

HON. TIA FISHER, JUDGE

9:40 A.M.

THE COURT: CURTIS HARRIS.

MR. HARRIS IS PRESENT IN COURT, REPRESENTED BY MR. LINDARS. LET ME JUST FIND WHAT NUMBER IT IS. THIS IS 500 ON DEPARTMENT F'S CALENDAR.

WHO IS REPRESENTING THE PEOPLE?

MS. HATHOUT: I AM, YOUR HONOR, SAMER HATHOUT.

THE COURT: MISS HATHOUT IS PRESENT ON BEHALF OF THE PEOPLE. I UNDERSTAND THERE WILL BE A PLEA IN THIS MATTER.

DO YOU WANT TO STATE THE TERMS OF THE DISPOSITION, MISS HATHOUT?

MS. HATHOUT: YES, THANK YOU.

IT'S MY UNDERSTANDING MR. HARRIS WILL PLEAD NO CONTEST TO COUNTS 1 AND 3 FOR THE LOW TERM OF 16 MONTHS TO RUN CONCURRENT ON EACH COUNT.

IT'S ALSO AGREEABLE WITH THE PEOPLE THAT MR. HARRIS MAY BE RELEASED TODAY WITH AN 1192.5 WAIVER. HE IS TO RETURN FOR SENTENCING AND SURRENDER JANUARY 24TH, 2008, HERE IN DEPARTMENT F.

THE COURT: FOR SENTENCING ON THAT DATE?

MS. HATHOUT: YES, AND SURRENDER.

THE COURT: THANK YOU.

GO AHEAD AND TAKE THE PLEA.

MS. HATHOUT: MR. HARRIS, DID YOU HEAR WHAT I JUST TOLD THE JUDGE?

THE DEFENDANT: YES, MA'AM.

1 MS. HATHOUT: IS THAT YOUR UNDERSTANDING, SIR?

2 THE DEFENDANT: YES.

3 MS. HATHOUT: I KNOW YOU WENT OVER THIS FORM, BUT I
4 STILL HAVE TO GO OVER THE RIGHTS AND CONSEQUENCES WITH
5 YOU AGAIN.

6 YOU HAVE THE RIGHT TO A PRELIMINARY HEARING.
7 DO YOU UNDERSTAND AND GIVE UP YOUR RIGHT TO A
8 PRELIMINARY HEARING?

9 THE DEFENDANT: YES, MA'AM.

10 MS. HATHOUT: YOU ALSO HAVE THE RIGHT TO HAVE A
11 TRIAL. THAT CAN BE BY A JURY OF 12 PEOPLE OR BY A JUDGE
12 SITTING ALONE. DO YOU UNDERSTAND AND GIVE UP YOUR RIGHT
13 TO A TRIAL?

14 THE DEFENDANT: YES, MA'AM.

15 MS. HATHOUT: IN A PRELIMINARY HEARING OR A TRIAL,
16 YOU HAVE THE FOLLOWING RIGHTS: TO CONFRONT AND
17 CROSS-EXAMINE WITNESSES, PRESENT A DEFENSE, TESTIFY IN
18 YOUR OWN DEFENSE, USE THE FREE SUBPOENA POWER OF THE
19 COURT TO BRING IN YOUR OWN WITNESSES, AND THE RIGHT
20 AGAINST SELF-INCRIMINATION.

21 DO YOU UNDERSTAND AND GIVE UP EACH OF THESE
22 RIGHTS?

23 THE DEFENDANT: YES, MA'AM.

24 MS. HATHOUT: THERE ARE CONSEQUENCES TO PLEADING
25 THAT YOU MUST UNDERSTAND. IF YOU ARE NOT A CITIZEN OF
26 THIS COUNTRY, YOU WILL BE DEPORTED, DENIED AMNESTY,
27 NATURALIZATION, OR RE-ENTRY.

28 YOUR PLEA TODAY IS A VIOLATION OF ANY PROBATION

1 OR PAROLE THAT YOU ARE ON.

2 YOU ARE BEING CONVICTED OF TWO FELONIES IN THIS
3 CASE. THIS CASE MAY BE USED IN THE FUTURE TO INCREASE
4 THE PUNISHMENT ON A FUTURE FELONY CONVICTION.

5 IF YOU SHOW UP ON JANUARY 24, 2008, AT 8:30
6 A.M. AND YOU HAVE NOT HAD ANY CONTACT WITH THE VICTIM,
7 YOU HAVE NOT BEEN ARRESTED OR CONVICTED ON ANY OTHER
8 CASE, THE DEAL IS YOU WILL GO TO PRISON FOR 16 MONTHS.

9 NOW, IF YOU DON'T SHOW UP ON JANUARY 24TH,
10 2008, IF YOU HAVE ANY SORT OF CONTACT WITH THE VICTIM IN
11 THIS CASE, IF YOU GET ARRESTED ON ANY CASE, IF YOU GET
12 CONVICTED OF ANYTHING, YOU ARE NOT GOING TO GET THE 16
13 MONTHS. YOUR PLEA WILL REMAIN AND YOU WILL BE SENTENCED
14 TO THE MAXIMUM, WHICH IS THREE YEARS AND EIGHT MONTHS.

15 DO YOU UNDERSTAND THAT, SIR?

16 **THE DEFENDANT:** YES, MA'AM.

17 **MS. HATHOUT:** OTHER THAN WHAT HAS BEEN SAID HERE
18 TODAY IN OPEN COURT ON THE RECORD, HAS ANYONE PROMISED
19 YOU ANYTHING ELSE?

20 **THE DEFENDANT:** NO.

