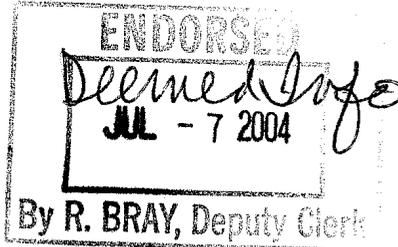


1 JAN SCULLY
2 DISTRICT ATTORNEY
3 901 G STREET
4 SACRAMENTO, CA 95814
5 (916) 874-6218

NHP-04-F1292
D. HAMILTON, DDA
TEAM: 61 MO
06/03/2004 (IC)
XRef: 4039785



Filed in electronic form on
06/03/04 (PC 959.1)

13 SUPERIOR COURT OF CALIFORNIA
14 COUNTY OF SACRAMENTO

16 THE PEOPLE OF THE STATE OF CALIFORNIA,
17 vs.
18 AUDENCIO VASQUEZ-GALVEZ (08863713-01)
19
20 Defendant(s).

No. 04F04891

Felony Complaint

22 The People of the State of California upon oath of the undersigned, upon information and belief
23 complain against the defendant(s) above named for the crime(s) as follows:

24 COUNT ONE

25 On or about May 31, 2004, at and in the County of Sacramento, State of California, defendant(s)
26 AUDENCIO VASQUEZ-GALVEZ did commit a felony namely: a violation of Section
27 20001(a) of the Vehicle Code of the State of California, in that said defendant did unlawfully and
28 knowingly, being a driver of a vehicle, was involved in and did cause an accident resulting in
29 injury to a person other than himself/herself, fail, refuse, and neglect to give to the injured
30 person and to a traffic and police officer at the scene of the accident his/her name and address,
31 the registration number of his/her vehicle, and the name of the owner of said vehicle; to exhibit
32 his/her operator's license; to render reasonable assistance to the injured person; and perform the
33 duties specified in Vehicle Code Sections 20003 and 20004.

35 COUNT TWO

36 For a further and separate cause of action, being a different offense from but connected in its
37 commission as the charges set forth in Count One hereof: On or about May 31, 2004, at and in
38 the County of Sacramento, State of California, defendant(s) AUDENCIO VASQUEZ-GALVEZ
39 did commit a misdemeanor namely: a violation of Section 192(c)(2) of the Penal Code of the
40 State of California, in that said defendant did unlawfully kill a human being, to wit, CAMERON

1
2
3
4 JOSEPH BROWN, without malice and without gross negligence, as a proximate result of the
5 commission by said Defendant(s) of an unlawful act, a violation of Vehicle Code Section
6 21453(C), while driving a vehicle.
7

8 **COUNT THREE**

9 For a further and separate cause of action, being a different offense from but connected in its
10 commission as the charges set forth in Counts One and Two hereof: On or about May 31, 2004,
11 at and in the County of Sacramento, State of California, defendant(s) AUDENCIO VASQUEZ-
12 GALVEZ did commit a misdemeanor namely: a violation of Section 12500(a) of the Vehicle
13 Code of the State of California, in that said defendant did unlawfully drive a motor vehicle upon
14 a highway without holding a valid driver's license issued under the Vehicle Code of the State of
15 California.
16

17 I declare upon information and belief and under penalty of perjury that the foregoing is true and
18 correct.
19

20 Executed at Sacramento County, California, the 3rd day of June, 2004.
21

22
23 Declared under Penalty of Perjury by
24 JEAN WILLIAMSON
25 Deputy District Attorney
26 Submitted in electronic form (PC 959.1)

27 (916) 874-6218
28 Telephone Number
29

30 YTA
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE/TIME : JUNE 22, 2004 DEPT. NO : 12
JUDGE : MARYANNE G. GILLIARD CLERK : BARBARA WILSON
REPORTER : CASEY VESTITO PATRICIA BANKS
NITA SMITH
BAILIFF : CHRIS ULSHOFFER

THE PEOPLE OF THE STATE OF CALIFORNIA

PRESENT:
MICHAEL KANE, DDA

VS. Case No.: 04F04891

AUDENCIO VASQUEZ-GALVEZ

NICK ZUVELA, APD

Nature of Proceedings: CONDITIONAL EXAMINATIONS OF WITNESSES

The above entitled cause came on for conditional exams of witnesses on this date. Present were the above named District Attorney and the defendant, with counsel. Also present assisting the defendant was certified Spanish Interpreter Carlos E. Benemann.

