

State Bar Court
Hearing Department
San Francisco

PUBLIC MATTER

Petitioner Gonzalo Ignacio Vergara	(for Court use only) FILED OCT 27 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel for Petitioner Daniel M. Karalash, SBN 176422 Strategic Law Command 1207 Front Street, Suite 15 Sacramento, CA 95814	Case Number (to be assigned by State Bar Court) 14-R-05622
In the Matter Of: Gonzalo Ignacio Vergara Petitioner for Reinstatement Former Bar Number: 212928	PETITION FOR REINSTATEMENT Cal. Rules of Court, rule 9.10(f); Rules Proc. of State Bar, rules 5.440 et seq.
<u>NOTE</u> PETITIONER MUST CONTINUE TO UPDATE THE INFORMATION CONTAINED IN THE PETITION WHENEVER CHANGES TO THE INFORMATION OCCUR AND MUST PROMPTLY FILE THE UPDATES WITH THE STATE BAR COURT AND SERVE THEM ON THE OFFICE OF CHIEF TRIAL COUNSEL.	
All information which cannot be set forth in the space provided must be included in attachments on consecutively numbered pages that reference the section of the petition being addressed. Begin numbering the attachments after the last page of this Petition.	
Total number of pages, including all attachments: 24	

I, Gonzalo I. Vergara, the above-named petitioner, having read the California Rules of Court, rule 9.10(f), and the Rules of Procedure of the State Bar of California, rules 5.440 et seq., do hereby petition for reinstatement as a member of the State Bar of California based on the following grounds:

A. REQUIREMENTS FOR PETITION FOR REINSTATEMENT

1. TIME ELIGIBILITY FOR FILING PETITION (check all that apply)

- a. Petitioner was disbarred, effective date:
 Petitioner resigned with disciplinary charges pending, effective date: 12/4/2002
 Petitioner resigned without disciplinary charges pending, effective date:



b. Petitioner was interimly suspended or enrolled inactive immediately preceding disbarment or resignation, effective date: 10/15/2002

c. Petitioner filed prior petition(s) for reinstatement, as listed below.

Date Prior Petition Filed

Case Number

Check here if no prior petition has been filed.

d. Petitioner has attached to this petition any decision or order of the Supreme Court or the State Bar Court that petitioner relies upon in submitting this petition for reinstatement earlier than permitted by rule 5.442 of the Rules of Procedure.

2. PROOF OF PASSAGE OF ATTORNEYS' EXAMINATION

a. Petitioner resigned with charges pending or was disbarred and has attached to this petition proof that petitioner has taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within three years prior to the filing of this petition.

b. Petitioner resigned without charges pending more than five years before filing this petition for reinstatement and has attached to this petition proof that petitioner has taken and passed the Attorneys' Examination administered by the Committee of Bar Examiners within five years prior to the filing of this petition.

c. Petitioner resigned without charges pending within five years prior to filing this petition for reinstatement and is not required to provide proof that petitioner has taken and passed the Attorneys' Examination. Petitioner understands that he or she must establish present ability and learning in the general law.

3. PROOF OF PAYMENT OF DISCIPLINE COSTS

a. Petitioner has attached to this petition proof of payment of all discipline costs imposed pursuant to Business and Professions Code section 6086.10, subdivision (a). To obtain proof, contact the Membership Billing Services at (415) 538-2365. This proof is required even if no discipline costs were imposed.

b. Proof of payment of all discipline costs is not attached. Explain:

4. PROOF OF PAYMENT TO CLIENT SECURITY FUND

a. Petitioner has attached to this petition proof of payment of all reimbursement for payments made by the Client Security Fund as a result of Petitioner's conduct, plus applicable interest and costs pursuant to Business and Professions Code section 6140.5, subdivision (c). To obtain proof, contact the Client Security Fund at (213) 765-1150. This proof is required even if no reimbursement was required.

b. Proof of payment to the Client Security Fund is not attached. Explain:

No payments were required of Petitioner because the case did not involve clients in any way.

