn: Christopher C. Chaney
1055 E. Colorado Blvd., Suite 310
Pasadena, CA 91106
Telephone: (626) 577-5005**

New Member 2015 Renewal

()	Sustaining Member.....	\$ 250.00
()	Attorneys admitted to practice over 5 years.....	\$ 100.00
()	Attorneys admitted to practice 5 years or less.....	\$ 50.00
()	Investigators.....	\$ 50.00
()	Affiliated Members.....	\$ 50.00
()	Judges.....	\$ 35.00
()	Law Student or not yet admitted.....	\$ 25.00
()	First year member, discounted dues.....	\$ 35.00

NAME: _____

STATE BAR NO.: _____

ADDRESS: _____

PHONE NUMBER: _____

FAX NUMBER: _____

*E-MAIL: _____

**Make your check payable to “CCBA” and mail to:
Criminal Courts Bar Association
Attn: Christopher C. Chaney
1055 E. Colorado Blvd., Suite 310
Pasadena, CA 91106**

CUT





CRIMINAL COURTS BAR ASSOCIATION

c/o Law Offices of Hutton & Wilson
1055 E. Colorado Blvd.
Suite 310
Pasadena, CA 91106

YOUR LAST MINUTE NOTARY
POWER OF ATTORNEY
BANKS & REAL ESTATE DOCUMENTS



Rob Rutt
NOTARY PUBLIC
FEDERAL CLEARANCE
CERTIFIED SIGNING AGENT

☎ 310.907.3515
☎ 877.574.6668

✉ ROBONTHEJOB247@YAHOO.COM
Nation Wide Service
Serving all Jails & Attorneys

Call for Appointment Weekends & Holidays • Open 24 Hours a Day



SENTINEL

205 S. Broadway
Suite 720
Los Angeles, CA 90012

Mohamad Khatibloo
Los Angeles Project Director

714.865.1769 mobile
213.613.1740 fax
mohamad.khatibloo@sentrak.com
www.sentineloffenderservices.com

310.208.2245



JOSH HERMAN

A BAIL BOND AGENCY
415 N. GARDEN DR.
BEVERLY HILLS, CA. 90210
www.joshhermanbailbonds.com

JACK TRIMARCO POLYGRAPH, INC.

When you need to impress someone with the truth...

JACK TRIMARCO
CA P.I. # 20970
Former Polygraph Unit Chief, F.B.I.- Los Angeles (1990-1998)
Former Dept. of Energy Inspector General - Polygraph Program (1999-2001)

9454 Wilshire Blvd., 6th Floor
Beverly Hills, CA 90212

(310) 247-2637
jack@jacktrimarco.com