

1 CASE NUMBER: KA081214
 2 CASE NAME: PEOPLE V. CURTIS BERNARD HARRIS
 3 POMONA, CALIFORNIA JANUARY 4, 2008
 4 DEPARTMENT NO. EAST S HON. ROBERT M. MARTINEZ, JUDGE
 5 REPORTER: GAYE L. LIMON, CSR #7416
 6 TIME: 3:21 P.M.

7 APPEARANCES:
 8 THE DEFENDANT AND HIS COUNSEL NOT PRESENT IN COURT;
 9 JOAN CHROSTEK, DEPUTY DISTRICT ATTORNEY OF LOS
 10 ANGELES COUNTY, REPRESENTING THE PEOPLE OF THE
 11 STATE OF CALIFORNIA.

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 15 THE COURT: THIS IS CASE NUMBER KA081214, PEOPLE V.
 16 CURTIS BERNARD HARRIS. MR. HARRIS IS NOT PRESENT NOR IS HIS
 17 COUNSEL OF RECORD. THE PEOPLE ARE PRESENT.

18 DO YOU WISH TO STATE YOUR NAME FOR THE RECORD?
 19 MS. CHROSTEK: YES, YOUR HONOR. DEPUTY DISTRICT
 20 ATTORNEY JOAN CHROSTEK FOR THE PEOPLE.

21 YOUR HONOR, I DID CONTACT OR ATTEMPT TO CONTACT
 22 MR. LINDARS EARLIER THIS AFTERNOON. I LEFT A MESSAGE FOR HIM
 23 AT HIS VOICE MAIL AND I ALSO PAGED HIM AND HAVE NOT HAD A
 24 RETURN PHONE CALL.

25 THE COURT: YOU WANT TO STATE ON THE RECORD THE
 26 CONCERNS THAT YOU HAVE.

27 MS. CHROSTEK: YOUR HONOR, YES. I HAVE THE DETECTIVES
 28 FROM UPLAND POLICE DEPARTMENT. I'M SORRY, YOUR NAMES FOR

1 RECORD?

2 DETECTIVE WILSON: ANTHONY WILSON.

3 DETECTIVE SCHULZ: LEE SCHULZ.

4 MS. CHROSTEK: I'VE BEEN ADVISED BY THE DETECTIVES THAT
5 THE 15-YEAR-OLD DAUGHTER WAS CONTACTED YESTERDAY BY THE
6 MOTHER ON HER CELL PHONE, THAT SHE HAD STATED THAT SHE WAS
7 FINE, AND THAT THE DAUGHTER COULD HEAR THE DEFENDANT IN THE
8 BACKGROUND SCREAMING; IS THAT CORRECT?

9 DETECTIVE SCHULZ: YES.

10 MS. CHROSTEK: AND SINCE THAT TIME, THE CELL PHONE HAS
11 BEEN TURNED OFF AND THERE'S BEEN NO CONTACT WITH THE VICTIM.
12 SHE HAD NOT COME TO WORK YESTERDAY OR TODAY OR GONE TO WORK
13 YESTERDAY OR TODAY.

14 THE COURT: THE 15-YEAR-OLD IS THE CHILD OF THE
15 DEFENDANT?

16 MS. CHROSTEK: OF THE VICTIM.

17 THE COURT: OF THE VICTIM.

18 MS. CHROSTEK: AND THE VICTIM AND THE DEFENDANT ARE
19 MARRIED, ALTHOUGH SEPARATED, AND HAVE BEEN TOGETHER FOR MANY
20 YEARS. SHE WOULD KNOW HIS VOICE.

21 THE COURT: AND THE 15-YEAR-OLD COMMUNICATED WITH HER
22 MOTHER THE OTHER DAY WHEREIN THE MOTHER INDICATED SHE WAS ALL
23 RIGHT, BUT THE 15-YEAR-OLD REPORTED HEARING THE VOICE OF THE
24 DEFENDANT?