The matter of the interpreter for the witnesses (certified Spanish interpreter Yolanda Riley Portal), translating Spanish to English was put on the record. Spanish is not necessarily the witnesses primary language. Their language is actually Mixteca, a Native American dialect. All seven witnesses speak Spanish to various degrees of competency and Ms. Riley Portal has interpreted for these witnesses in a Federal Court proceeding with varying degrees of success. Due to the limited scope of this examination, some and perhaps all of the witnesses speak Spanish well enough to continue the examination. The Court specifically does not rule on the admissibility of these testimonies at trial. The interpreter was instructed to advise each witness that if he or she does not understand a question, that they shall indicate such to the Court so the record is clear.

Defendant's counsel put his objections to these examinations on the record. By his cross-examination, defendant does not waive his objections.

The Court finds these witnesses are unavailable for trial as they are due to be deported this week pursuant to order of the Federal Court.

Conditional examinations of witnesses were then held.

BOOK : 12
PAGE :
DATE : 6-22-04
CASE NO. : 04F04891
CASE TITLE : PEO V VASQUEZ-GALVEZ

Superior Court of California,
County of Sacramento

BY: B. WILSON
Deputy Clerk

The People called **MARIO GALVES-ALBINO**, who was sworn and testified with the assistance of certified Spanish interpreter Yolanda Riley Portal. Also present representing the witness was court appointed attorney **DARRYL KATCHER**. The witness was ordered to appear in Sacramento Superior Court on September 1, 2004, at 8:45 a.m. in Department 4. The District Attorney provided the witness with written instructions on the steps to take to legally enter the United States to comply with this order. The witness indicated he did not understand the document.

The next examinations were videotaped by the People.

The People called **ANASTACIO CAMPOS-EUGENIO**, who was sworn and testified with the assistance of certified Spanish interpreter Yolanda Riley Portal. Also present representing the witness was court appointed attorney **PHIL MCCARTHY**. The witness was ordered to appear in Sacramento Superior Court on September 1, 2004, at 8:45 a.m., in Department 4. The District Attorney provided the witness with written instructions on the steps to take to legally enter the United States to comply with this order.

The People called **MANUEL VICARIO-EMILIANO**, who was sworn and testified with the assistance of certified Spanish interpreter Yolanda Riley Portal. Also present representing the witness was court appointed attorney **MICHAEL LONG**. The witness was ordered to appear in Sacramento Superior Court on September 1, 2004, at 8:45 a.m., in Department 4. The District Attorney provided the witness with written instructions on the steps to take to legally enter the United States to comply with this order.

The People called **LEONOR MARTINEZ-MAURICIO**, who was sworn and testified with the assistance of certified Spanish interpreter Yolanda Riley Portal. Also present representing the witness was court appointed attorney **JERRY SHAPIRO**. The witness was ordered to appear in Sacramento Superior Court on September 1, 2004, at 8:45 a.m., in Department 4. The District Attorney provided the witness with written instructions on the steps to take to legally enter the United States to comply with this order.