5. PROOF OF PASSAGE OF PROFESSIONAL RESPONSIBILITY EXAMINATION

a. Petitioner has attached to this Petition proof of passage of a professional responsibility examination after the effective date of petitioner's disbarment or resignation but not more than one year before the filing of this Petition.

b. Proof of passage of a professional responsibility examination is not attached. Explain:

6. OTHER REQUIREMENTS (all boxes must be checked)

a. **Filing Fee.** Petitioner has included a filing fee of \$1,600, payable to the State Bar of California. The court will not waive a filing fee.

b. **Disclosure Statement.** Petitioner has completed and verified a Disclosure Statement on the form approved by the court and in compliance with the instructions. Along with a copy of this Petition, Petitioner has served the original Disclosure Statement on the Office of the Chief Trial Counsel pursuant to rule 5.25 of the Rules of Procedure of the State Bar. The Petition will not be filed without a proof of service showing service of the Petition and Disclosure Statement on the Office of the Chief Trial Counsel.

c. **Fingerprints Submitted.** Under Business and Professions Code section 6054, Petitioner has (1) submitted fingerprints to the California Department of Justice via Live Scan technology, or (2) if the Petitioner resides outside the state, submitted two sets of original fingerprints on record cards furnished by the State Bar to the Office of the Chief Trial Counsel.

B. PREVIOUS DISBARMENT OR RESIGNATION INFORMATION

1. DISBARMENT

- a) List the cases number(s) of the case in which disbarment was ordered:
- b) List the case number(s) of the matters pending in State Bar Court on the date the disbarment order was filed:
- c) List the case number(s) of any matters not yet filed with State Bar Court of which petitioner is aware were pending on the date that the disbarment order was filed:

2. RESIGNATION

- a) List the case number(s) of the matters pending in State Bar Court on the date the resignation was tendered: 02-Q-14901
- b) List the case number(s) of any matters not yet filed with State Bar Court of which petitioner is aware were pending on the date that the resignation was tendered:

C. ESTABLISHING REHABILITATION, MORAL CHARACTER QUALIFICATIONS AND DEMONSTRATING PRESENT ABILITY AND LEARNING IN THE GENERAL LAW

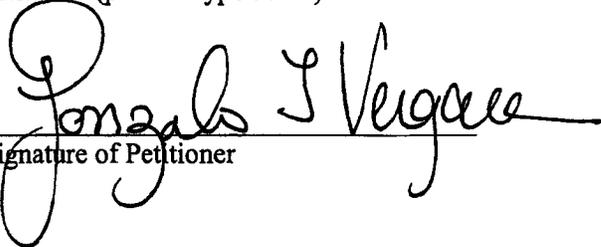
Attach a statement summarizing the evidence that Petitioner contends establishes his or her: (1) rehabilitation and present moral qualifications for reinstatement, and (2) present ability and learning in the general law.

VERIFICATION

I, Gonzalo Vergara , Petitioner, declare under penalty of perjury that the foregoing, including all attachments and/or addenda, is true and correct and that this declaration is executed at, Sacramento, California (enter city, state), on ^{October 8}~~July 31~~, 2014 (enter date).
SV

Gonzalo I. Vergara

Petitioner (print or type name)



Signature of Petitioner

Daniel M. Karalash

Petitioner's Counsel (print or type name)



Signature of Petitioner's Counsel

**TABLE OF ATTACHMENTS TO
PETITION FOR REINSTATEMENT FOR
GONZALO I. VERGARA, SBN 212928**

ATCH NO.	ATTACHMENT
A2	State Bar Office of Admissions letter, dated November 22, 2013 re passing of July 2013 Bar Examination
A3	State Bar Office of Finance letter, dated August 20, 2014, confirming no outstanding discipline costs.
A5	Professional Responsibility Examination Results of 3/29/2014 MPRE w/ MPRE Score Report to California State Bar
A6a	Filing Fee of \$1,600
A6b	Proof of Service of Disclosure Statement
C	Statement summarizing (1) rehabilitation and present moral qualifications, and (2) present ability and learning in the general law

EXHIBIT "A2"

IN RE GONZALO I. VERGARA, SBN 212928



THE STATE BAR OF CALIFORNIA
OFFICE OF ADMISSIONS

180 HOWARD STREET • SAN FRANCISCO, CALIFORNIA 94105-1617 • (415) 538-2300
1149 SOUTH HILL STREET • LOS ANGELES, CALIFORNIA 90015-2299 • (213) 765-1500

November 22, 2013

GONZALO IGNACIO VERGARA
1950 HOMEWOOD LN
LINCOLN, CA 95648

Code #: 1803
File #: 66650
App #: 10217

Congratulations! You passed the July 2013 administration of the California Bar Examination. Please refer to the State Bar Court's page on the State Bar of California's website at www.statebarcourt.ca.gov for information relative to applying for reinstatement to practice law in California.

