

THE PEOPLE OF THE STATE OF CALIFORNIA: PLAINTIFF -vs. [REDACTED]

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

CASE SUMMARY

<b>NAME (Last)</b> [REDACTED]	<b>(First)</b> [REDACTED]	<b>(Middle)</b> [REDACTED]	<b>(Maiden)</b> N/A	<b>COURT DATE</b> 08/07/2012
<b>SUPERIOR COURT #</b> [REDACTED]		<b>MUNICIPAL COURT #</b> [REDACTED]		
<b>SENTENCING JUDGE</b> [REDACTED]		<b>COURT DEPARTMENT</b> 12		
<b>CONVICTION</b> 11350(a) H&S/F (Possession Controlled Substance) Offense is eligible for 1170(h) PC		<b>CONVICTION TYPE</b> Felony Defendant is eligible for 1170(h) PC		
<b>PROPOSED DISPOSITION</b> 1170(h) PC, 16 mos. low term, PJ 8 mos., 8 mos. mandatory supervision, 4019 PC, WS, \$240 RF, DNA, PSR, COA \$40, ICNA, BF		<b>CHARGES</b> 11352(a) H&S/F (Sale Controlled Substance), 166(a)(4) PC/M (2 cts.) (Contempt Court/Disobey Court Order), 11364 H&S/M (Possession Drug Paraphernalia), 11350(a) H&S/F (Possession Controlled Substance)		
<b>OFFENSE DATE</b> 06/06/2012		<b>ARREST DATE</b> 06/06/2012		
<b>PLEA</b> Guilty Plea		<b>DATE OF PLEA</b> 07/10/2012		
<b>DISTRICT ATTORNEY</b> [REDACTED]		<b>ATTORNEY OF DEFENSE</b> [REDACTED]		

RECOMMENDATION

PROBATION BE Denied

COMPAS Supervision Level: High

CASE AND DEFENDANT INFORMATION

<b>AKA/Alias</b> [REDACTED]			
<b>APD/SFPD</b> [REDACTED]	<b>FBI #</b> [REDACTED]	<b>CII #</b> [REDACTED]	<b>DL #</b> [REDACTED]
<b>NATIVE LANGUAGE</b> English	<b>INTERPRETER NEEDED</b> No	<b>INTERVIEW CONDUCTED</b> 07/18/2012	
<b>CUSTODY STATUS</b> In Custody		<b>DAYS IN CUSTODY</b> 63	
<b>CURRENTLY ON PROBATION</b> Yes	<b>PROBATION JURISDICTION</b> San Francisco	<b>TYPE OF PROBATION</b> Court Probation	
<b>CURRENTLY ON PAROLE</b> Yes			<b>CDC #</b> [REDACTED]
<b>VICTIM CONTACT INITIATED</b> No Victim		<b>INJURED</b> No	
<b>DETAINERS/CHARGES</b> PENDING N/A	<b>DNA COMPLIANCE PURSUANT TO 296 PC</b> Yes	<b>VERIFIED</b> CII	
<b>CURRENT ADDRESS/HOMELESS</b> Upon release, [REDACTED] California		<b>PC 290 REGISTRANT</b> No	
<b>PHONE NUMBER</b> [REDACTED]	<b>OTHER CONTACT NUMBER</b> N/A	<b>ICE #</b> N/A	

<b>PLACE OF BIRTH</b> [REDACTED] California, United States of America	<b>DOB</b> [REDACTED]	<b>AGE</b> 36	<b>SEX</b> Male	<b>RACE</b> African-American
<b>EMPLOYED</b> Unemployed			<b>CITIZENSHIP</b> United States of America	

**RISK AND SUPERVISION LEVEL High**

Risk Summary	Score	Narrative
Violent Recidivism Risk	High	There is a risk of being arrested for a new misdemeanor or felony person offense within two years in the community is high, based on recidivism rates among groups of persons with similar risk scores in outcomes studies.
General Recidivism Risk	High	It indicates that his risk of being arrested for a new misdemeanor or felony offense within two years in the community is high, based on recidivism rates among groups of persons with similar risk scores in outcomes studies.