The People called **LEONARDO MARTINEZ-SANTIAGO**, who was sworn and testified with the assistance of certified Spanish interpreter Yolanda Riley Portal. Also present representing the witness was cour appointed attorney **ROBERT MATHEU**. The witness was ordered to appear in Sacramento Superior Court on September 1, 2004, at 8:45 a.m., in Department 4. The District Attorney

BOOK : 12
PAGE :
DATE : 6-22-04
CASE NO. : 04F04891
CASE TITLE : PEO V VASQUEZ-GALVEZ

Superior Court of California,
County of Sacramento

BY: B. WILSON
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CORRECTION 10/04/2004

DATE & TIME: 09/29/2004 8:30 AM
JUDGE : G. BAKARICH
REPORTER : B. WALDRON

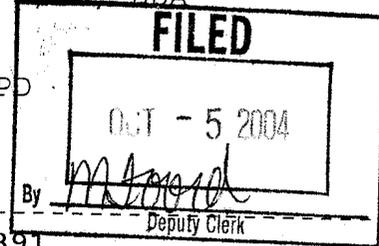
DEPT : 04
CLERK : B. BRAY/HOLDREN
BAILIFF: J. STUDER

PEOPLE OF THE STATE OF CALIFORNIA

vs

AUDENCIO VASQUEZ-GALVEZ, DEFENDANT

) COUNSEL:
) HAMILTON DOUG TEAM 2/MO, DDA
)
)
) JOSEPH M. CRESS, APD
)
)
)



XREF: 4039785 DOB: 10/07/1972 CASE NO. 04F04891

MINUTE ORDER & ORDER OF PROBATION

Defendant and counsel above named were present. Defendant was convicted as follows:

09/01/2004 CT 1 VC 20001(A) FEL Nolo contendere
09/01/2004 CT 2 PC 192(C)(2) MIS Nolo contendere

The following made statements to the court: Charlotte Dillon, Mecina kleckner, and Joe Brown.

The court having read and considered the presentence probation report, ordered it filed.

It is the order of the court that the defendant be committed to the state prison of the State of California for the term of 2 years. Execution of said sentence is suspended for a period of 5 years during which time the defendant is placed on formal probation on the following general and specific terms and conditions as to count 1:

The defendant shall serve 360 days in the Sacramento County Jail. While in confinement, the defendant will comply with all rules and regulations of the County Jail and conduct himself in a proper manner, as to count 2.

Defendant shall receive credit for time served of 121 days.

BOOK: 04
PAGE:
DATE: 09/29/2004

CASE NO.: 04F04891
CASE TITLE: VASQUEZ-GALVEZ
DISTRIB:

PAGE 1

The foregoing terms and Conditions of Probation have been explained to me and I fully understand them and agree in every particular to abide by them.

Date: _____ Probationer

Witnessed:

By: _____
Officer

Sec. 1203.4 Penal Code: PROBATIONER MAY WITHDRAW PLEA OF GUILTY.

At any time after the termination of the period of probation, upon completion of the requirements of Penal Code section 1203.4, you may petition the court to exercise its discretion to allow you to withdraw your plea of guilty or nolo contendere or to set aside a verdict of guilty and dismiss the accusations against you. If such relief is granted by the court, you may also petition the court for a certificate of rehabilitation and pardon upon completion of the requirements of Penal Code section 4852.01.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

NOTICE: Both California Penal Code Section 12021 and the Federal Gun Law of 1968 prohibit the use or possession of any firearm, including any handgun, rifle or shotgun, by any individual convicted of a felony.

BOOK: 04
PAGE:
DATE: 09/29/2004
CASE NO.: 04F04891
CASE TITLE: VASQUEZ-GALVEZ
DISTRIB: PAGE 5

JICR0220/CR30 (12/1991)

Defendant shall submit his person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or Probation officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his constitutional rights in this regard, and having accepted probation, is deemed to have waived same. As to count 1.

Defendant make restitution to the victim(s) in the amount of \$27,700.00 pursuant to Section 1202.4 of the Penal Code, payable through the Court's installmensts process. As to count 1.

Defendant pay a restitution fine pursuant to Penal Code Section 1202.4 in the amount to \$200.00, payable through the Court's installments process. As to count 1.

Defendant pay a restitution fine of \$100.00 to \$1,000.00 pusuant to Section 1202.4 of the Penal Code. As to count 1.