EXHIBIT "A3"



THE STATE BAR
OF CALIFORNIA

OFFICE OF FINANCE / MBS

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 1-888-800-3400 / FAX: (415) 538-2361

E-MAIL: billing@calbar.ca.gov

August 20, 2014

#212928

Gonzalo I. Vergara
Strategic Law Command
1207 Front St Ste 15
Sacramento, CA 95814

Dear Mr. Vergara:

This is response to your request for written verification of your billing record, and it shows no outstanding balance for discipline costs and membership fees.

If you have any questions, please contact Membership Billing Services at (415) 538-2360. You will also need to contact the Client Security Fund at (213) 765-1150, to determine the amount if any due for CSF obligations.

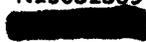
Sincerely,

Tina Surles, Senior Administrative Supervisor
Membership Billing Services

TS/li

EXHIBIT "A5"

NCBE Account [NCBE Home](#)

Name: GONZALO VERGARA
NCBE Number: N10031509
Date of Birth: 

Your score on the Multistate Professional Responsibility Examination (MPRE) administered on 03/29/2014 is as follows:

Scaled Score: 102

The score shown above has been reported to CALIFORNIA as you requested when you registered for the MPRE.

Your MPRE score will be available on your NCBE account only until the next MPRE test date. If you want to obtain your score after that, you will need to request a score release, and pay the required fee. Therefore, we recommend that you save this page and/or print it for your records.

Each jurisdiction determines its own passing score on the MPRE. Any questions about admission requirements pertaining to MPRE scores should be directed to the bar admission agency in the jurisdiction to which you are applying. Contact information for jurisdictions can be found in the [Bar Admission Offices Directory](#).

The MPRE scaled score is a standard score. Standard scaled scores range from 50 (low) to 150 (high). For more information on the scoring process, see the [MPRE Information Booklet](#).

MPRE Score Services: All MPRE score services listed below must be requested under the Score Services tab of your NCBE account.

- **MPRE Score Report:** If you would like to have your MPRE score sent to another jurisdiction, you must submit a request to NCBE for a score report. Score reports are sent to jurisdictions by mail.
- **MPRE Score Verification:** If you would like to have the scoring of your MPRE answer sheet rechecked by hand, you must request a score verification. **Score verification requests must be submitted to NCBE within two months of the original test date.** Score verifications will be available in the File Cabinet of your NCBE account, and are not sent by mail.
- **MPRE Score Release:** If you would like a replacement copy of your MPRE score after it is no longer available on this page, you must submit a request to NCBE for a score release. Score releases cannot be requested until scores are no longer available on NCBE accounts. Score releases do not contain any additional information and are duplicative of score information provided following the exam. Score releases will be available in the File Cabinet of your NCBE account, and are not sent by mail.

[Contact Us](#)

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MPRE Score Services Request

Print this confirmation for your records. You will receive a confirming e-mail shortly, and also when your request has been processed. If paying by check, you must submit this confirmation page or the confirming e-mail with your check made payable to "NCBE" in the amount listed under "Payment Information" below. Mail to MPRE Score Services, National Conference of Bar Examiners, 302 South Bedford Street, Madison, WI, 53703-3622.

Examinee Information

Name: Gonzalo Ignacio Vergara
E-mail Address: gvergara54@hotmail.com
Phone Number: 9168470673
Date of Birth: [REDACTED]
Last Four Digits of Social Security Number: [REDACTED]
NCBE Number: N10031509
Exam Date: MAR 2014