Needs Assessment Summary	Score	Narrative
Criminal Associates/Peers	Unlikely	The Criminal Associates and Peers Scale score indicates the unlikely involvement with antisocial friends.
Substance Abuse	Probable	It suggests that he may have substance abuse problems and may benefit from substance abuse treatment intervention of some kind.
Vocational/Education	Highly Probable	It suggests a lack of educational and vocational resources and that vocational, employability skills training and/or educational services are likely needed.
Residential Instability	Probable	It indicates probable weak social ties and stress due to a relatively unstable lifestyle. Obtaining more stable living arrangements and building more conventional social and/or family ties may be needed.
Family Criminality	Unlikely	Family members were reported not having involvement in criminal activity, drugs, and/or alcohol abuse to any significant extent.
Cognitive Behavioral/Psychological	Unlikely	Low Cognitive Behavioral/Psychological score suggests a relatively low level of anti-social attitudes or cognitions.
Criminal Opportunity	Highly Probable	Person is likely living a high risk lifestyle including associating with high risk friends and substance use. He/she is likely involved in few pro-social activities and likely has a lot of unconstructive idle time.
Criminal Personality	Probable	Person may be exhibiting some criminal personality traits including impulsivity, no guilt, selfishness/narcissism, a tendency to

		dominate others, risk-taking, and a violent temper or aggression.
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Secondary Screening Item	Result
TCU Drug Screening	
Static-99R	-

SUMMARY OF CRIMINAL HISTORY

ARREST DATE/AGENCY	OFFENSE	DISPOSITION DATE/DISPOSITION
2/3/95 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)	4/28/95: ISS, 3 yrs. prob., 6 mos. CJ, fine 1/12/96: Stipulate viol. prob., 1 yr. CJ 9/3/96: Stipulate viol. prob., 9 mos. CJ 3/14/97: Prob. terminated as unsuccessful
8/1/96 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)	11/6/96: ISS, 3 yrs. prob., 98 dys. CJ 3/14/97: Modified, 5 yrs. SP, ESS, 1 yr. CJ, fine
5/15/00 San Francisco, CA	11357(a) H&S/M (Possession Marijuana)	6/14/00: ISS, 3 yrs. prob., 12 mos. CJ
3/9/01 San Francisco, CA	11350(a) H&S/F (Possession Controlled Substance)	5/2/01: ISS, 3 yrs. prob., 9 mos. CJ 9/28/01: Prob. revoked, 16 mos. SP Between 2/27/02 and 3/5/04, defendant returned to custody as parole violator at least 6 times.
3/4/05 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)  148(a)(1) PC/M (Resist/Obstruct Arrest) 11364 H&S/M (Possession Drug Paraphernalia)	5/10/06: ISS, 3 yrs. prob., 1 yr. CJ 6/7/06: Prob. viol., 1yr. CJ, prob. extended 5/22/09 8/2/07: Prob. terminated as unsuccessful  5/10/06: 69 dys. CJ
2/23/07 San Francisco, CA	11350(a) H&S/F (Possession Controlled Substance)	8/2/07: 16 mos. SP 12/6/07: Paroled Between 2/13/08 and 2/25/11, defendant returned to custody as parole violator at least 11 times. 5/8/11: Restored to parole
5/21/11 San Francisco, CA	11355 H&S/M (Sell in Lieu Controlled Substance)  148(a)(1) PC/M (Resist/Obstruct Arrest)	7/1/11: ISS, 3 yrs. court prob., 134 dys. CJ 8/7/12: Continued to terminate prob.  7/1/11: 42 dys. CJ

PRESENT OFFENSE

STATEMENT OF OFFENSE

**Narrative**

According to SFPD Incident Report [REDACTED] on 6/6/12 at 1210 hours, plainclothes police were conducting a narcotics operation in the area of the 2000 block of Mission Street. The officer approached the defendant who was pacing back and forth. The officer asked for \$20 worth of crack cocaine.

The defendant wanted to know if the officer was the police and then asked for money. The defendant wanted the money first. The officer handed him \$20 in marked city funds. After a lengthy conversation, the defendant handed the officer a rock of suspected cocaine.

The arrest team moved in and arrested the defendant. He possessed the marked city funds and a crack pipe.

A record check showed the defendant on parole. He had two current stay away orders prohibiting him from being 150 yards from 2000 Mission Street, and 16th and Mission Streets.

Laboratory analysis of the contraband resulted positive for 0.11 gram of cocaine base.

DEFENDANT'S STATEMENT

**Narrative**

The defendant made the following verbal statement:  
"Drug sales. Tired of it."

He was notified of the duty and manner by which to register pursuant to Section 11590 H&S should he be convicted of a registrable offense.

VICTIM'S STATEMENT

**Narrative**

There is no victim in this case.

DISTRICT ATTORNEY'S STATEMENT

**Narrative**

No statement in regard to circumstances in aggravation has been received from the District Attorney.

DEFENSE ATTORNEY'S STATEMENT

**Narrative**

No statement in regard to circumstances in mitigation has been received from the defense attorney.

