

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: James Kurtz Fillmore

POST ID NUMBER: A37-Q67

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: 23-3691

WRITTEN BY: LEC Robert Bringolf

DATE: 4/24/2023

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I. Executive Summary

James Kurtz Fillmore, hereinafter "Respondent" was alleged to have been involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. On April 30, 2022, Respondent was involved in an off-duty accident related to driving under the influence of alcohol. This accident occurred while Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant property damage. Further, this was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department. Respondent's first arrest for DUI while employed as a peace officer occurred on July 10, 2016 while driving off-duty in Santa Clarita, CA.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer / Detective with the Los Angeles Police Department.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles Police Department on 07/28/2003 as a full-time Police Officer. Respondent was promoted to the rank of Detective on 06/15/2014.

At the time of the alleged serious misconduct Respondent had nearly 20 years on with the Los Angeles Police Department. Respondent worked in the patrol division for around 11 years and was assigned to the Devonshire, North Hollywood, and Foothill districts. Respondent began his detective career in 2014 and was assigned to the West Valley and Devonshire districts. In 2016, Respondent was assigned to the Operations – Valley Bureau Homicide, where he was assigned during his most recent DUI arrest.

Throughout Respondent's career as a Los Angeles Police Officer, He has had the following sustained personnel complaints:

- 16-000570: Alcohol Related / DUI – 10-day suspension.
- 05-5891: Neglect of Duty – Official Reprimand.
- 05-2851: Neglect of Duty – No penalty, Training.

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A37-Q67. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #120395 (02/03/2005)
- Intermediate #87606 (10/25/2006)
- Advanced #84859 (05/10/2010)

e. The Present Allegations of Serious Misconduct

This allegation was forwarded to the California Commission on POST on March 3, 2023 and received via the Mark 43 report management system.

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from an arrest for driving while intoxicated.

The Los Angeles Police Department suspended Respondent for ten days as a result of his first DUI conviction in 2016. There are no known appeals to that imposed discipline. In Respondent's most recent (2022) DUI arrest and subsequent conviction, Respondent was relieved from duty with the Los Angeles Police Department and has a proposed penalty of termination from employment. He is currently scheduled for a Board of Rights regarding his proposed termination.

There are no known appeals for this current case. The criminal case against Respondent was closed and on April 19, 2023 and he received 60 months summary probation, 15 days in Los Angeles County Jail, and a fine of $500.00 or four additional days in jail in lieu of the $500.00 fine. Respondent pled Nolo Contendere of the charge and was convicted of one count of 23152(b)VC – Driving with a blood alcohol content of 0.08% or higher.

As of 03/22/2023, Respondent was relieved from duty at the LAPD. He has a directed Board of Rights pending with an anticipated start date of 04/01/2024.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of The Los Angeles Police Department's administrative investigation which included interviews of the Respondent. I also reviewed the arrest reports and court records from Respondent's 2016 DUI arrest and his 2022 DUI arrest / accident.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Second driving under the influence event – May 13, 2022:

On April 30, 2022, at around 1700 hours[1], Respondent was off duty and driving his unmarked city vehicle, a black Nissan Maxima, in the Santa Clarita area of the County of Los Angeles. While driving southbound on Circle J Ranch Road at a high rate of speed, Respondent collided with two, unoccupied, parked vehicles. Respondent had suffered a fractured wrist and was trapped in the vehicle upon the arresting officer's arrival. The Los Angeles County Fire Department responded to the scene and treated Respondent for his injuries. Respondent was transported via AMR ambulance to Henry Mayo hospital where he received medical attention for his injuries.

While at the hospital a Los Angeles County Sheriff's deputy conducted a follow-up investigation during which the deputy determined Respondent had been driving under the influence of alcohol. In the deputy's accident report Respondent provided a blood sample at 1945 hours, resulting in a blood alcohol content of 0.18%. Using the equation provided

[1] 2022 Ticket #AD130471 – Note date and time of violation.

by an expert associated with Respondent's first DUI arrest, he likely had a blood alcohol content of 0.22%[2].

While the investigating deputy was at the hospital, he contacted Respondent who admitted he was the sole occupant and driver of the black Nissan Maxima that had been involved in the traffic collision. Respondent also told the deputy that he had been driving southbound on Circle J Ranch Road at a high rate of speed. Respondent told the deputy he had been drinking alcohol prior to driving. Respondent stated he had been the driver and sole occupant of the vehicle.

The city vehicle was totaled as a result of the accident. It was determined Respondent did not have permission to be driving the city vehicle at the time of the accident, as he was not on-call. Significant damage was also sustained to two parked vehicles that Respondent crashed into[3].

This case closed on April 19, 2023 with a misdemeanor conviction of 23152(B) VC[4].

First driving under the influence event - July 10, 2016:

On July 10, 2016, around 2215 hours[5], Respondent was off duty driving his personal vehicle, a Toyota 4Runner, south on Orchard Village Road at the Intersection of Lyons Avenue, in Santa Clarita. While progressing through the intersection, Respondent failed to stop for a traffic signal, and was stopped by a Los Angeles County Sheriff's deputy who observed the violation.

[2] 2022 IA Page 3 – second paragraph
[3] 2022 Crash Report
[4] 2022 Case transcripts
[5] 2016 Admin Per Se, Page 1

When the deputy approached Respondent's vehicle, he noted the odor of an alcoholic beverage coming from Respondent's person and the vehicle. The deputy also noted an open 25-ounce "Bud Light" beer in the center console of Respondent's vehicle. The deputy inquired as to whether Respondent was armed and Respondent advised his firearm was on his hip. The deputy conducted a DUI investigation, opined Respondent was under the influence of alcohol and arrested and booked Respondent for DUI.

Respondent was reported to have been uncooperative and unprofessional with the arresting deputies. Respondent failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to respondent's lack of cooperation, the arresting deputy requested the assistance of a supervisor and the on-duty watch commander, who both explained the administrative process and Respondent's obligation to cooperate. Respondent told the arresting deputy he would only provide a blood sample with a court order, then questioned the arresting deputy's integrity as to the truthfulness of the probable cause statement in the search warrant[6]. Respondent ultimately provided a blood sample after a search warrant was sought and was found to have a blood alcohol content of 0.12% over two-and-a-half hours after he was observed driving. A department expert later provided a formula that would indicate Respondent had a likely blood alcohol content of 0.15% when he was stopped (0.015% rate of elimination per hour x 2.5 hours + 0.12%).

On the floorboard of Respondent's vehicle, the arresting officer also located two empty "Jim Beam" 375 ml bottles, two empty "Jim Beam" 200 ml bottles, and one empty "Jack Daniel's" 50 ml bottle[7].

On September 29, 2016 Respondent pled guilty to one misdemeanor count of 23152(B) VC – Driving with a blood alcohol content of 0.08% or higher. Respondent received three

[6] 2016 Letter of Transmittal – Page 2
[7] 2016 Arrest Report narrative – Page 2, Paragraph 6.

years' summary probation, a suspended driver's license, and a $390.00 fine. On August 29, 2017, Respondent also signed a settlement agreement with the Los Angeles Police Department that indicated he would abstain from the use of all alcoholic beverages for a period of four years, not enter any bars or liquor stores while off duty, not buy any alcohol while off duty, and submit to substance testing up to five times a month[8].

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts that violate the law?

According to California Regulation 1205(a)(6), serious misconduct is, "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission."

In a span of approximately 6 years, Respondent was arrested two times for driving under the influence of alcohol with a blood alcohol concentration higher than 0.08%, with both incidents resulting in misdemeanor convictions. In Respondent's first arrest it was determined he had a blood alcohol concentration of 0.12%. The blood test was administered nearly two-and-a-half hours after the arresting deputy observed him driving because of the Respondent's failure to cooperate with the investigation. For the 2016 arrest, Respondent received three years' summary probation and spent at least one night in jail. Administratively, Respondent received a 10-day suspension from duty.

On 8/29/2017, and as a result of his 2016 DUI arrest, Respondent signed a settlement agreement with the LAPD. In the settlement agreement, Respondent agreed not to use alcohol in any form for a period of four years. Respondent was

[8] Agreement Regarding Proposed Discipline

arrested for driving under the influence of alcohol approximately nine months after the term of his settlement agreement.

In 2022, Respondent was involved in a motor vehicle accident while driving an unmarked police vehicle while intoxicated. Respondent received a fractured wrist in the accident, totaled the city-owned vehicle, and caused significant damage to two parked vehicles with which he collided. The investigation revealed Respondent had a blood alcohol concentration of 0.18% (Two hours and forty-five minutes after the accident). With retrograde extrapolation, it was estimated Respondent's blood alcohol concentration would have been around 0.22% around 15 minutes prior to the accident in which he was involved[9].