21 **MS. HATHOUT:** AND ARE YOU PLEADING FREELY,
22 VOLUNTARILY, AND BECAUSE YOU FEEL IT IS THE BEST THING
23 FOR YOU TO DO?

24 **THE DEFENDANT:** YES, I AM.

25 **MS. HATHOUT:** SIR, WHEN YOU ARE RELEASED FROM PRISON
26 YOU WILL BE ON PAROLE FOR THREE YEARS. IF YOU VIOLATE
27 PAROLE, YOU WILL BE RETURNED TO PRISON UP TO ONE YEAR
28 FOR EACH VIOLATION AND YOU WILL HAVE TO PAY A PAROLE

1 REVOCATION FINE.

2 ALSO, SIR, BECAUSE THIS IS A FELONY, YOU MUST
3 PAY A RESTITUTION FUND FINE THAT WILL RANGE FROM \$200 TO
4 \$10,000, A \$20 COURT SECURITY FEE, AND ANY RESTITUTION
5 THAT MAY BE OWED TO THE VICTIM IN THIS CASE.

6 DO YOU UNDERSTAND ALL OF THE CONSEQUENCES, SIR?

7 THE DEFENDANT: YES, I DO.

8 MS. HATHOUT: DOES THE COURT WISH TO INQUIRE?

9 THE COURT: NO, THANK YOU. YOU CAN GO AHEAD AND
10 TAKE THE PLEA.

11 MS. HATHOUT: THANK YOU.

12 MR. CURTIS BERNARD HARRIS, TO COUNT 1 IN
13 KA081214, CHARGING YOU WITH A FELONY VIOLATION OF PENAL
14 CODE SECTION 236, HOW DO YOU PLEAD, SIR?

15 THE DEFENDANT: NO CONTEST.

16 MS. HATHOUT: AND SIR, TO COUNT 3 OF THAT SAME
17 COMPLAINT ALLEGING A FELONY VIOLATION OF PENAL CODE
18 SECTION 12021 SUBDIVISION (A) SUBDIVISION (1), HOW DO
19 YOU PLEAD TO THAT, SIR?

20 THE DEFENDANT: NO CONTEST.

21 MS. HATHOUT: AND SIR, DO YOU ADMIT YOU HAVE
22 PREVIOUSLY BEEN CONVICTED OF A FELONY FOR PURPOSES OF
23 COUNT 3, AS INDICATED IN THE COMPLAINT?

24 THE DEFENDANT: YES.

25 MS. HATHOUT: SIR, DO YOU UNDERSTAND YOUR NO CONTEST
26 PLEAS WILL BE TREATED JUST LIKE GUILTY PLEAS AND YOU
27 WILL BE CONVICTED?

28 THE DEFENDANT: YES.

1 MS. HATHOUT: COUNSEL, DO YOU JOIN IN THE WAIVERS,
2 CONCUR IN THE PLEAS, AND STIPULATE TO A FACTUAL BASIS
3 BASED ON THE POLICE REPORTS?

4 MR. LINDARS: YES.

5 MS. HATHOUT: THANK YOU.

6 THE COURT: MR. HARRIS, I FIND THAT YOU HAVE
7 KNOWINGLY AND INTELLIGENTLY WAIVED YOUR RIGHTS; THAT YOU
8 HAVE -- LET ME JUST START OVER.

9 I FIND YOU HAVE EXPRESSLY, KNOWINGLY,
10 UNDERSTANDINGLY AND INTELLIGENTLY WAIVED YOUR RIGHTS. I
11 FIND THAT YOUR PLEA HAS BEEN FREELY AND VOLUNTARILY MADE
12 WITH AN UNDERSTANDING OF THE NATURE AND CONSEQUENCES
13 THEREOF.

14 I ACCEPT YOUR PLEA. YOU ARE CONVICTED UPON
15 YOUR PLEA.

16 SENTENCING IN THIS MATTER SET ON JANUARY 24TH,
17 8:30, IN DEPARTMENT F.

18 PURSUANT TO THE PLEA DISPOSITION, YOU ARE
19 RELEASED ON YOUR OWN RECOGNIZANCE PENDING THAT DATE.
20 MAKE SURE YOU ARE ON TIME. THAT WILL BE FOR SENTENCING.
21 AND KEEP IN MIND, SIR, THAT IF YOU DO APPEAR ON THAT
22 DATE, YOU WILL RECEIVE THE AGREED UPON DISPOSITION OF 16
23 MONTHS IN STATE PRISON. IF YOU DO NOT APPEAR ON THAT,
24 THE UNDERSTANDING AND AGREEMENT IS IT WOULD BE A
25 THREE-YEAR STATE PRISON SENTENCE; IS THAT CORRECT?

26 MS. HATHOUT: THREE YEARS, EIGHT MONTHS, YOUR HONOR.

27 THE COURT: THREE YEARS, EIGHT MONTHS STATE PRISON.
28 DO YOU UNDERSTAND THAT, SIR?

1 THE DEFENDANT: YES, MA'AM.

2 THE COURT: THANK YOU VERY MUCH. YOU ARE RELEASED
3 ON YOUR OWN RECOGNIZANCE ON THIS MATTER.

4 ANYTHING FURTHER, MR. LINDARS?

5 MR. LINDARS: NO, YOUR HONOR.

6 THE COURT: MR. HARRIS, DO YOU GIVE UP YOUR RIGHT TO
7 BE SENTENCED WITHIN 20 DAYS OF TODAY'S DATE AND AGREE TO
8 BE SENTENCED ON JANUARY 24TH?

9 THE DEFENDANT: YES, MA'AM.

10 THE COURT: COUNSEL JOIN IN THE TIME WAIVER?

11 MR. LINDARS: YES.

12 THE COURT: THANK YOU.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28