Payment Information

Credit Card Number: XXXX XXXX XXXX [REDACTED]
Total Fees: \$25.00

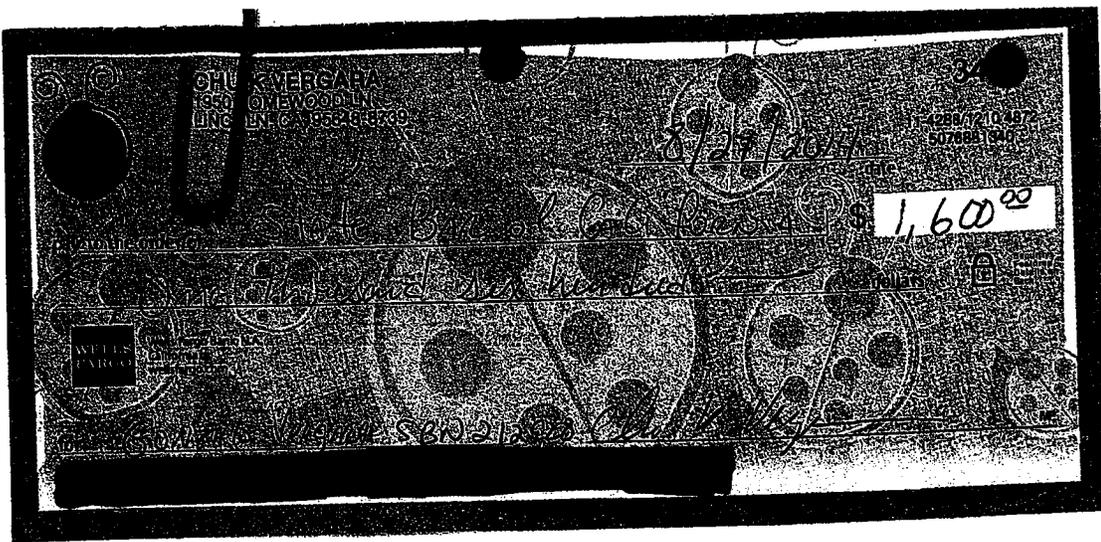
MPRE Score Services Request(s)

MPRE Score Report to **CALIFORNIA**

[Back to NCBE account](#)

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EXHIBIT "A6a"



CHU K VERGARA
1830 HOMEWOOD LN
LINCEN, CA 95826-8739

8/27/2014

251710487
507881017

\$ 1,600⁰⁰

Pay to the order of *Chun Vergara*

WELLS
FARGO

880213

EXHIBIT “A6b”

IN RE GONZALO I. VERGARA, SBN 212928

1 DANIEL M. KARALASH (SBN 176422)
2 STRATEGIC LAW COMMAND
3 1207 Front Street, Suite 15
4 Sacramento, CA 95814
5 Tel: (916) 787-1234
6 Fax: (916) 520-3920
7 dan@stratlaw.org

8 Attorneys for Petitioner

9 IN THE STATE BAR COURT
10 HEARING DEPARTMENT
11 SAN FRANCISCO, CALIFORNIA

12 In the Matter Of:) CASE NO.
13)
14 GONZALO IGNACIO VERGARA) PROOF OF SERVICE
15)
16 Petitioner for Reinstatement)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

29 **PROOF OF SERVICE**

30 I am over the age of 18 and I am not a party to the within action, and my place of
31 business is located in County of Sacramento, at 1207 Front Street, Suite 15, Sacramento, CA
32 95814.

33 I served the foregoing document described as follows:

34 DISCLOSURE STATEMENT SUPPORTING PETITION FOR REINSTATEMENT

35 on the interested parties in this action:

36 Office of the Chief Trial Counsel
37 State Bar of California
38 180 Howard Street
39 San Francisco, CA 94105

1 BY FACSIMILE TRANSMISSION. I caused such document to be transmitted by
facsimile at the above-stated number.

2 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. I caused such envelope,
3 to be mailed via United States certified mail, return receipt requested at Sacramento, California
4 in accordance with rule 5.25(E) of the Rules of Procedure of the State Bar.

5 BY PERSONAL SERVICE. I caused such envelope to be delivered by hand to the
6 offices of the person(s) listed above.

7 I declare under penalty of perjury under the laws of the State of California that the above
is true and correct.

8 Executed on ^{October 24} August , 2014 at Sacramento, California.

9
10
11 

Daniel M. Karalash

EXHIBIT "C"

ATTACHMENT C TO PETITION FOR REINSTATEMENT

(1) REHABILITATION AND PRESENT MORAL QUALIFICATIONS FOR REINSTATEMENT

I was born on [REDACTED] at Santiago, Chile. After my father's death, my mother and my sisters immigrated into the United States in 1967. We lived in New York City.

On December 5, 1972 I enlisted in the United States Air Force. In 1975 I was assigned to Korea. There I met my future wife, Chu Vergara, nee Yi.

Chu and I were married on October 8, 1976 in Seoul, Korea. We have been married since then to the present. We have three children: Miran, Martin, and Alfonso. We also have two grandchildren: Desiree and Tobias.

I served in the United States Air Force until my retirement on June 30, 2000. I rose from the rank of Basic Private to Lieutenant Colonel.

My father was an attorney in Chile so I attended McGeorge School of Law, Sacramento, California between 1996 and 2000. I was sworn as an attorney on May 31, 2001, on one of the proudest days of my life. My California Bar Number is 212928.