These incidents did not occur in a vacuum – Respondent has put numerous lives in jeopardy on at least two occasions. His actions have resulted in the destruction of city-owned property as well as private property. Further, Respondent's most recent accident resulted in personal injury to himself. For the above-stated reasons I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

VI. Supporting Evidence and Documentation

- Attachment A – 2016 DUI Arrest Narrative
- Attachment B – 2022 DUI Arrest Narrative
- Attachment C – 2nd DUI Conviction Records
- Attachment D – 2016 Guilty Plea Transcripts
- Attachment E – 2022 Plea and Sentencing Records
- Attachment F – 2022 IA report, Page 3
- Attachment G – Settlement Agreement from 2016 Case
- Attachment H – 2022 Crash Report

[9] IA Report Page 3

- Attachment I – 2016 Letter of Transmittal, Page 2
- Attachment J – 2022 Ticket
- Attachment K – 2016 Admin Per Se, Page 1

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

ATTACHMENT A

I was stopped in the number two left hand turn lane of Southbound Orchard Village Rd, at Lyons Ave., in a marked patrol car. While waiting for the light to turn green, I observed a vehicle (Toyota 4Runner, [redacted] make a right hand turn onto Westbound Lyons Ave., from Southbound Orchard Village Rd., without stopping for the red light. The vehicle slowed, and made the right hand turn at approximately 15 m.p.h. (violation of 21453(a) VC). I made a right hand turn onto Westbound Lyons Ave., and approached the vehicle. I noticed the rear license plate did not have the current year tab. The registration checked valid as of December 2016, but the rear license plate still had December of 2015 decals (violation of 5204(a)VC). I conducted a traffic stop at the above location to warn/cite the driver of the above violations.

I contacted the driver (later identified as S/1) and explained my reason for the stop. S/1 told me he was just making a right hand turn, and thought he stopped.

While speaking with S/1, I could smell a strong odor of an alcoholic beverage emitting from his breath and person. I noticed his eyes were bloodshot and watery, and his speech was slurred. I asked S/1 if he had anything to drink. S/1 stated no, and then said, a "little bit." I noticed that there was a blue "Bud Light" can (25 ounces) in the center console. S/1 stated he just drank from the Bud Light. I had S/1 exit the vehicle to conduct a driving under the influence investigation.

I asked S/1 the pre-S.F.S.T. questions listed on page one. S/1 stated he did not have any medical problems or injuries. S/1 admitted to drinking half of the Bud Light which was in the center console approximately 15 minutes ago.

I had S/1 perform a series of pre-demonstrated and pre-explained field sobriety tests listed on page two. S/1 showed signs of impairment during the tests.

I asked S/1 if he would consent to a P.A.S. device test in the field. S/1 asked what the purpose of the test was for, and what his options were. I explained to S/1 the reasons why I was requesting he take the test. I also had the field Sergeant, Sgt. Bringas, respond to my location for further explanation and supervision. S/1 admitted to not stopping at the red light, not having current tabs on his vehicle, and having an open container. He stated he will take a ticket for the open the container, but refused to submit to a P.A.S. device test in the field.

Based on the above, I formed the opinion that S/1 was driving a motor vehicle under the influence of alcohol (violation of 23152(a) VC).

S/1 stated he would submit to a breath test at Santa Clarita Station. S/1 provided one sample, but was not breathing properly into the machine for the second sample. After approximately five attempts, S/1 refused to complete the test and stated he was done. I advised S/1 if he could not complete the breath test, he would have to submit to a blood test. S/1 refused.

I read, and digitally recorded, the chemical test refusal admonition to S/1. I advised him that he could not perform the breath, and the only available test was blood. S/1 still refused. The refusal admonition was supervised by Lt. Aguilera and Sgt. Bringas.

After refusing a chemical test after his arrest, I obtained a McNeely Warrant so that a blood sample could be obtained from S/1 to determine the actual alcohol content of his blood. The warrant was approved by Judge John Kralik. See attached.

I transported S/1 to Henry Mayo Hospital for the blood sample. S/1 voluntarily extended his right arm for the blood sample. Nurse Jackson drew the blood sample at approximately 0052 hrs. Prior to the sample, I checked that the seal on the vial was intact and preservative was present. I later booked the blood sample in the Santa Clarita Station evidence locker. Sgt. Bringas was on scene and supervised the blood draw.

I transported S/1 back to Santa Clarita Station where he was booked on the above charge with the approval of the Watch Sergeant, Sgt. Shreves.

S/1's vehicle was left parked at the above location. The 25 ounce Bud Light can in the center console was half full. There were also two empty "Jim Beam" Bourbon 375 ml bottles, and two empty "Jim Beam" 200 ml bottles on the front passenger floor board, and one empty 50 ml bottle of "Jack Daniel's" Whiskey on the rear passenger floorboard.

I uploaded the chemical test refusal admonition, and pictures of the alcohol inside S/1's vehicle, into the digital data shared files under the above file number.

ATTACHMENT B

I responded to Circle J Ranch Road and Clearview Court regarding a traffic collision call for service (Tag 172). The call stated there was a three vehicle traffic collision with one person trapped in one of the vehicles.

My BWC was activated. I did not review my BWC footage prior to writing this report.

I arrived to the location, and I observed a White male adult (later identified as the suspect) trapped inside of a black Nissan [redacted] Los Angeles County Fire Department Engine 73, under the supervision of Captain Tibbetts, medically evaluated the suspect. The suspect was transported to Henry Mayo Hospital.

I conducted my traffic collision investigation at the scene (see the traffic collision report under the same file number). After I had concluded my investigation, I went to Henry Mayo Hospital with the intent of asking the suspect how the traffic collision occurred.

At Henry Mayo Hospital, I contacted the suspect who was in bed #9. He stated he had sustained a fracture to his left wrist. I immediately noticed the suspect's pupils were bloodshot and watery (objective signs and symptoms of a person under the influence of alcohol).

I advised the suspect of his Miranda advisement pursuant to SH-AD-477. The suspect stated he understood his rights, and he continued to speak to me without an attorney present.

I asked the suspect if he was the sole driver of the vehicle. He stated yes.

I advised the suspect I was going to conduct a driving under the influence investigation, based on the traffic collision coupled with the objective signs and symptoms he expressed for being under the influence. He stated he understood.

I began asking him the above listed pre-S.F.S.T. (Standard Field Sobriety Tests) questions. I asked the suspect if he had been driving the black Nissan, and he stated yes. I asked if he had consumed any alcoholic beverages, and he stated he had consumed Tito's Vodka. I asked if he had consumed any drugs today, and he stated no.

Due to the suspect's injuries, we were not able to conduct the Standardized Field Sobriety Tests.

I asked the suspect what caused the traffic collision. He stated it was due to him driving under the influence of alcohol (a violation of 23152(a) CVC) and due to his driving at a high rate of speed (a violation of 22350 CVC).

Based on the suspect stating he had been drinking Tito's Vodka prior to driving, coupled with the objective signs and symptoms of a person under the influence of alcohol, I formed the opinion the suspect was under the influence of alcohol, and he was unable to operate a vehicle upon the roadway with the caution and due regard of a sober person.

The suspect was placed under arrest for driving while under the influence of alcohol (violation of 23152(a) CVC).

I advised the suspect of the chemical test admonition. The suspect selected the blood test. He consented to have his blood drawn at 1938 hours. The suspect's blood was drawn at 1945 hours by [redacted]

With the approval of Sergeant Clark, and due to the fact the suspect was being admitted to the hospital, I cited and released the suspect in the field for driving under the influence of alcohol (a violation of 23152(a) CVC). The suspect was issued a citation (#AD030471) and given a booking number of #6369976.

I booked the suspect's blood (EV-1) as evidence at the Santa Clarita Sheriff's Station.

I served the suspect the "Notice of Order of Suspension" per DS367

ATTACHMENT C

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	Reserved for Clerk's File Stamp
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: TRANSFERRED FILE		CASE NUMBER: 28C01493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

·5yrs + $500PT + 18 A/P + 15CJ + HAM + MADD + 1 Ost. + Watson

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles APR 19 2023 David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
COUNTY COUNTY OF LOS ANGELES	
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))	CASE NUMBER 2SC01493	DEPARTMENT 1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2. J
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13.	☑ Driving a vehicle when my BAC was at .18 percent or above. ☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test. ☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit. ☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit. ☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle.	13.
14.	**If applicable** – I understand that I am also charged with the following **other offense(s):** _____ TYPE OF OFFENSE(S) AND SECTION NUMBER(S)	14.

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself .....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt .....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination .....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge .....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) .....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses .....
27. I give up my right to remain silent and to not incriminate myself .....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF

41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR

42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF

43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF

44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF

45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF

46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR

47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF

48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR

49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF

50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /

51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /

52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. P

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55. P

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57. P

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Courtney — 4/19/23

☐JUDGE OF THE SUPERIOR COURT
☐TEMPORARY JUDGE OF THE SUPERIOR COURT

DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No: 2SC01493-01

Date: 4/19/23 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Judge: Cavallozzi | Clerk: Hidalgo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors

Arraignment For Judgment

V Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] Probation is denied. Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] Execution of the foregoing sentence is suspended, on the following terms and conditions.

