

Travis

2016

Assault with a  
firearm

POINTS AND AUTHORITIES

INTRODUCTION

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2  
3 Mr. V [REDACTED] is scheduled to be sentenced by this Court on  
4 October 13, 2016.

5 The complaint in this case charged Mr. V [REDACTED] with a  
6 violation of Penal Code Section 245(a)(2) and strike, prison and  
7 personal use of a gun enhancements, all in Count One. Count Two  
8 charged Penal Code Section 25400(c)(6). After a lengthy  
9 preliminary hearing heard by this Court, Mr. V [REDACTED] was held  
10 to answer only on Count Two, a wobbler.

11  
12 Mr. [REDACTED] pleaded open to the Court, with the agreement  
13 from the Court that - absent unforeseen developments - it would,  
14 at worst, suspend imposition of any prison sentence and sentence  
15 Mr. V [REDACTED] to probation with a 60-day cap on any jail.  
16 Furthermore, the Court said it would consider a 17(b) motion for  
17 a reduction of the crime to a misdemeanor at sentencing.  
18

19 For the reasons below, we ask the Court to exercise its  
20 discretion and reduce this case to a misdemeanor at sentencing.

21 AUTHORITY TO DECLARE AN OFFENSE TO BE A MISDEMEANOR

22 Penal Code section 17(b) provides:

23 When a crime is punishable, in the discretion of the court,  
24 by imprisonment in the state prison or by fine or imprisonment  
25 in the county jail, it is a misdemeanor for all purposes under  
26 the following circumstances:  
27

Feb 3

S [REDACTED]

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ATTORNEYS FOR THE PLAINTIFF

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN

THE PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

v.

TRAVIS [REDACTED],

DEFENDANT(S).

) NO. S [REDACTED] A  
)  
) AGENCY CASE NO(S).  
) SR15009990  
)  
) COMPLAINT

I, THE UNDERSIGNED, SAY, ON INFORMATION AND BELIEF, THAT IN THE COUNTY OF MARIN, STATE OF CALIFORNIA:

COUNT 001: On or about November 14, 2015, the crime of ASSAULT WITH A FIREARM, in violation of Section 245(a)(2) of the Penal Code, a felony, was committed by TRAVIS [REDACTED], who did willfully and unlawfully commit an assault on Caresse Haley with a firearm.

IT IS FURTHER ALLEGED, as to Count 1, that the above offense is a serious felony in that the said defendant(s), TRAVIS [REDACTED]

TRAVIS [REDACTED]

[REDACTED], used a firearm, within the meaning of Penal Code Section 1192.7(c)(8).

IT IS FURTHER ALLEGED, as to Count 1, that the above offense committed by the said defendant(s), TRAVIS M [REDACTED], is a violent felony within the meaning of Penal Code Section 667.5(c)(8).

IT IS FURTHER ALLEGED, as to Count 1, that, in the commission and attempted commission of the above offense, the said defendant(s), TRAVIS M [REDACTED], personally used a firearm(s), to wit: 9 mm Strum Ruger semi-automatic handgun, within the meaning of Penal Code Sections 12022.5(a) and 12022.5(d).

IT IS FURTHER ALLEGED, as to Count 1, that the above offense(s), committed by the said defendant(s), TRAVIS M [REDACTED], is a violent felony and/or serious felony, within the meaning of Penal Code Sections 1170.12(a), (b), and (c).

IT IS FURTHER ALLEGED, as to Count 1, that the said defendant(s), TRAVIS M [REDACTED], committed the above offense within the meaning of Penal Code Section 1203.095(a).

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), TRAVIS M [REDACTED], is hereby notified, as to Count 1, that the above offense(s) is a serious felony within the

TRAVIS [REDACTED]

meaning of Penal Code Section 1192.7(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), TRAVIS [REDACTED], is hereby notified, as to Count 1, that the above offense(s) is a violent felony within the meaning of Penal Code Section 667.5(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

IT IS FURTHER ALLEGED, as to Count 1, that the above offense committed by the said defendant(s), TRAVIS [REDACTED], is a serious felony within the meaning of Penal Code Section 1192.7(c)(23).

COUNT 002: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 001, complainant further complains and says: On or about November 14, 2015, the crime of CARRYING A CONCEALED FIREARM WITHIN A VEHICLE WITHOUT BEING THE REGISTERED OWNER, in violation of Section(s) 25400(a)(1)/25400(c)(6) of the Penal Code, a felony, was committed by TRAVIS [REDACTED], who did willfully and unlawfully carry concealed within any

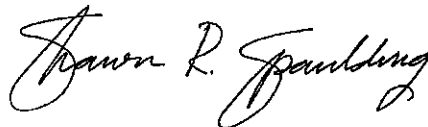
TRAVIS M. [REDACTED] [REDACTED]

vehicle, which was then and there under said defendant's control and direction, any pistol, revolver, and other firearm capable of being concealed upon the person, to wit: 9 mm Strum Ruger semi-automatic handgun, and the pistol, revolver, and other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of said defendant(s) or readily accessible to said defendant(s), and when said defendant(s) was not listed with the Department of Justice, pursuant to Section 11106 of the Penal Code, as the registered owner of that pistol, revolver, and other firearm capable of being concealed upon the person.

NOTICE: Conviction of this offense(s), as to Counts 1 and 2, will require the said defendant(s), TRAVIS M. [REDACTED], to provide specimens and samples pursuant to Penal Code Section 296. Willful refusal to provide the specimens and samples is a crime.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT EXCEPT AS TO THOSE MATTERS STATED ON THE INFORMATION AND BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

EXECUTED ON 11/25/2015, AT SAN RAFAEL, CALIFORNIA.



SHAWN R. SPAULDING  
DEPUTY DISTRICT ATTORNEY