After retirement, for the first time in my life I encountered financial difficulties. We bought a house that we could not in reality afford and otherwise entered deeper and deeper in debt. The house was lost through foreclosure and I was looking at eviction. I had always been the rock of our family and could not accept failure. I did not tell my family any of this. I kept it to myself hoping for a miracle.

In the early morning hours of May 30, 2002, the day we were to be evicted, while under extreme emotional distress due to financial stress and the loss of our home, I took a large dose of sleeping pills in an effort to kill myself. While waiting to die, I thought of the hardships my wife endured when her father was no longer around. My wife often told stories of hardships growing up in Korea without financial stability. I remember her pain and sorrows. I love my wife. I could not leave her to face those sorrows to face such hardship again after the wonderful life we had up to that point. I was under the influence of sleeping pills... I took a bat and hit my wife on the head while she was sleeping. I could not muster the strength to actually severely injure her...

On May 31, 2002, after being released from the hospital, I was charged with the attempted murder of my wife. I was in custody from May 30, 2002 until July 2, 2002 when I was released to electronic monitoring.

On October 15, 2002, in order to avoid a public trial and bring anguish to my family, against the advice of my attorney and friend Daniel M. Karalash, I pleaded guilty to the charges.

In the Matter of Gonzalo Ignacio Vergara SBN 212928

On January 6, 2003, Placer Superior Court Judge, Hon. John Cosgrove, sentenced me to 15 years to life. However, Judge Cosgrove ordered the execution of the sentence be suspended and entered me into formal probation for a period of 10 years.

REHABILITATION

Despite the horrible night of May 30, 2002, my wife and I remained together; as well as our family. They all know how much I love my wife and that I committed an insane act in an insane moment. I'm so very lucky because our marriage and our family bonds are even stronger because of what happened. What was the most surprising is how quickly we recovered. The following year (2003) we bought another home and have been there since. We are celebrating our 38th wedding anniversary this year.

I complied with all of the requirements imposed by the Court: I paid all fines, completed all community service requirements, completed all counseling to include the 52-week batterer's program. On January 6, 2013, my probation terminated without any negative incidents.

On February 5, 2014, Placer Superior Court Judge, Hon. Jeffrey S. Penney, ordered the charges against me dismissed. (Pen. Code § 1203.4)

Given the mercy shown to me under the circumstances, I have always felt an incredible gratitude to my wife, my family, and those friends who stood by me and helped me during this horrible situation. I also felt very deeply that I owed them so much for the mercy shown by them as well as Judge Cosgrove, the judicial system, and the State Bar. I felt that owed them a duty to abide and complete the requirements imposed upon me. Throughout I have tried to do the very best under the circumstances and show them that their faith in me was not in vain.

Between 2003 and the present I have been an active member of the community: I am active in the Lincoln Chapter of Knights of Columbus, a charity organization. I am also active with California veterans. In 2006 and 2008 I was a volunteer in various congressional campaigns.

(2) PRESENT ABILITY AND LEARNING IN THE LAW

Between 2003 and the present, I have striven to maintain my learning in the law. I passed the July 2013 Bar Examination and I passed the Professional Responsibility Examination on March 29, 2014. I have complied with the MCLE requirements for paralegals.

As all times I have continued to work in the legal field. I have worked as a paralegal [independent contractor] under attorney supervision since my resignation. Since 2013 I have been employed by Strategic Law Command.

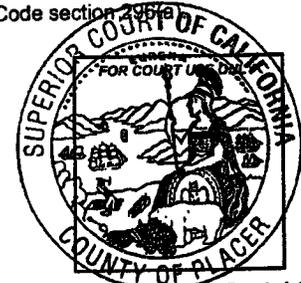
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gonzalo I. Vergara 1950 Homewood Lane Lincoln, CA 95648 TELEPHONE NO.: (916) 847-0673 FAX NO. (Optional): E-MAIL ADDRESS (Optional): gvergara54@hotmail.com ATTORNEY FOR (Name): Defendant In Pro Per</p>	<p>FOR COURT USE ONLY FILED Superior Court of California County of Placer FEB 05 2014 Jake Chatters Executive Officer & Clerk By: C. Raymond, Deputy</p>
<p>PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT: Gonzalo I. Vergara</p>	<p>CASE NUMBER: 62-28699</p>
<p style="text-align: center;">ORDER FOR DISMISSAL (Pen. Code, §§ 17, 1203.4, 1203.4a)</p> <p style="text-align: center;">DEFENDANT'S INFORMATION</p> <p>CHI: DRIVER'S LIC #: B9221567 SSN # (LAST FOUR DIGITS ONLY): [REDACTED] DATE OF BIRTH: [REDACTED]</p>	

1. The court denies the petition.
2. The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
3. a. The court reduces the felony offense to a misdemeanor.
 b. The court denies the request to reduce the felony offense to a misdemeanor.
4. It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.
5. If this order is granted under the provisions of Penal Code section 1203.4:
 - a. The defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency or for contracting with the California State Lottery.
 - b. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
 - c. The defendant may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.
6. If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1.
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does not release defendant from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if defendant was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 295(a).