Conditional Sentence (PC §1203b)/Order of Probation (PC §1203a)

V Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. V Serve 15 days/hours in the Los Angeles County jail, [ ] consecutive [ ] concurrent with _____. Defendant to receive credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution. [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772). [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021). [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed. [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (002). Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (013). If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (013). [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

NC CT II

2. V Pay a fine of $ 500 plus penalty assessments or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124). [ ] Defendant to report to Financial Evaluator to work out a payment plan. [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/ _____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. V Make restitution to victim [redacted] per PC §1202.4(f). (048) V in an amount to be determined at a hearing. (067) [ ] Harvey waiver taken. [ ] in the stipulated sum of $ [redacted] 048) [ ] per any final civil judgment against you. (100) V Liability is admitted but amount is disputed.
5. V Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved: Defendant's BAC 18 %. [ ] Refusal [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(327) [ ] 6 mo. (AB 762) [ ] 9 mo. (AB1353) V 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program. The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer.
6. [ ] Attend _____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of _____ times per week. IN ADDITION to those required as part of the alcohol education program. (246)
7. V Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood, or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. V Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) V Watson advisement given. (710)
10. V Enroll in and complete the V Hospital and Morgue ("HAM") Program. (471) V MADD Victim Impact Program (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of _____ months _____ years. [ ] **"M" service given in open court.** (283) You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594(a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. V Pay all of the following (check all that apply):

V A restitution fine of $ 150 per PC §1202.4(b) through (e). (038)	[ ] An administrative screening fee of $25 per PC 1463.07 GC §29550(f) (released OR.)
V A court security fee of $40.00 per PC §1465.8(a)(1) (per count) (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(d) (if cited and released in field or at jail facility.)
V A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a) (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649.
A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649.
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b) per H&S §11372.7(a).
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost)	[ ] A crime lab fee of $50.00 plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b, [ ] as determined by the Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. V Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)
V Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (813)
[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.
V Counts/allegations 5 Mtg. are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept. _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail work/fees by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: | **Attorney's Signature Joining:**

Defendant's Address:

Defendant's Telephone:

Maria Cavallozzi 85
Judge/Commissioner of the Superior Court

CRIM109 (Rev. 05/07) DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT D

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

-OOO-

PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 29, 2016

APPEARANCES:

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: LESLIE HINSHAW, DEPUTY

FOR THE DEFENDANT: IRA SALZMAN, ATTORNEY AT LAW

LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

CASE NUMBER: 6SC01398
CASE NAME: PEOPLE VS. JAMES KURTZ FILLMORE
SANTA CLARITA, CALIFORNIA THURSDAY, SEPTEMBER 29, 2016
DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER
REPORTER: LAURA R. GONZALEZ, CSR NO. 8918
TIME: A.M. SESSION
APPEARANCES:

DEFENDANT FILLMORE, PRESENT WITH COUNSEL, IRA SALZMAN, ATTORNEY AT LAW; THE PEOPLE BEING REPRESENTED BY LESLIE HINSHAW, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

THE COURT: JAMES FILLMORE.

MR. SALZMAN: IRA SALZMAN FOR MR. FILLMORE.

THERE WILL BE A PLEA TO COUNT 2 AND THEN THE DISPOSITION IS -- AGREED-UPON DISPOSITION -- MY COLLEAGUE IS READING MR. JACOB'S HANDWRITING.

MS. HINSHAW: THREE YEARS PROBATION, SIX-MONTH ALCOHOL PROGRAM, $390 PLUS PENALTY ASSESSMENT, FIVE DAYS COMMUNITY SERVICE, CREDIT TWO DAYS.

I'M GUESSING THAT WOULD BE HIS OVERNIGHT STAY?

MR. SALZMAN: YOUR GUESS IS CORRECT.

MS. HINSHAW: OBVIOUSLY, THE IID, PER DIEM FEE AND WATSON ADVISEMENT.

MR. SALZMAN: THAT IS THE DISPOSITION.

THE COURT: THANK YOU.

NOW, THERE IS A REFUSAL ALLEGED. WAS HE GOING TO BE ADMITTING THE REFUSAL?

MR. SALZMAN: IT'S STRICKEN.

THE COURT: I ALSO HAVE A NOTE IN MY FILE, "BLOOD TEST: .12."

MR. SALZMAN: THERE WAS -- THAT IS WHY THE PEOPLE'S REQUEST TO AGREE IT WAS NOT A REFUSAL, IT WAS A 1-2.

THE COURT: THE ALLEGED REFUSAL AS TO MR. FILLMORE IS STRICKEN ON PEOPLE'S MOTION.

MR. FILLMORE, YOU ARE CHARGED WITH ON OR BEFORE FEBRUARY 27 OF THIS YEAR, DRIVING WHILE YOUR BLOOD ALCOHOL LEVEL WAS .08 OR HIGHER, A MISDEMEANOR.

DO YOU UNDERSTAND THE CHARGE?

THE DEFENDANT: I DO.

THE COURT: THE COURT HAS, I'M SHOWING TO YOU NOW, THIS YELLOW WAIVER OF RIGHTS FORM.

DID YOU READ THE FORM CAREFULLY AND UNDERSTAND EVERYTHING THAT YOU READ?

THE DEFENDANT: I DID.

THE COURT: DID YOU INITIAL THE BOXES ON THE FORM AND SIGN IT?

THE DEFENDANT: YES.

THE COURT: DO YOU UNDERSTAND THAT BY DOING SO YOU'RE GIVING UP EACH OF THE RIGHTS ON THE FORM?

THE DEFENDANT: I UNDERSTAND, YES, SIR.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL ABOUT YOUR RIGHTS OR CONSEQUENCES OF YOUR PLEA?

THE DEFENDANT: NO.

THE COURT: TO THE CHARGE, HOW DO YOU PLEAD?

THE DEFENDANT: GUILTY.

MR. SALZMAN: DID WE CHANGE THE "NO CONTEST" --

THE COURT: YES. IT READS GUILTY ON THE WAIVER OF RIGHTS FORM.

MR. SALZMAN: -- FROM "GUILTY"?

THE COURT: THAT'S WHAT HE WANTS TO DO? I CAN CHANGE IT.

COUNSEL JOIN IN THE WAIVER, CONCUR IN THE PLEA AND STIPULATE TO A FACTUAL BASIS?

MR. SALZMAN: ALL OF THAT, YES, YOUR HONOR.

THE COURT: COURT MAKES AND SIGNS THE FINDINGS ON THE WAIVER FORM.

PLEAS ARE ACCEPTED AND YOU ARE FOUNDED GUILTY UPON YOUR PLEA.

IMPOSITION OF SENTENCE IS SUSPENDED. YOU'RE PLACED ON PROBATION FOR THREE YEARS ON THE FOLLOWING TERMS AND CONDITIONS:

THAT YOU SERVE TWO DAYS COUNTY JAIL, CREDIT TWO DAYS TIME SERVED;

THAT YOU PAY A FINE OF $390 PLUS PENALTIES AND ASSESSMENTS;

THAT YOU PERFORM 30 HOURS OF COMMUNITY SERVICE.

WITHIN 21 DAYS YOU MUST ENROLL IN AND COMPLETE A SIX-MONTH ALCOHOL PROGRAM AND SHOW PROOF OF COMPLETION IN COURT.

DO NOT DRIVE UNLESS YOU HAVE BOTH A VALID LICENSE AND PROOF OF INSURANCE IN YOUR POSSESSION.

DO NOT DRIVE WITH ANY MEASURABLE AMOUNT OF

ALCOHOL OR DRUGS IN YOUR BLOOD NOR REFUSE TO COMPLETE A BLOOD ALCOHOL LEVEL/DRUG CHEMICAL TEST AND FIELD SOBRIETY TEST IF REQUESTED BY ANY PEACE OFFICER.

I AM FORMALLY ADVISING YOU: YOUR PRIVILEGE TO DRIVE HAS BEEN SUSPENDED BY DMV. YOU CANNOT DRIVE FOR ANY REASON AT ALL UNTIL YOU HAVE A VALID LICENSE AND INSURANCE, AND EVEN IF YOU OBTAIN A VALID OR RESTRICTED LICENSE, YOU STILL CANNOT DRIVE ANY VEHICLE UNLESS IT'S EQUIPPED WITH AN IGNITION INTERLOCK DEVICE AS REQUIRED BY DMV.

I AM FORMALLY ADVISING YOU THAT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A COMBINATION OF THE TWO IMPAIRS YOUR ABILITY TO SAFELY OPERATE A MOTOR VEHICLE. THEREFORE, IT IS EXTREMELY DANGEROUS TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY COMBINATION OF THE TWO.