25 MS. CHROSTEK: YELLING, I BELIEVE; IS THAT CORRECT?

26 DETECTIVE SCHULZ: YES.

27 THE COURT: AND THE TIME OF THAT TELEPHONE CALL?

28 DETECTIVE WILSON: I BELIEVE IT WAS 1700 HOURS

1 YESTERDAY.

2 THE COURT: I'M SORRY?

3 DETECTIVE WILSON: 5:00 P.M. YESTERDAY, I BELIEVE.

4 MS. CHROSTEK: AND THE VICTIM HAS NOT RETURNED TO HER
5 RESIDENCE; IS THAT CORRECT?

6 DETECTIVE SCHULZ: NO.

7 DETECTIVE WILSON: NO, YOUR HONOR.

8 THE COURT: AND THE PHONE IS NO LONGER OPERATING?

9 DETECTIVE WILSON: CORRECT.

10 THE COURT: IS THE 15-YEAR-OLD BY HERSELF?

11 DETECTIVE SCHULZ: SHE'S STAYING WITH HER GRANDFATHER
12 NOW.

13 THE COURT: BUT SHE WAS OTHERWISE LIVING WITH HER
14 MOTHER --

15 DETECTIVE SCHULZ: YES.

16 THE COURT: -- BEFORE THAT?

17 DETECTIVE SCHULZ: YES.

18 MS. CHROSTEK: I BELIEVE THE MOTHER AND THE DAUGHTER
19 BOTH LIVE WITH THE MOTHER'S -- THE VICTIM'S FATHER WHICH
20 WOULD BE THE GRANDFATHER. THEY ALL LIVE IN THE SAME HOUSE.

21 THE COURT: THE PEOPLE ARE REQUESTING?

22 MS. CHROSTEK: YOUR HONOR, THE PEOPLE ARE ASKING THAT
23 HIS O.R. RELEASE BE REVOKED AND THAT A WARRANT ISSUE.

24 THE COURT: THE COURT HAS BEEN PROVIDED WITH A COPY OF
25 WHAT APPEARS TO BE A TRANSCRIPT OF THE PROCEEDINGS THAT
26 OCCURRED ON DECEMBER 21, 2007. AT THE TIME, THE DEFENDANT
27 ENTERED THE PLEA OF GUILTY OR NO CONTEST TO A FELONY
28 VIOLATION OF FALSE IMPRISONMENT AND POSSESSION OF A FIREARM

1 BY A FELON. PURSUANT TO A NEGOTIATED SETTLEMENT IN THAT
2 MATTER, THE AGREEMENT WAS THE DEFENDANT WOULD BE RELEASED ON
3 HIS OWN RECOGNIZANCE PENDING PROBATION AND SENTENCING ON
4 JANUARY 24TH OF 2008. THE INDICATION WAS THAT THE DEFENDANT
5 WOULD RECEIVE CONCURRENT LOW TERM SENTENCES OF 16 MONTHS.
6 HOWEVER, IF THE DEFENDANT FAILED TO APPEAR, WAS ARRESTED, OR
7 CONVICTED OF AN OFFENSE DURING THAT PERIOD OF TIME, HE WOULD
8 RECEIVE THE -- HE COULD RECEIVE THE MAXIMUM TERM OF THREE
9 YEARS EIGHT MONTHS. AGREEMENT FURTHER PROVIDED THAT LOW TERM
10 CONCURRENT 16-MONTH TERMS WERE ALSO CONDITIONED UPON THAT HE
11 NOT HAVE CONTACT WITH THE VICTIM IN THIS MATTER.

12 IF I CAN HAVE THE OFFICERS PLEASE STAND AND RAISE
13 THEIR RIGHT HANDS.

14 THE CLERK: DO YOU AND EACH OF YOU SOLEMNLY STATE THAT
15 THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE
16 THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING
17 BUT THE TRUTH, SO HELP YOU GOD?

18 DETECTIVE WILSON: YES.

19 DETECTIVE SCHULZ: YES, WE DO.

20 THE COURT: OFFICER WILSON AND OFFICER SCHULZ, DO YOU
21 STATE UNDER PENALTY OF PERJURY THAT THE INFORMATION YOU
22 PROVIDED THE COURT WITH THIS MORNING RELATIVE TO THE
23 INFORMATION GIVEN TO YOU BY THE DAUGHTER WHOSE NAME IS?
24 WHAT'S THE DAUGHTER'S NAME?

25 DETECTIVE SCHULZ: SHANELLE FLETCHER.

26 THE COURT: SPELL THE FIRST NAME.

27 DETECTIVE SCHULZ: S-H-A-N-E-L-L-E. LAST NAME IS
28 F-L-E-T-C-H-E-R.

1 THE COURT: AND DID YOU SPEAK TO HER TELEPHONICALLY OR
2 IN PERSON?

3 DETECTIVE WILSON: I DIDN'T SPEAK WITH HER AT ALL, YOUR
4 HONOR. THIS WAS REALLY THROUGH THE MISSING PERSON'S REPORT
5 TAKEN BY A PATROL OFFICER THIS MORNING.