The defendant shall pay restitution plus interest in any case in which the restitution amount is fifty (\$50.00) or more, with ten percent (10%) per annum interest accruing on the unpaid balance from the date of default pursuant to Penal Code Section 1214.5(a)(b)(2). As to count 1.

Any balance on restitution due to the victims at the termination of probation may be collected pursuant to Penal Code Section 1203j. As to count 1.

Pursuant to Government Code Section 13967.2, defendant to pay restitution to the victim and/or the restitution fund and the Standing Income Deduction Order is ordered to be effective so long as the order for restitution upon which it is based is effective or until further order of the Court. As to count 1.

Pay Court Security Surcharge fee of \$20.00 (PC 1465.8) As to count 1.

Defendant shall report to the Department of Revenue Recovery for a financial evaluation and recommendation of ability to pay costs for and in the amount of \$358.00 for the presentence report and \$42.00 per month for probation supervision, payable through the Court's installments process. As to count 1.

Defendant shall pay a \$189.93 main jail booking fee pursuant to Section

BOOK: 04

PAGE:

DATE: 09/29/2004

CASE NO.: 04F04891

CASE TITLE: VASQUEZ-GALVEZ

DISTRIB:

PAGE

2

JICR0220/CR30 (12/1991)

29550.2 of the Government Code, payable through the Court's installments process. As to count 1.

Defendant shall pay a \$23.82 main jail classification fee pursuant to Section 29550.2 of the Government Code, payable through the Court's installments process. As to count 1.

Defendant pay through the Court's installments process the amount determined after an evaluation and recommendation of ability to pay and for development of a payment schedule for court-ordered costs, fees, fines and restitution within five (5) days of sentencing or within five (5) days of release from custody. As to count 1.

If deported, defendant contact the probation officer within 72 hours upon reentry into the United States.

It is the further Order of the Court that you shall, during your term of probation, comply in all respects with the following General Conditions of probation as authorized by the provisions of the Probation Statutes of the State of California. Further, that you shall comply in all respects with any Special Conditions of Probation contained in your Order of Probation or which may subsequently be ordered by the Court or the Probation Officer.

1. Obey all laws applicable to you.
2. Seek and/or maintain regular and steady employment or be enrolled in an educational or vocational program approved by the probation officer having your supervision; not voluntarily change employment without having gained approval for such change; and if your employment is terminated, either temporarily or permanently, for any cause whatsoever, you are to notify your probation officer within 48 hours;
3. You are not to remain away from your regular residence for more than 48 hours without first having secured permission from your Probation Officer. You are to notify your Probation Officer at once of any intended change of address and the reasons therefore.
4. You are to follow in all respects any reasonable instructions given to you by the Probation Officer having your supervision.
5. You are to report in person to the Division of Adult Probation at such times and dates as the Probation Officer having your supervision may direct. (If for any reason beyond your control you are unable to report on

BOOK: 04
PAGE:
DATE: 09/29/2004
CASE NO.: 04F04891
CASE TITLE: VASQUEZ-GALVEZ
DISTRIB: PAGE 3

your assigned date and time, you shall communicate this fact to the Division of Adult Probation on or before the assigned date.)

6. You shall allow Probation Officers to visit your home and place of employment at reasonable times.

Failure by you to comply with any of the foregoing Specific and General Conditions of Probation could result in: (1) the grant of probation being revoked, resulting in confinement in the County Jail for additional periods, or imposition of any sentence which the Court could have imposed on you before you were placed on probation; (2) the term of probation being extended up to the maximum provided by law; or (3) the conditions of probation being amended, resulting in a change or addition to the conditions within the limits of the Probation Statutes.

Defendant is remanded.

Done in open Court 09/29/2004

ATTEST:
Superior Court of California, County of Sacramento



BY: Mary Joord
Deputy Clerk

[Signature]
Judge

BOOK: 04
PAGE:
DATE: 09/29/2004
CASE NO.: 04F04891
CASE TITLE: VASQUEZ-GALVEZ
DISTRIB: PAGE 4