Date: 2-5-14

Jeffrey S Penney

(JUDICIAL OFFICER)



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER
ORDER GRANTING PROBATION AND JUDGEMENT FOR MONETARY PENALTIES**

PEOPLE VS. Gonzalo Ignacio Vergara

CASE NO. 62-28699

IT IS HEREBY ORDERED that the imposition execution of state prison sentence of 15 years to life be suspended and Defendant be admitted to:

FORMAL PROBATION for a period of 10 years in felony case number(s) 62-28699, and/or _____ years in misdemeanor case number(s) _____;

CONDITIONAL SENTENCE for a period of _____ years, _____ months, _____ days in case number(s) _____;

and defendant shall be;

REINSTATED ON PROBATION as previously ordered on _____, in case number(s) _____ (probation extended _____ years from the original probation grant ordered on _____, on the following terms and conditions:

CRIME(S)

CASE NO.	CODE/SECTION	F or M	CASE NO.	CODE/SECTION	F or M
62-28699	664/187(a) PC (1st deg.)	F			

JAIL: Defendant shall serve a disciplinary sentence in the Placer County Jail as follows:

Case No. 62-28699 365 days with credit of 51 days (35 actual + 16 conduct);
 Case No. _____ days with credit of _____ days (_____ actual + _____ conduct);
 Case No. _____ days with credit of _____ days (_____ actual + _____ conduct);

The sentence(s) shall run consecutive to concurrent with each other and consecutive to concurrent with any other sentence now being served.

SAID SENTENCE IS TO COMMENCE:

Forthwith, and the Defendant is remanded to the custody of the Sheriff.

On 2-17-03, at 10 a.m., when the Defendant shall report to the Placer County Jail. (Defendant agrees that failure to report to jail on the date set, without good cause, will result in the loss of all good/work time credits against the sentence ordered by the court, plus additional sanctions as may be imposed by the court.)

Other: Defendant may serve the remainder of his sentence through the Electronic Monitoring Program (if accepted).

Defendant is ineligible for alternative sentencing or release programs.

Defendant may be responsible for payment of all fees and costs of alternative sentencing or release programs.

Defendant shall complete _____ hours in a community service project to begin _____

and to be completed by _____. Such service shall consist of _____

Defendant shall report to the Probation Department immediately upon release from custody within 72 hours of sentencing, AND shall follow all reasonable directives of the probation officer.

OTHER TERMS AND CONDITIONS - IT IS ORDERED THAT THE DEFENDANT:

- 1. Obey all State and Federal laws, City and County ordinances and all rules, orders and regulations of the Court and Probation Officer.
- 2. Report to the probation officer at such times and places as directed.
- 3. Not change residence address or leave the State of California without advance approval.
- 4. After completion of his/her jail commitment, enter into and continue such education, psychological, psychiatric, drug, alcohol, or other rehabilitation program as prescribed by the probation officer, and shall not leave or terminate such programs without the permission of the probation officer. Such program shall consist of: 52-week Batterer's Treatment Program, ongoing individual psychotherapy, and comply with his treating physician's medication regimen.
- 5. Seek and maintain gainful employment.
- 6. Submit to drug, narcotic or alcohol testing as directed by the probation officer or any peace officer.
- 7. Totally abstain from the use or possession of intoxicants and not frequent places where alcohol is the chief item of sale.
- 8. Not possess or use any narcotic or controlled substance without a valid medical prescription.
- 9. Defendant shall not possess, cultivate, traffic, and/or use marijuana whether or not recommended by a physician.
- 10. Not operate a motor vehicle unless properly licensed and insured.
- 11. Submit person, place of residence, vehicle or area over which he/she has control to search and seizure at any time, day or night, with or without a search warrant, and with or without probable cause, by the probation officer or any peace officer for the purpose of determining compliance with conditions of release or probation.
- 12. Not own or have in possession or control any deadly weapon or firearm.
- 13. Not associate with persons deemed undesirable by the probation officer upon written notice, including:
- 14. Not associate with minors unless in the presence of the minor's parent or guardian.
- 15. Defendant shall not annoy, harass, and have only peaceful contact with: the victim (Chu Vergara).