6 THE COURT: WHO PERSONALLY MET WITH MS. FLETCHER?

7 DETECTIVE SCHULZ: YES.

8 THE COURT: AND RECEIVED THE INFORMATION?

9 DETECTIVE SCHULZ: YES.

10 THE COURT: FOR THE RECORD, THE IDENTITY OF THOSE TWO
11 INDIVIDUALS?

12 DETECTIVE SCHULZ: THE OFFICER WAS OFFICER BRIAN
13 OLVERA, O-L-V-E-R-A.

14 THE COURT: ALSO WITH THE UPLAND POLICE DEPARTMENT?

15 DETECTIVE SCHULZ: YES.

16 THE COURT: DO YOU HAVE A COPY OF HIS REPORT?

17 DETECTIVE SCHULZ: NOT THE COMPLETE REPORT WITH ME. I
18 HAVE THE FACE PAGE AND THE INITIAL MISSING REPORT. THE
19 NARRATIVE IS ON MY DESK AT THE STATION.

20 THE COURT: ALSO, DO YOU HAVE THE ORIGINAL REPORT ON
21 THE CASE ITSELF, COUNSEL?

22 MS. CHROSTEK: I DO, YOUR HONOR.

23 DETECTIVE SCHULZ: I BELIEVE THERE WAS A COPY OF WEST
24 COVINA'S CASE IN THAT THAT I JUST GAVE YOU.

25
26 (BRIEF PAUSE.)

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28 THE COURT: THE COURT NOTES THAT THE O.R. RELEASE WAS

1 NOT CONTINGENT ITSELF UPON THE DEFENDANT NOT CONTACTING THE
2 VICTIM; HOWEVER, IT IS OBVIOUSLY CLEAR THAT THE COURT TAKING
3 THE PLEA AND THE UNDERSTANDING OF THE PEOPLE WAS THAT THE
4 DEFENDANT WAS NOT TO CONTACT THE VICTIM DURING THE DATE OF
5 PLEA AND THE DATE OF SENTENCING.

6 WHILE THE COURT DOES NOT HAVE THE VIOLATION OF
7 THE O.R. RELEASE AS A BASIS FOR ISSUING A WARRANT, THE COURT
8 IS OF THE VIEW THAT THE CIRCUMSTANCES PRESENTED WARRANT A
9 RECONSIDERATION OF THE DEFENDANT'S CONTINUATION ON THAT O.R.
10 RELEASE. THE O.R. RELEASE IS REVOKED AT THIS TIME AND BAIL
11 IS SET IN THE AMOUNT OF \$200,000. THE AMOUNT OF BAIL IS SET
12 UPON CONSIDERATION THAT THE SENTENCE CONTEMPLATES A STATE
13 PRISON COMMITMENT AND THE CIRCUMSTANCES AND THE NATURE OF THE
14 ORIGINAL CIRCUMSTANCES THAT BROUGHT THIS DEFENDANT TO THE
15 ATTENTION OF THE COURTS, SPECIFICALLY THE EVENTS OCCURRING ON
16 OR ABOUT NOVEMBER 16TH OF 2008 -- 2007.

17 SHOULD THE DEFENDANT BE APPREHENDED, I WILL ASK
18 THE UPLAND AUTHORITIES OR THE ARRESTING AGENCY TO BRING THE
19 DEFENDANT FORTHWITH TO DEPARTMENT P SO THAT COURT CAN ADDRESS
20 THE DEFENDANT'S CONTINUED INCARCERATION.

21 I'M GOING TO ASK THAT COPIES OF THE PAPERWORK
22 THAT HAS BEEN PRESENTED TO THIS COURT BE COPIED AND PLACED IN
23 THE COURT FILE. AND I WOULD ASK COUNSEL AGAIN TO LEAVE
24 ANOTHER MESSAGE NOTIFYING MR. LINDARS THAT THE COURT HAS
25 REVOKED THE O.R. AND SET BAIL.

26 MS. CHROSTEK: YES, YOUR HONOR.

27 THE COURT: THANK YOU.

28 MS. CHROSTEK: YOUR HONOR, IT'S MY UNDERSTANDING FROM

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MS. USHER THAT MR. LINDARS IS ON VACATION UNTIL THE 8TH.

MS. USHER: HE TOLD ME -- I WAS ON THE PRELIM WITH HIM,
HE'S EITHER OUT OF STATE --

THE COURT: HE SHARES AN OFFICE WITH MR. ELIAS, DOESN'T
HE?

MS. CHROSTEK: YES.

MS. USHER: YES.

THE COURT: YOU CAN NOTIFY MR. ELIAS AND MAYBE HE CAN
SOMEHOW NOTIFY HIM.

(AT 3:37 P.M., THE PROCEEDINGS WERE
ADJOURNED UNTIL JANUARY 24, 2008;
8:30 A.M.; DEPARTMENT EAST P.)