IF YOU CONTINUE TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR ANY COMBINATION OF THE TWO AND AS A RESULT OF THAT DRIVING SOMEONE IS KILLED, YOU CAN NOW BE CHARGED WITH MURDER.

OBEY ALL LAWS, RULES, ORDERS OF THE COURT.

PAY ALL MANDATORY COURT FEES.

EVERYTHING IS DUE IN THE CLERK'S OFFICE ON OR BEFORE JUNE 29 OF NEXT YEAR.

DO YOU UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS OF YOUR PROBATION?

THE DEFENDANT: I DO.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL?

THE DEFENDANT: NO.

THE COURT: REMAINING COUNTS DISMISSED ON PEOPLE'S MOTION.

MR. SALZMAN: IF HE WISHES TO PAY THE FINE BEFORE THAT HE CAN DO SO?

THE COURT: HE CAN GO TO THE CLERK'S OFFICE ON ANY OF THESE ON OR BEFORE THAT DATE.

(THE PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

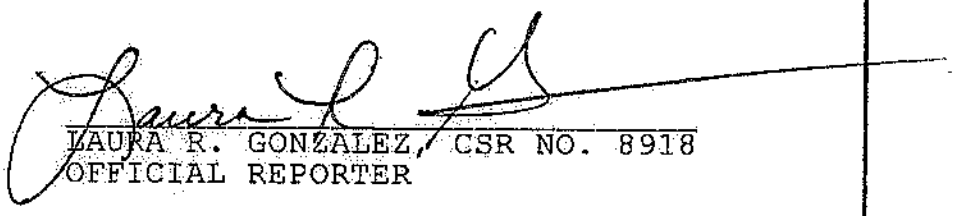
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398 REPORTER'S CERTIFICATE

I, LAURA R. GONZALEZ, CSR NO. 8918, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 6, INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON SEPTEMBER 29, 2016.

DATED THIS 19TH DAY OF JULY, 2023.



LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

ATTACHMENT E

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	*Reserved for Clerk's File Stamp*
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: **TRANSFERRED FILE**		CASE NUMBER: BC01493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

·5yrs + $500FA + 18 A/P + 15CJ + HAM + MADD + 1Qst. + Watson

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles APR 19 2023 David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
COUNTY COUNTY OF LOS ANGELES	
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))

CASE NUMBER	DEPARTMENT
23C01493	1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2.
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☑ Driving a vehicle when my BAC was at .18 percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle. — 13. J

14. **If applicable** – I understand that I am also charged with the following **other offense(s):** — 14. J

_____
TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination.....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.).....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses.....
27. I give up my right to remain silent and to not incriminate myself.....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF
41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR
42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF
43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF
44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF
45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF
46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR
47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF
48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR
49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF
50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /
51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /
52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. JC

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55. JC

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57. JC

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Cortez

☐JUDGE OF THE SUPERIOR COURT

☐TEMPORARY JUDGE OF THE SUPERIOR COURT

4/19/23
DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No: 2SC01493-01

Date: 4/19/23 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Courtroom: Cavalluzzi | Clerk: Hidalgo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § [ ] 23152(a) [ ] 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors.

Arraignment For Judgment

[x] Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] **Probation is denied.** Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] **Execution of the foregoing sentence is suspended, on the following terms and conditions.**

Conditional Sentence (PC §1203b/Order of Probation (PC §1203a)

[x] Imposition of sentence is **suspended (ISS)** [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. [x] **Serve 15 days/hours in the Los Angeles County jail,** [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution.
   [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772)
   [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021)
   [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed.
   [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (092)
   Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (013)
   If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (813)
   [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.
2. [x] **Pay a fine of $ 500 plus penalty assessments** or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124) [ ] Defendant to report to Financial Evaluator to work out a payment plan.
   [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/_____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. [x] Make **restitution to victim** [redacted] per PC §1202.4(f). (048) [ ] in an amount to be determined at a hearing. (067) [ ] Harvey waiver taken.
   [ ] in the stipulated sum of $ [redacted] (048) [ ] per any first civil judgment against you. (100) [x] Liability is admitted but amount is disputed.
5. [x] **Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved.** Defendant's BAC 15 %. [ ] Refusal
   [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(327) [ ] 5 mo. (AB 762) [ ] 9 mo. (AB1353) [x] 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program.
   The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer of that alcohol education program. (246)
6. [ ] Attend ____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of ____ times per week. IN ADDITION to those required as part
7. [x] **Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood,** or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. [x] Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) [x] **Watson advisement given.** (710)
10. [x] Enroll in and complete the [x] Hospital and Morgue ("HAM") Program. (471) [x] MADD Victim Impact Program (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of ____ months, ____ years. [ ] **"M" service given in open court.** (283)
    You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594 (a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. [x] **Pay all of the following (check all that apply):**

[x] A restitution fine of $ 150 per PC §1202.4(b) through (e). (098)	[ ] An administrative screening fee of $25 per PC 1463.07 GC §29550(f) (released OR)
[x] A court security fee of $40.00 per PC §1465.8(a)(1) (per count) (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(f) (if cited and released in field or at jail facility)
[x] A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a) (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649
[ ] A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b)) per H&S §11372.7(a)
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost)	[ ] A crime lab fee of $50.00, plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b, [ ] as determined by this Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. [x] Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)
[x] **Defendant acknowledges that he/she understands and accepts the terms and conditions of probation.** (810)
[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.
[x] Counts/allegations 1 mtn. are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates. Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept. _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail/work/fees by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: | Attorney's Signature Joining:

Defendant's Address:

Defendant's Telephone:

Maria Cavalluzzi 85

Judge/Commissioner of the Superior Court

FORM08 (Rev 2/07) DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT F

INTERVIEWS

On October 20, 2022, Detective Townsend contacted the LASD, Santa Clarita Valley Sheriff's Station, Traffic Unit, Motor Sergeant, Travis Kelly, Serial No. 404532. Sergeant Kelly provided a "Laboratory Examination Report." The report documented Detective Fillmore's blood alcohol concentration from the blood test when he was arrested. The results were derived from the blood sample taken from Detective Fillmore on the April 30, 2022, at 1945 hours. According to the report, the blood sample had a blood alcohol concentration of 0.18%. **(Addendum No. 7).**

Sergeant Kelly spoke about the Retrograde Extrapolation rate of elimination of Blood Alcohol Content (BAC). He said the LASD uses a rate of 0.02% BAC rate of elimination per hour. Using the information provided, Detective Fillmore's approximate BAC was .024% on April 30, 2022, at 1645 hours. That time was approximately 15 minutes prior to the accident Detective Fillmore was involved in.

Mark O'Donnell

On October 24, 2022, Detective III Mark O'Donnell, Serial No. 33062, assigned to Operations Valley Bureau (OVB) Homicide, was sent an interrogatory via department email. He responded immediately to the questions. Detective O'Donnell was the On-Call, Detective III, Supervisor, during the week of April 25, 2022, through May 2, 2022. He was the only team (squad) On Call and Detective Fillmore was not on call the week of his accident and arrest.

Steve Castro

On October 24, 2022, Detective III Steve Castro, Serial No. 26287, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Fillmore was assigned to Detective Castro's squad. Detective Castro and his squad were not "On Call" during the week of April 25, 2022, through May 2, 2022. The assigned vehicle Detective Fillmore had was a Nissan Maxima, California License [redacted] Detective Castro added that Detective Fillmore would regularly offer to be on call with other squads with that squad's D-III approval. However, Castro did not believe Detective Fillmore was on call with any squad with the dates in question.

David Peteque

On October 24, 2022, Assistant Officer in Charge, Detective III, David Peteque, Serial No. 27723, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Peteque did not give authorization for Detective

ATTACHMENT G

AGREEMENT REGARDING PROPOSED DISCIPLINE

This document represents an agreement between the City of Los Angeles, the Los Angeles Police Department and the Chief of Police, Charlie Beck (hereinafter collectively referred to as "the City") and Detective James Fillmore, Serial #37036, a member of the Los Angeles Police Department (hereinafter referred to as "Fillmore")

WHEREAS the City has conducted an investigation regarding alleged misconduct involving Fillmore, which has resulted in personnel complaint, CF #16-000570 being brought against Fillmore and,

WHEREAS the parties desire to reach a settlement in the above-referenced disciplinary proceedings in lieu of further administrative or judicial adjudication of the charge, and,

WHEREAS the parties agree that this AGREEMENT REGARDING PROPOSED DISCIPLINE (AGREEMENT) is not an admission by either party to any unlawful or wrongful acts by themselves, their agents or representatives;

NOW THEREFORE, the City and Fillmore, in consideration of the mutual covenants within, agree as follows:

1. The City shall amend personnel complaint, CF #16-000570 as follows:

Count One. On or about February 27, 2016, you, while off-duty, operated your private motor vehicle while under the influence of alcohol above .08 BAC, resulting in your arrest.