Continued approval of court

16. Register pursuant to 290PC; 11590 H&S Code; 457.1 PC within ___ days of sentencing and/or release from custody.
17. Not own or have control of any checks or checking account.
18. Defendants driving privilege shall be suspended revoked for a period of ___ months/years pursuant to Vehicle Code Section _____.
19. Defendant permitted to drive to and from employment treatment program _____.
20. Defendant shall attend and satisfactorily complete the First Offender Program and pay the enrollment fee at the time of registration.
21. Defendant shall successfully complete a _____ month program as established under the provisions of SB/38.
22. Defendant shall report to the Placer County Jail within 5 calendar days of this order to submit to the collection of specimens, samples, and print impressions (295PC et.seq).
23. Defendant shall submit a blood test for evidence of anti-bodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS), pursuant to Penal Code Section 1202.1.
24. Defendant shall not harass, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.
25. OTHER:

P.C. 1210 SPECIAL TERMS

26. Defendant shall participate in a drug treatment program pursuant to Section 1210.1 of the Penal Code as directed by the Court; probation officer or P. C. 1210 program staff.
27. Defendant shall pay an assessment fee and/or monthly program fees through the Placer County Department of Health and Human Services at a rate established by HHS or to the appropriate agency as determined by HHS.

ADULT SYSTEMS OF CARE TERMS

28. Enter into and complete a treatment program as directed by Adult System of Care, which may include residential, assisted or supported independent living.
29. Defendant shall comply with the medication regimen as prescribed by the treating physician.
30. Defendant shall maintain regular attendance in and comply with a day rehabilitative program as specified by Adult System of Care.
31. Enter into and complete weekly psycho-educational groups as specified by Adult System of Care.
32. Enter into and participate in a vocational/ occupational program in compliance with the Adult System of Care treatment plan.
33. By accepting the conditions of probation in this case, defendant hereby waives any right to confidentiality concerning defendant's participation and progress in treatment. All treatment providers are hereby authorized and directed to release to the Court, the District Attorney and Defense Counsel any information concerning the defendant's compliance with the terms of treatment, his/her degree of participation in any program or treatment, any issues or problems relating to his/her treatment, and his/her prognosis in treatment.

BATTERER'S TERMS

34. Defendant shall successfully complete a batterer's program of not less than one year. (Section 1203.097(a)(6) PC).
35. Defendant shall report to and cooperate with a community service project for a period of 240 hours; service hours to begin after completion of disciplinary sentence and be completed before termination of probation. (Section 1203.097(a)(8) PC).
36. Defendant shall make a payment towards the Domestic Violence Fund in the amount of \$1000; through and at a rate to be determined by Placer County Revenue Services. (1/3 county, 2/3 state) (Section 1203.097(a)(5) PC) (\$200 minimum).
37. Defendant shall make payments to a battered women's shelter in the amount of \$1000 (Section 1203.097(a)(11)(A) PC) (Up to a maximum of \$5000).

ELDER ABUSE TERMS

38. Defendant shall make restitution for the costs of medical or psychological treatment incurred by the victim as a result of the crime. Defendant shall seek and maintain legitimate employment and apply that portion of his or her earnings specified by the Court to those costs. (Penal Code Section 1203.1(j) - Applies to victims 65 and older.)
39. Defendant shall not be employed as a caretaker or employed in any capacity, in a board and care facility/home, assisted living facility/home, skilled nursing facility/home, or in the caretaker field in any capacity for either elder adults, as defined in Penal Code Section 368(g), or for dependent adults, as defined in Penal Code Section 368(h).
40. Defendant shall not hold a position of trust for either elder adults, as defined in Penal Code Section 368(g), or for dependent adults, as defined in Penal Code Section 368(h). A position of trust is defined as any situation in which the defendant is given Power of Attorney, made executor of an estate, or has a position in which he or she is the primary or secondary person responsible for the finances of another person.
41. Defendant shall not possess or execute any checks or other financial documents that are in the name of another.
42. Defendant shall not be a signatory on a joint checking account with any elder adult, as defined in Penal Code Section 368(g), or dependent adult, as defined in Penal Code Section 368(h).
43. Defendant shall not be in the presence of either an elder adult, as defined in Penal Code Section 368(g), or a dependent adult, as defined in Penal Code Section 368(h), without the presence of a legal guardian, supervisor, or caretaker.
44. Defendant shall not possess a computer or possess any method of accessing the internet.
45. Defendant shall not possess any identifying information of another, including, but not limited to, a driver's license, a Social Security card, a credit card, personal checks, and/or a passport.