URINE SPECIMEN RESULTS

Date & Time	Type	Results

SUBSTANCE ABUSE EVALUATION RESULTS

TCU Drug Screening Score
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SOCIAL HISTORY

BACKGROUND

<b>Date of Birth</b> [REDACTED]	<b>Place of Birth</b> [REDACTED], United States of America
<b>Language</b> English	<b>Interpreter Needed</b> No
<b>Immigration Status</b> US Citizen	<b>Emergency Contact</b> [REDACTED]

EDUCATION

<b>Highest Level Completed</b> 11	<b>Name and Location of School</b> [REDACTED], San Francisco, CA
<b>Narrative</b> The defendant reports no further schooling after dropping out of high school. He has no vocational training, although he is interested in business management.	

EMPLOYMENT

<b>Occupation</b> Janitor	<b>Employment History %</b> UNEMPLOYED
<b>Monthly Income</b> \$ 0	<b>Monthly Expenses</b> \$ 0
<b>Employment History</b> Unemployed Janitor The defendant states he likes janitorial work, but reports no employment in this field.	
<b>Narrative</b> The defendant reports the following employment history: Garden Project, gardener, 1999 for 2 weeks San Francisco Conservation Corp., summer jobs as an adolescent	

DEFENDANT'S FINANCIAL SITUATION

<b>Current Monthly Income</b> \$ 0	<b>Source</b> Family
<b>Total Assets</b> \$ 0	<b>Total Liabilities</b> \$ 0

**MARITAL STATUS**

Marital Status Single	Name and Address of Current Partner none
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**FAMILY IMPACT**

Children

Name	DOB (MM/DD/YY)	Age	Gender	Other Parent Name	Living Situation
1 adult child					
Relationship of caretaker to children and city/county of residence where child lives?					
Is the defendant a primary caretaker?					
Does the defendant financially support the child?					
Is there an active child support case?					
If yes, what county?					

Did the incident involve family violence? No
Were any children placed at risk based on the circumstances of the current offense? No
<b>Family Impact Statement</b> The defendant has one child, an eighteen year old daughter. He believes his daughter resides in ██████████ California with her mother or grandmother. He does not provide his daughter with financial support.

**MILITARY HISTORY**

Verified by Department of Defense? Not Verified		
Military Service No	Service Branch	Dates of Service
Character of Service	Rank/Grade of Separation	Conflict Era

**HEALTH**

<b>Narrative</b> The defendant has suffered from epileptic seizures since 2007. He was hospitalized following his most recent seizure in May 2012.  He reports no mental health disorder.
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**SUBSTANCE ABUSE**

Substance	Frequency	Age of First Use	Last Used
Marijuana	daily	14	06/2012

**Narrative**

The defendant's drug treatment experience consists of 4 months at Walden House in 2008 and 60 days at Life Choices through the Parole Department in 2010. He does not believe he is in need of further drug treatment.

**CALIFORNIA REHABILITATION CENTER**

Eligible?	Suitable?
No	No

**INTERESTED PARTIES**

**District Attorney's Recommendation**

Other than the proposed/negotiated disposition, the District Attorney's recommendation is unknown to the undersigned probation officer.

**CIRCUMSTANCES OF AGGRAVATION**

1. The manner in which the crime was carried out indicates planning, sophistication, or professionalism. Rule 4.421(a)(8)
2. The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness. Rule 4.421(b)(2)
3. The defendant has served a prior prison term. Rule 4.421(b)(3)
4. The defendant was on parole and/or probation when the crime was committed. Rule 4.421(b)(4).
5. The defendant's prior performance on probation and/or parole was unsatisfactory. Rule 4.421(b)(5).

**CIRCUMSTANCES OF MITIGATION**

1. The defendant voluntarily acknowledged wrongdoing at an early stage of the criminal process. Rule 4.423(b) (3).

**VICTIM RESTITUTION**

1. There is no victim in this case.

**CREDIT FOR TIME SERVED**

Reason	Dates	CJ	Custody Credits	Other
ARR/SENT	6/6/12 – 8/7/12	63		
<b>Subtotal:</b>		<b>63</b>	<b>63</b>	
<b>Total: 126</b>				

SEX OFFENSE

## Static-99 Score/Results

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ANALYSIS AND PLAN**Narrative**

Appearing before the Court for sentencing is 36-year-old [REDACTED]. The defendant is a high school dropout with an 11th grade education. He is single and the father of an 18-year-old daughter who is not in his care. The defendant reports no military service. His employment history is nearly nonexistent. He reportedly is supported by family and friends. Based on the defendant's financial statement, he does not appear to have the present ability to pay the cost of his legal services pursuant to Section 987.8 PC.