Count Two. On or about February 27, 2016, you, while off-duty, inappropriately attempted to use your position as a police officer to receive preferential treatment.

Count Three. On or about February 27, 2016, you, while off-duty, delayed on-duty personnel from the Los Angeles County Sheriff's Department, who were conducting an official investigation.

Count Four. On or about February 27, 2016, you, while off-duty, operated a motor vehicle with an open container of an alcoholic beverage adjacent to the driver's seat.

The City will find said charges, **Count 1-4,** to have been sustained against Fillmore, and will impose a disciplinary penalty of **10 SUSPENSION DAYS.** Furthermore, Fillmore agrees that should he fail to comply with any of the terms and conditions of this AGREEMENT, unless the penalty is specified in the specific paragraph of this AGREEMENT, this will constitute Insubordination and he would be subject to a new charge and investigation. If the charge is sustained by the Chief of Police, Fillmore would be subject to a Board of Rights hearing with the recommendation he be removed from his position with the Los Angeles Police Department.

By acceptance of the above charge as sustained and the penalty imposed, Fillmore agrees that there is a factual basis for said discipline and penalty. Fillmore acknowledges that the charge sustained and the discipline imposed will be reflected in his personnel record and TEAMS report.

2. Fillmore agrees to complete an apology letter to Deputy Christopher Morgan, #465550, Los Angeles County Sheriff's Department, which shall be approved and distributed by the commanding officer of Internal Affairs Group.

3. Fillmore will not initiate or pursue any further legal remedy of whatever kind against the City or its employees, any claims against the City and its employees, any appeals or other administrative proceedings, nor seek any other remedies available under the Los Angeles City Charter, state or federal law arising from the facts and circumstances which gave rise to the investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT. Notwithstanding any language to the contrary herein, the parties expressly agree that Fillmore shall retain all legal rights and remedies to which he is entitled as a matter of law in any Workers Compensation action or to receive such Workers Compensation benefits as are allowed by law resulting from the incident which gave rise to the investigation.

4. Fillmore agrees to, and does, fully release, acquit and forever discharge the City, and all present and former officers, employees and agents of the City from any liability for any and all claims arising out of or in connection with the facts and circumstances which gave rise to this investigation, the personnel complaint, and the proposed disciplinary action.

I have read this page and agree with its terms and conditions: Initials _____ ***Date*** 8-24-17

5. Fillmore agrees and acknowledges that any or all of the documents described in this AGREEMENT (including this AGREEMENT) shall be entered into his "general" personnel file (as defined in Penal Code §832.5) or any other file used for personnel purposes, and that said documents can be construed as comments adverse to his interests. Therefore, Fillmore understands and acknowledges that these documents will be part of his personnel record as comments adverse to his interests.

In addition, he understands that he holds certain due process rights under the Los Angeles City Charter, state and federal law and that both the Los Angeles City Charter and state law provide specific due process procedures to be accorded an employee when such disciplinary actions are taken.

Fillmore, by signing this AGREEMENT, acknowledges that he has been apprised of his due process rights and the procedures available to contest such disciplinary action, and, that he hereby explicitly waives all rights and remedies available either under the Los Angeles City Charter or state law in order to effectuate this AGREEMENT.

Fillmore agrees to participate in the following Rehabilitation Program:

For a period of FOUR (4) YEARS, while employed with the Los Angeles Police Department and after signing this AGREEMENT, Fillmore agrees to:

6. **Abstain from the use of all alcoholic beverages while employed by the Los Angeles Police Department.**

7. **While off duty, do not enter any establishment whose primary business is selling alcoholic beverages.**

8. **While off duty, do not purchase any alcoholic beverages.**

9. **Submit to substance testing up to five times a month**, on the request of a supervisor. The testing can include a breath, blood or urine, as directed by a supervisor. If a breath test is given and the results indicate the presence of alcohol, Fillmore agrees to immediately provide a blood or urine sample, as directed by a supervisor, to confirm the results.

I have read this page and agree with its terms and conditions: Initials _____ ***Date*** 8-29-17

Fillmore further agrees to participate in these tests on both an on and off duty basis and will cooperate fully with Department Supervisors in the administration of any on or off duty test. Fillmore's cooperation would include providing a breath sample to a supervisor who may respond to his residence. If that breath sample indicates the presence of alcohol, Fillmore will be placed on duty and accompany the supervisor to conduct further alcohol testing. Fillmore's off duty participation in the breath test process is part of his acceptance of this contract and will not be subject to compensation by the Department.

10. Fillmore agrees to seek professional evaluation and treatment through Behavioral Science Services (BSS), and participate in that evaluation and treatment as prescribed by BSS. ***Fillmore will make an appointment no later than one week following his or the Chief of Police signing of this AGREEMENT,*** whichever is later, and begin the above evaluation and treatment program as directed by BSS. Immediately upon contacting and making an appointment with BSS, Fillmore agrees to notify his commanding officer of the date he contacted BSS and the date of his first scheduled appointment. Furthermore, Fillmore understands and agrees that any prior evaluation or treatment provided by BSS, whether self-initiated or on a directed-in basis, does not meet this AGREEMENT'S requirement as spelled out in this paragraph.

11. Fillmore agrees that representatives from Internal Affairs Group (IAG) and/or his commanding officer can contact BSS to ascertain if he has contacted BSS, made an appointment, and that BSS can release this information to IAG and/or his commanding officer prior to any waiver being signed by him. Fillmore will continue with the evaluation and treatment program until he is released by BSS personnel. He agrees to cooperate with and respond to the advice and direction of BSS. Additionally, Fillmore agrees to participate in any additional evaluation and treatment as directed by BSS. Fillmore agrees that after being released by BSS, he will cooperate with and respond to the advice and direction of BSS and participate in any additional evaluation and treatment as directed by BSS.

12. Fillmore agrees to **sign a waiver at BSS**, authorizing the release of the results of the evaluation and treatment program to his commanding officer or a designated supervisor.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

13. Upon request of his concerned commanding officer or a designated supervisor, Fillmore will provide satisfactory proof and/or appropriate releases regarding his BSS evaluations and treatment and any relevant outpatient and/or treatment programs.

14. Fillmore understands that the Chief of Police has directed his commanding officer and the commanding officer of BSS to monitor his adherence to the conditions of this AGREEMENT and to notify the Department Advocate and/or Disciplinary Settlement Unit, Internal Affairs Group, should Fillmore fail to comply with any of the above conditions.

15. In consideration for the City doing the actions set forth herein and for the City's acting in compliance with the promises and representations set forth in this AGREEMENT, Fillmore hereby releases and forever discharges the City, its past, present and future officers, directors, attorneys, agents, servants, representatives, and employees, and its past, present and future boards, commissions, departments, subsidiaries, affiliates, partners, predecessors, successors-in-interest and assigns, and all other persons, firms, or corporations, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether for compensatory, punitive or any other form of damages, which he now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of or related to, any matters, acts or omissions arising out of, or related to, the claims which are the subject of this investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT, including, but not limited to, any and all known or unknown claims for bodily and personal injuries to Fillmore, and the consequences thereof, which have resulted or may result from the alleged acts or omissions of the City. This release and discharge shall be a fully binding and complete settlement between the parties to this AGREEMENT and all parties represented by or claiming through such parties.

16. Fillmore further understands and agrees that the actions taken, are intended to release and discharge any and all claims or damages which Fillmore does not know or suspect to exist at the time of his execution of this AGREEMENT and Fillmore hereby waives any rights under Section 1542 of the Civil Code of the State of California which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN

BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

17. This AGREEMENT contains the entire AGREEMENT between Fillmore and the City with regard to the matters set forth in it and shall be binding upon and inure to the benefit, jointly and severally, of Fillmore and the City and the executors, administrators, personal representatives, heirs, successors and assigns of each. Any prior agreements, promises, negotiations or representations, whether written or oral, relating to the subject matter of this AGREEMENT which are not expressly set forth in this AGREEMENT are of no force or effect. Any amendment or modification of this AGREEMENT must be in writing, and signed by both parties.

18. In entering into this AGREEMENT, each of the parties' represent that he has had the opportunity to seek the advice of his counsel of choice regarding the terms of this AGREEMENT, that those terms are fully understood and voluntarily accepted by each of the parties.

19. The parties agree that this AGREEMENT shall not be used as evidence in any future proceedings except in the event either party claims a breach of the AGREEMENT or desires to enforce the provisions of the AGREEMENT in litigation and/or administrative proceedings. In addition, the parties agree that this AGREEMENT shall not have precedential value in any other proceedings or for any other employee employed by the City.

20. The parties also agree that this AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same AGREEMENT.

21. Should any provision of this AGREEMENT be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and shall remain with full force and effect, and said illegal or invalid part, term, or provision shall be deemed not to be part of the AGREEMENT.