RESTITUTION AND FEES

- 1. Restitution to the victim(s) is reserved.
- 2. Restitution hearing to be held on _____ at _____ in Department _____.
- 3. The Defendant shall pay restitution to the victim(s) in the amount of: \$ _____ joint & severally.
- 4. The following fines are to be paid as follows:

Fine:	\$	<u>500</u>
Penalty Assessment:	\$	<u>500</u>
Emergency Medical:	\$	<u>100</u>
Special Penalty:	\$	<u>25</u>
Courthouse Surcharge:	\$	<u>112.50</u>
Criminal Justice:	\$	<u>112.50</u>
Other:	\$	_____
TOTAL:	\$	<u>1350.00</u>

- \$50.00 of the above fine to be paid to the Criminalistic Laboratories Fund.
- \$50.00 to the Drunk Driving Education/Prevention Program.
- \$100.00 to the Drug Conviction Education/Prevention Program.
- \$10.00 to the Crime Prevention Fine.

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IT IS FURTHER ORDERED THE FOLLOWING COSTS BE PAID SEPARATE AND APART FROM THE ABOVE FINES:

Pre-Sentence Report	\$	<u>350</u>	Probation Supervision Fee	\$	<u>20</u>	per month
Substance Abuse Test	\$	_____	each test	Administrative Screening Fee	\$	<u>25</u>
Court Appointed Attorney Fees	\$	_____	State Restitution Fund	\$	<u>2000</u>	
Other:	\$	_____	Other:	\$	_____	

ALL MONETARY AND RESTITUTION/ASSESSMENTS ARE TO BE PAID THROUGH THE PLACER COUNTY REVENUE SERVICES DEPARTMENT AT A MONTHLY RATE TO BE SET UP BY SAID DEPARTMENT, SUCH FINES AND ASSESSMENTS TO BE PAID IN FULL BY THE END OF THE PROBATION TERM.

YOU ARE ORDERED to report in person with your copy of this order to the Placer County Department of Revenue Services, 11582 B Avenue, DeWitt Center, Auburn, California, within 48 hours of release from custody, to set up an interview with that department for financial evaluation and to establish a payment schedule for your fines, attorney fees (if applicable), commitment costs, presentence report, and/or any other monetary assessment ordered.

IF A FINE WAS ORDERED BY THE COURT AS A CONDITION OF YOUR PROBATION, AND YOU FAIL TO REPORT TO THE DEPARTMENT OF REVENUE SERVICES, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

NOTICE:

Upon satisfactory completion of your probation and upon application to the Court, you may have your plea of guilty or conviction set aside and the charges dismissed; and, you may petition for a certificate of rehabilitation and pardon (PC 1203.4)

Dismissal pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent this conviction under Penal Code Section 12021. The Federal Gun Law of 1968 prohibits the use or possession of a handgun, rifle, or shotgun by an individual convicted of a felony.

ACKNOWLEDGEMENT:

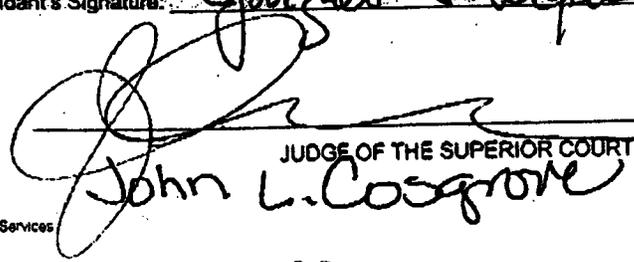
I have read and received a copy of the foregoing **TERMS OF PROBATION**, and agree to be bound by their terms and acknowledge the warning for failure to report to the Department of Revenue Services at (530) 869-7786, 11582 B Avenue, Auburn, CA 95603.

Address: 701 Gibson Dr, #821 Roseville, CA 95678 Telephone No. : 916-784-3106
 Drivers License No.: _____ Social Security No.: _____

Dated: 1/6/03 Defendant's Signature: Gonzalo I. Vergara

COURT ORDER: SO ORDERED

Dated: 1-6-03



 JUDGE OF THE SUPERIOR COURT
 John L. Cosgrove