In the present case, the defendant pled guilty to violation of Section 11350(a) H&S/F (Possession Controlled Substance). During a narcotics operation, the defendant sold one rock of cocaine for \$20 to a plainclothes police officer.

The defendant's criminal record consists extensively of narcotic offenses related to its sale and possession. He has been on numerous grants of probation in the past, all of which have been adversely impacted by subsequent arrests, violations, and/or revocation. Two grants of probation were terminated as unsuccessful and the revocation of another grant led to a prison commitment. The defendant's adjustment to parole has also been poor. At the time of the instant offense, the defendant was on probation and parole.

The COMPAS Risk Assessment profile suggests the defendant poses a high probability for violence and recidivism. He presents potential criminogenic issues that may have contributed to his high-risk lifestyle.

The defendant's educational and vocational skills are noticeably lacking. Furthering his education is a goal that could benefit from services such as those afforded at the Learning Center at the Adult Probation Department. There may be a need to focus on job-seeking and job-retention skills, as well as the defendant's attitudes about legitimate employment.

The defendant's criminal thinking and anti-social values are evident by the nature and extent of his recidivism. Considering that he denies a substance abuse problem, his criminal record would then be indicative of his narcotics activity for profit. The defendant's personality may be one of impulsivity and risk-taking. In that he was on both probation and parole when he committed the present crime, it appears the defendant has little regard for the consequences of his actions.

While a state prison commitment is warranted, the defendant appears eligible for sentencing pursuant to Section 1170(h)(5)(B) PC. After serving a sentence in the county jail, he can be afforded the opportunity to address his criminogenic issues during a period of mandatory supervision.

Therefore, we concur with the proposed disposition and the following recommendation is respectfully offered.

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED THAT:

1. Probation be denied and the defendant be sentenced to the State Prison, and that the defendant, pursuant to Section 1202.45 of the Penal Code, pay a restitution fine in the amount of \$ 240 to the Restitution Fund, and pay an additional Parole Restitution Fine in the amount \$ 240 stayed pursuant to Section 1202.45 of the Penal Code;
2. It is respectfully recommended the defendant be sentenced to a term of 16 months under provisions of Penal Code Section 1170(h)(5)(B);
3. It is further recommended the defendant serve 8 months of his sentence in the San Francisco County Jail, execution of the remainder of the balance of the term of the sentence be suspended and the defendant be placed on a period of mandatory community supervision to the San Francisco Adult Probation Department;
4. Be granted credit for time served in the amount of 63 days, with custody credits in the amount of 63 days;
5. Enroll, participate and complete the required services and/or treatment/counseling as identified in the probationer's Individualized Treatment and Rehabilitation Plan;
6. Submit to warrantless search;
7. Register pursuant to Section 11590 of the Health and Safety Code;
8. Use no alcohol, illegal substances and/or drugs without legal prescription
9. Submit to drug testing as determined by the Probation Officer;
10. Based solely on the financial information provided by the defendant, and pending final verification from the Comprehensive Collection Unit, of the Superior Court, the defendant does not appear to have the ability to pay the attorney fee recoupment costs pursuant to Section 987.8 of the Penal Code and as determined by the Court;
11. The defendant shall notify the probation officer and receive instructions before leaving the State of California (PC 11177);
12. The defendant must notify the probation officer when leaving San Francisco County to live in another California County (PC 1203.9);
13. Enter and attend the Learning Center located at the Adult Probation Department;

RECOMMENDED FINES AND FEES:

1. Pay up to \$150.00 for the cost of the pre-sentence investigation if PSI is prepared pursuant to Section 1203.1 (b) of the Penal Code;
2. Pay a base fine in the amount of \$ 500 plus penalty and assessments;
3. Pay a \$50.00 criminal laboratory analysis fee pursuant to Section 11372.5 Health & Safety Code on each count;
4. Pay a jail-booking fee of up to \$135.00 pursuant to Section 29550.1 of the Government Code
5. Pay a security surcharge fee of \$40.00 per count pursuant to 69926.5 Government Code and Section 1465.8 of the Penal Code;
6. Pay criminal Conviction Assessment Fee of \$30.00 per count plus \$35 for each infraction, felony, and/or misdemeanor pursuant to Government Code 70373 (a)(1)(INCA);

[REDACTED]

SUPERIOR COURT [REDACTED]

APPROVAL

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BY: \_\_\_\_\_  
[REDACTED]  
DEPUTY PROBATION OFFICER

DATE: 8/1/2012

BY: \_\_\_\_\_  
[REDACTED]  
SUPERVISING PROBATION OFFICER

DATE: 8/1/2012

WENDY S. STILL  
CHIEF ADULT PROBATION OFFICER

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