22. This AGREEMENT shall be effective on the date of execution by the Employee and the Chief of Police and if those signatures are on different dates, the effective date of this AGREEMENT shall be that latest of those dates.

23. Jurisdiction over any disputes arising from the AGREEMENT shall be in the Superior Court of the County of Los Angeles.

This AGREEMENT consists of eight pages.

I, THE UNDERSIGNED EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT HAVE CAREFULLY READ AND CONSIDERED EACH PROVISION IN THIS AGREEMENT. IN ADDITION, I ACKNOWLEDGE THAT THE DEPARTMENT HAS ENCOURAGED ME TO CONSULT WITH LEGAL COUNSEL OF MY CHOICE AND I HAVE DONE SO. I HAVE ALSO CAREFULLY CONSIDERED BOTH THE ADVANTAGES AND DISADVANTAGES THE AGREEMENT WOULD GIVE ME. IN RECOGNITION OF THOSE ADVANTAGES, I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHT TO AN ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW OF THE DEPARTMENT'S ADJUDICATION OF OR PENALTY FOR THE ALLEGED MISCONDUCT UNDERLYING THIS AGREEMENT.

Dated: 8-24-17

JAMES FILLMORE

Dated: 8-24-17

CHARLIE BECK, Chief of Police
Los Angeles Police Department

APPROVED AS TO FORM AND CONTENT:

Dated: Aug 15, 2017

Attorney, IRA SALZMAN
Representative for JAMES FILLMORE

Dated:

3059
Representative for the City of Los Angeles

ATTACHMENT H

SCANNED
P. Suarez
Date: 5-5-22

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
TRAFFIC CRASH REPORT
CHP 555 Page 1 (Rev. 3-20) OPI 080

SPECIAL CONDITIONS	NUMBER KILLED: 0	HIT & RUN FELONY: ☐	CITY: SANTA CLARITA	JUDICIAL DISTRICT: NEWHALL	LOCAL REPORT NUMBER: 922-01043-0226-342
	NUMBER INJURED: 1	HIT & RUN MISDEMEANOR: ☐	COUNTY: Los Angeles	REPORTING DISTRICT: 0647 BEAT: 62TI	DAY OF WEEK: S M T W T F S; TOW AWAY: ☒ YES ☐ NO

LOCATION

CRASH OCCURRED ON: CIRCLE J RANCH ROAD | MO. 04 DAY 30 YEAR 2022 | TIME (2400): 1700 | NCIC #: 1900 | OFFICER ID: # 65785

MILEPOST INFORMATION: FEET/MILES ☐ OF | GPS COORDINATES: LATITUDE 34.39669 LONGITUDE -118.53142 | PHOTOGRAPHS BY: ☒ NONE

☐ AT INTERSECTION WITH OR: 60 FEET/MILES NORTH OF CLEARVIEW COURT | STATE HWY REL: ☐ YES ☒ NO

PARTY 1

DRIVER'S LICENSE NUMBER: [redacted] | STATE: CA | CLASS: C | AIR BAG: L | SAFETY EQUIP.: G

DRIVER ☒ | NAME (FIRST, MIDDLE, LAST): JAMES FILLMORE

PEDESTRIAN ☐ | STREET ADDRESS: [redacted]

TOWED VEHICLE ☐ | CITY: [redacted]

BICYCLIST ☐ | SEX: M | HAIR: BRN | EYES: BLU | HEIGHT: 508 | WEIGHT: 200 | RACE: W

OTHER ☐ | HOME PHONE: [redacted] | BUSINESS PHONE: [redacted]

OPERATOR ☐ | INSURANCE CARRIER: CITY OF LOS ANGELES | POLICY NUMBER:

DIR OF TRAVEL: S | ON STREET OR HIGHWAY: CIRCLE J RANCH ROAD | LANE: 1 | THRU LANES: 1 | TOTAL LANES: 1 | SPEED LIMIT: 25

VEH. YEAR: 2016 | MAKE/MODEL/COLOR: NISSAN/MAXIMA/BLACK | LICENSE NUMBER: [redacted] | STATE: CA

OWNER'S NAME: ☐ SAME AS DRIVER: CITY OF LOS ANGELES

OWNER'S ADDRESS: ☐ SAME AS DRIVER: 555 N RAMIREZ SP BLD LA CA 90017

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE: 01 | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TOWED ____ NCIC ____

PARTY 2

DRIVER'S LICENSE NUMBER: | STATE: | CLASS: | AIR BAG: P | SAFETY EQUIP.: P

DRIVER ☐ | NAME (FIRST, MIDDLE, LAST):

PEDESTRIAN ☐ | STREET ADDRESS:

TOWED VEHICLE ☒ | CITY/STATE/ZIP:

BICYCLIST ☐ | SEX: | HAIR: | EYES: | HEIGHT: | WEIGHT: | BIRTHDATE Mo. Day Year: | RACE:

OTHER ☐ | HOME PHONE: [redacted] | BUSINESS PHONE: —

OPERATOR ☐ | INSURANCE CARRIER: STATE FARM | POLICY NUMBER: [redacted]

DIR OF TRAVEL: S | ON STREET OR HIGHWAY: CIRCLE J RANCH ROAD | LANE: 1 | THRU LANES: 1 | TOTAL LANES: 1 | SPEED LIMIT: 25

VEH. YEAR: 2021 | MAKE/MODEL/COLOR: GMC/SIERRA/BLACK | LICENSE NUMBER: [redacted] | STATE: CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE: 12 | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TOWED ____ NCIC ____

PARTY 3

DRIVER'S LICENSE NUMBER: | STATE: | CLASS: | AIR BAG: P | SAFETY EQUIP.: P

DRIVER ☐ | NAME (FIRST, MIDDLE, LAST):

PEDESTRIAN ☐ | STREET ADDRESS:

TOWED VEHICLE ☒ | CITY/STATE/ZIP:

BICYCLIST ☐ | SEX: | HAIR: | EYES: | HEIGHT: | WEIGHT: | BIRTHDATE Mo. Day Year: | RACE:

OTHER ☐ | HOME PHONE: [redacted] | BUSINESS PHONE: —

OPERATOR ☐ | INSURANCE CARRIER: FARMERS | POLICY NUMBER: [redacted]

DIR OF TRAVEL: S | ON STREET OR HIGHWAY: CIRCLE J. RANCH ROAD | LANE: 1 | THRU LANES: 1 | TOTAL LANES: 1 | SPEED LIMIT: 25

VEH. YEAR: 2004 | MAKE/MODEL/COLOR: TOYOTA/COROLLA/SILVER | LICENSE NUMBER: [redacted] | STATE: CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER: FREEWAY TOW

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE: 01 | DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER | SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TOWED ____ NCIC ____

REPORTING OFFICER NAME: N. MOSLEY #65785 | DISPATCH NOTIFIED: ☒ YES ☐ NO ☐ N/A | REVIEWER'S NAME: CRAMER M 472724 | DATE REVIEWED: 5-3-2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

CHP 555 Page 2 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	# 652853	922-06013-0826-242

PROPERTY DAMAGE

OWNER'S NAME: / OWNER'S ADDRESS:

PERSON NOTIFIED: / ☐ SAME AS OWNER / TELEPHONE NUMBER:

METHOD OF NOTIFICATION (MARK ALL THAT APPLY): ☐ IN PERSON ☐ PHONE ☐ DISPATCH ☐ CHP 180

LOG / REPORT NUMBER: 172

DESCRIPTION OF DAMAGE:

SEATING POSITION

A

1 2 3
4 5 6
7 8 9
10

1 TO 9 - STANDARD SEATING POSITION

10 - REAR OCC. TRK. VAN, STATION WAGON, ETC.*

11 - POSITION UNKNOWN*

0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

MC / BICYCLE - HELMET

	DRIVER	PASSENGER
	V - NO	X - NO
	W - YES	Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR (LIST NUMBER (#) OF PARTY AT FAULT): 1

- A. VC SECTION VIOLATED: 22352(a)CVC — CITED ☐ YES ☐ NO
- B. OTHER IMPROPER DRIVING*:
- C. OTHER THAN DRIVER*
- D. UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)
- A. CLEAR
- B. CLOUDY
- C. RAINING
- D. SNOWING
- E. FOG / VISIBILITY ____ FT.
- F. OTHER*:
- G. WIND

LIGHTING
- A. DAYLIGHT
- B. DUSK - DAWN
- C. DARK - STREET LIGHTS
- D. DARK - NO STREET LIGHTS
- E. DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE
- A. DRY
- B. WET
- C. SNOWY - ICY
- D. SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)
- A. HOLES, DEEP RUT*
- B. LOOSE MATERIAL ON ROADWAY*
- C. OBSTRUCTION ON ROADWAY*
- D. CONSTRUCTION - REPAIR ZONE
- E. REDUCED ROADWAY WIDTH
- F. FLOODED*
- G. OTHER*:
- H. NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES
- A. CONTROLS FUNCTIONING
- B. CONTROLS NOT FUNCTIONING*
- C. CONTROLS OBSCURED
- D. NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH
- A. HEAD - ON
- B. SIDE SWIPE
- C. REAR END
- D. BROADSIDE
- E. HIT OBJECT
- F. OVERTURNED
- G. VEHICLE / PEDESTRIAN
- H. OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)
- A. NONCOLLISION
- B. PEDESTRIAN
- C. OTHER MOTOR VEHICLE
- D. MOTOR VEHICLE ON OTHER ROADWAY
- E. PARKED MOTOR VEHICLE
- F. TRAIN
- G. BICYCLE
- H. ANIMAL*
- I. FIXED OBJECT*
- J. OTHER OBJECT*
- K. ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS
- A. NO PEDESTRIANS INVOLVED
- B. CROSSING IN CROSSWALK - AT INTERSECTION
- C. CROSSING IN CROSSWALK - NOT AT INTERSECTION
- D. CROSSING - NOT IN CROSSWALK
- E. IN ROAD - INCLUDES SHOULDER
- F. NOT IN ROAD
- G. APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
			A. SAE LEVEL - 0
			B. SAE LEVEL - 1
			C. SAE LEVEL - 2
			D. SAE LEVEL - 3
			E. SAE LEVEL - 4
			F. SAE LEVEL - 5
			G. UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
			A. NO AUTOMATION
			B. DRIVER ASSISTANCE
			C. PARTIAL AUTOMATION
			D. CONDITIONAL AUTOMATION
			E. HIGH AUTOMATION
			F. FULL AUTOMATION
			G. UNKNOWN*

1	2	3	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)
			A. VC SECTION VIOLATION: 22350 CVC — CITED ☐ YES ☐ NO
			B. VC SECTION VIOLATION: ____ — CITED ☐ YES ☐ NO
			C. VC SECTION VIOLATION: ____ — CITED ☐ YES ☐ NO
			D.
			E. VISION OBSCUREMENT
			F. INATTENTION*:
			G. STOP & GO TRAFFIC
			H. ENTERING / LEAVING RAMP
			I. PREVIOUS CRASH
			J. UNFAMILIAR WITH ROAD
			K. DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L. UNINVOLVED VEHICLE
			M. OTHER*:
			N. NONE APPARENT
			O. RUNAWAY VEHICLE

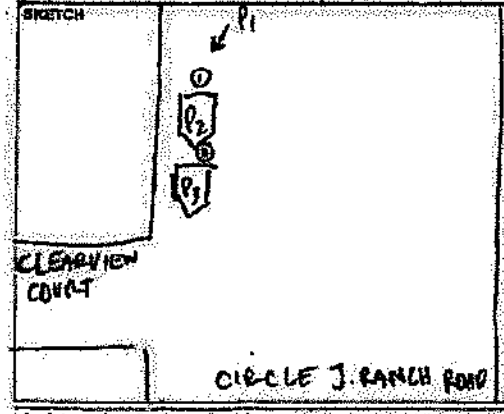
1	2	3	MOVEMENT PRECEDING CRASH
			A. STOPPED
			B. PROCEEDING STRAIGHT
			C. RAN OFF ROAD
			D. MAKING RIGHT TURN
			E. MAKING LEFT TURN
			F. MAKING U TURN
			G. BACKING
			H. SLOWING / STOPPING
			I. PASSING OTHER VEHICLE
			J. CHANGING LANES
			K. PARKING MANEUVER
			L. ENTERING TRAFFIC
			M. OTHER UNSAFE TURNING
			N. XING INTO OPPOSING LANE
			O. PARKED
			P. MERGING
			Q. TRAVELING WRONG WAY
			R. OTHER*:
			S. LANE SPLITTING

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
			A. HAD NOT BEEN DRINKING
			B. HBD - UNDER THE INFLUENCE
			C. HBD - NOT UNDER INFLUENCE*
			D. HBD - IMPAIRMENT UNKNOWN*
			E. UNDER DRUG INFLUENCE*
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
			DEPRESSANT
			F. IMPAIRMENT - PHYSICAL*
			G. IMPAIRMENT NOT KNOWN
			H. NOT APPLICABLE
			I. SLEEPY / FATIGUED*

1	2	3	SPECIAL INFORMATION
			A. HAZARDOUS MATERIAL
			B. CELL PHONE HANDHELD IN USE
			C. CELL PHONE HANDSFREE IN USE
			D. CELL PHONE NOT IN USE
			E. CELL PHONE USE UNKNOWN
			F. SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A. SHARED ROADWAY
			B. CLASS I - BIKE PATH*
			C. CLASS II - BIKE LANE*
			D. CLASS III - BIKE ROUTE*
			E. CLASS IV - SEPARATED BIKEWAY*

SKETCH



INDICATE NORTH

MISCELLANEOUS

AD 1-1 60

AD 1-2 40

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

CHP 555 Page 3 (Rev. 3-20) OPI 080

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	#657853	977-08043-0622-242

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	SPCH.					
#		43	M		X			X						1	1	L	G	0

NAME / D.O.B. / ADDRESS: JAMES FILLMORE / [redacted] TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY: AMR #751 EMS RUN NUMBER: 8165044 TAKEN TO: HENRY MAYO

DESCRIBE INJURIES: LEFT WRIST FRACTURE; I/A COFD ENGINE 73 : MEDICALLY EVALUATED HIM IN THE FIELD, UNDER THE SUPERVISION OF CAPTAIN TIBBITTS

☐ VICTIM OF VIOLENT CRIME NOTIFIED

| | | | | |

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#852853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

I. FACTS

A. SCENE

1. ROADWAY DESCRIPTION

Circle J Ranch Road is a north / south residential street. The roadway composition is primarily asphalt and the width is 40 feet. The roadway has a positive grade for southbound traffic, has concrete curbs and is curved near the collision scene.

(See attached sketch)

2. TRAFFIC CONTROLS

(None.)

B. MEASUREMENTS

All measurements were taken using estimation and are approximate. The area of impact was determined from a combination of party and witness statements, physical evidence and debris at the scene.

1. AREA OF IMPACT

1. (P-1 / P-2)

60 feet N/NCL of Clearview Court and
8 feet E/WCL of Circle J Ranch Road

2. (P-2 / P-3)

40 feet N/NCL of Clearview Court and
6 feet E/WCL of Circle J Ranch Road

II. STATEMENTS

All Party, Witness, and Passenger statements are *the substance* of what was told to me and **are <u>not</u> verbatim** statements unless indicated by quotation (" ") marks

A. PARTY

Party 1 (James) who was driving the black Nissan was located in the drivers' seat upon my arrival, and he was being medically treated by Los Angeles County Fire Department Engine 73 (under the supervision of Captain Tibbetts). He was identified

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#652853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

by his drivers' license. He was transported by AMR to Henry Mayo Hospital regarding the injuries he sustained from the traffic collision including a fractured left wrist. Upon my arrival to Henry Mayo Hospital, I contacted Party 1. Party 1 stated he was traveling southbound on Circle J Ranch Road at a high rate of speed. He stated he had been drinking alcohol prior to driving. He stated he was the sole driver and occupant of the vehicle.

Party 2 was a parked unoccupied vehicle.

Party 3 was a parked unoccupied vehicle.

III. OPINIONS AND CONCLUSIONS

A. SUMMARY

Party 2 and Party 3 were parked unoccupied vehicles. Party 1 was traveling southbound on Circle J Ranch Road. Party 1 struck Party 2. Due to the impact, Party 2 struck Party 3.

B. INTOXICATION

Party 1 displayed the objective signs and symptoms of intoxication and failed to perform the Standardized Field Sobriety Tests as instructed which led me to believe that he was under the influence of alcohol at the time of this collision.

C. CAUSE

Based on statements, physical evidence and my training and experience, I determined that the cause of this collision is party 1 driving under the influence of alcohol, a violation of 23152(a) CVC. An associated factor is Party 1 traveling at an unsafe speed for the conditions, a violation of 22350 CVC.

D. ARREST / CITATION

Party 1 was arrested for driving while under the influence of alcohol (BKG#6369976), and he was issued citation #AD130471. (See report under same file number).

IV. RECOMMENDATIONS

I recommend that this report be forwarded to the District Attorney for filing of the appropriate charges.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME	DATE
N. Hoslet #652853	4-30-2022		

ATTACHMENT I

Although the evidence to sustain all allegations is overwhelming, it is not necessary as Detective Fillmore admitted to his actions during his employee interview. In addition, Deputy Morgan, LASD Santa Clarita station, observed an open 25 ounce can of "Budweiser Lite" beer, approximately half full, in the center console cup holder of Fillmore's vehicle, adjacent to the driver's seat in violation of 23222 (a) CVC. Morgan also observed two empty Jim Beam Bourbon whiskey bottles, 375 ml, and two empty Jim beam Bourbon whiskey bottles, 200 ml, on the front passenger floor board, and one empty 50 ml bottle of Jack Daniels whiskey on the rear passenger floor board. This combined with his no contest plea in court and his admission to the investigating supervisor supports sustaining these allegations.

If the danger he created to himself and the people of Santa Clarita was not bad enough, Fillmore's behavior with the Deputy was unprofessional, and delayed his investigation. Fillmore failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to Fillmore's lack of cooperation, Morgan requested the assistance of a supervisor, Sergeant Bringas, and the on-duty watch commander, Lieutenant Aguilera, who explained the administrative process, and Fillmore's obligation to cooperate. Fillmore told Deputy Morgan he would only provide a blood sample, with a court order then questioned Morgan's integrity as to the truthfulness of the probable cause listed in the warrant. After preparing the court order and contacting a judicial officer to approve it, Morgan transported Fillmore to Henry Mayo hospital to have blood drawn. Fillmore's actions kept valuable LASD resources tied up longer than were necessary.

On at least two occasions during the investigation, Fillmore attempted to use his position with the Department to secure his release and avoid the ramifications of his actions. He told Morgan that the two were "on the same team," that "it [the investigation] did not have to go this far," and "if were up to me I would let you go." His unprofessional and inappropriate attempts to dissuade LASD personnel from completing his booking were an embarrassment to the police profession. Fillmore left anyone listening to him with the unambiguous impression that LAPD officers are above the law, and will abandon their duty to their profession when another officer violates the law. This is completely inconsistent with our Core Values and could be misconduct worthy of termination. During his personnel interview, Fillmore advised he has never released a DUI driver.

Based on his personnel interview and behavior since the incident, it is apparent that Fillmore is very embarrassed by his actions and extremely contrite. He placed the blame for his actions squarely upon his own shoulders. He discussed several personal issues that may have led to his behavior, but at the same time, Fillmore did not use these issues as an excuse. Since this incident, Fillmore has voluntarily sought assistance from multiple providers, and has made several significant life changes that have resulted in an improved work performance, behavior, demeanor, and overall appearance. It is my opinion that Fillmore fully understands the negative ramifications of his actions on February 27, 2016, and is taking the necessary steps to correct his behavior, make amends, and preclude future incidents.

ATTACHMENT J

922-06043-0622-242

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MISDEMEANOR ☒ Traffic ☐ Nontraffic

NOTICE TO APPEAR CITE AD130471

Date of Violation: 4/30/22 | Time: 5:00 ☐ AM ☐ PM | Day of Week: S M T W T F S | Speed/Limit: CMB/SCT

Name (First, Middle, Last): JAMES KURTZ FILLMORE ☐ Owner's Responsibility (Veh. Code, § 40001)

Address: [redacted]

City: [redacted] State: CA Class: [redacted] Commercial ☐ Yes ☐ No | Apt: [redacted]

Sex: M | Hair: BRN | Eyes: HZL | Height: 508 | Weight: 200 | Race: W | Date of Birth: 10/17/[redacted]

Driver's License No.: [redacted] State: CA

Yr of Veh.: NISSAN | Make: MAXIMA | Model: 4DR | Body Style: | Color: BLK

☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility: STORM

Registered Owner or Lessee: CITY OF LOS ANGELES ☐ Same as Driver

Address: 6240 SYLMAR AVENUE ☐ Same as Driver

City: VAN NUYS, State: CA ZIP Code: 91401

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☒	23152(a) CVC	DRIVING UNDER THE INFLUENCE	M I
☐	☐			M I
☐	☐			M I
☐	☐			M I

☐ Booking Required

Speed Approx.	PF/Max Spd.	Veh. Lmt.	Safe	Radar	Laser	☐ Construction

Location of Violation: At CIRCLE J RANCH RD / CLEARVIEW COURT City of Occurrence: SCS

File No. / ID: 922-06043-0622-242 Reference: 63691796 No. Passengers: M 0 F 0

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

4/30/22 Date | N. MOSLEY Arresting or Citing Officer | 685883 Employee No. | 10 Vac Duties

/ / Date | Name of Arresting Officer, if different from Citing Officer | Employee No. | Vac Duties

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature: [signature]

WHEN: ON OR BEFORE THIS DATE 8/31/22 Time 8:30 ☒ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE:

[Name of court(s)] SANTA CLARITA COURTHOUSE

[Section(s) or division(s), room number(s).]

[Street address(es)] 23747 VALENCIA BLVD.

VALENCIA, CA 91355

[Phone No.]

☐ To be notified

AD130471 *1900*

Judicial Council of California Form Rev. 03-08-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.5)

SEE REVERSE

TR-130

ATTACHMENT K

DMV
A Public Service Agency

[redacted] E 21 AND OLDER OFFICER'S STATEMENT [redacted]

SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS DAYS TO YOUR LOCAL DRIVER SAFETY OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO.	DETENTION/ARREST DATE	FOR DMV USE ONLY
16-02607-0029-242	2/27/16	

DRIVER'S NAME (LAST, FIRST, M.I.): FLORES, JAMES KURTZ

DRIVER LICENSE NO.: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA

[redacted] ZIP CODE

THUMB PRINT (Right thumb or specify)



DOB: [redacted] Sex: M Hair: Bld Eyes: Brn Ht.: 5-06 Wt.: 220

Driver License: ☐ Suspended/Revoked ☒ Surrendered (Attached) ☐ Not in Possession ☐ Unlicensed

- ☐ 0.01% or more BAC DUI Probation
- ☐ 0.04% or more BAC/COMM VEH
- ☐ 0.08% or more BAC Chemical Tests Results
- ☐ PAS or other Chemical Test Refusal – (DUI Probation) (Complete reverse)
- ☐ Chemical Test Refusal (Complete reverse)
- ☒ Forced Blood Test (Complete reverse)

Vehicle Lic. No. or VIN [redacted]

☐ COMMERCIAL VEHICLE: Vehicle operation requires a commercial driver license (Section 15210 CVC).

☐ HAZARDOUS MATERIALS: (transporting materials requiring placards/markings per Section 27903 CVC).

On 2/27/16 at 10:15 AM/PM in (City and County) Alhambra, LA CA, the above named driver was:

☒ Driving: ☒ observed by this officer or ☐ the observer shown in the shaded area on the second page; ☒ admitted to driving.

☐ Contacted per Section 40300.5 CVC. (Describe details in probable cause section on second page.)

☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.

I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the shaded area on the second page on 2/27/16 (Month/Day/Year) at 10:30 AM/PM for violation of Section 23152 or 23153, 23154 CVC.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☐ Unsteady gait ☒ Slurred speech ☐ Other: _____ Observed by: Morent C at 12:20 AM/PM

PRELIMINARY ALCOHOL SCREENING TEST 0.01% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC) DUI PROBATION

Driver submitted to and completed a Preliminary Alcohol Screening (PAS) test with the results of:

TEST 1 ____% BAC on _____ (DATE) at _____ (TIME) AM/PM TEST 2 (Optional) ____% BAC on _____ (DATE) at _____ (TIME) AM/PM

OFFICER'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (Name/Number) _____, Serial# _____, Manufactured by _____, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test. ☐ PAS Test Unavailable

Date Signature X BADGE/ID NO. Agcy./Div.

CHEMICAL TEST Obtained from Morent C

Breath Test Results (Attach copy of the results, if available)

TEST 1 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 2 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 3 ___% BAC on _____ (DATE) _____ (TIME) AM/PM (WHEN APPLICABLE)

BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.

Date Signature X Badge/ID No. Agcy./Div.

Blood Test Results ☒ Blood Test on 2/28/16 (DATE) 12:52 (TIME) AM/PM ☐ Breath Test Unavailable

Obtained from Morent C

Urine Test Results ☐ Both Breath and Blood tests unavailable. ☐ Drug use suspected. ☐ Urine required.

☐ Urine Test First Void on _____ (DATE) _____ (TIME) AM/PM Test on _____ (DATE) _____ (TIME) AM/PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 2/28/16 AT: City Santa Clarita County Los Angeles State CA

OFFICER'S PRINTED NAME	BADGE/ID NO.	TELEPHONE NO.
Morent C	16550	(661) 255-1121
AGENCY: CHP	AREA: Sec	COURT CODE (IF UNKNOWN, COURT NAME): NEW

☒ I did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

ISSUE DATE OF ORDER: 2/28/16 SIGNATURE OF ARRESTING OFFICER: [signature]

IF ORDER SERVED BY ANOTHER OFFICER, I personally served a copy of the order to the driver on the date shown below:

ISSUE DATE	OFFICER'S PRINTED NAME	BADGE/ID NO.	SIGNATURE OF OFFICER X

DS 367 (REV. 10/2012) White—DMV Yellow—Law Enforcement Pink—Driver

continued on reverse