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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
BEFORE THE HONORABLE THOMAS C. HASTING, JUDGE
DEPARTMENT NO. 12

AUG 23 1990

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PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF,
-VS-
LOUIE RHODES,
DEFENDANT.

GRACE K. YAMAKAWA
County Clerk
Santa Clara County
BY _____ DEPUTY

NO. 137765
CHANGE OF PLEA
SENTENCING

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

HELD ON AUGUST 6 & 16, 1990

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A P P E A R A N C E S :

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: KRISTINA WARCHOLSKI, D.D.A.
FOR THE DEFENDANT: IN PROPRIA PERSONA

OFFICIAL COURT REPORTER: THERESA A. ROBINSON, CSR RPR
CERTIFICATE NO. 4767

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1 AND THAT TERM WOULD BE ORDERED TO BE SERVED CONCURRENT
2 WITH THE TWO-YEAR TERM AS TO ONE OF THE BURGLARY COUNTS.

3 SO THE TOTAL TERM FOR THE FIVE COUNTS WOULD BE TWO
4 YEARS IN STATE PRISON.

5 AS TO THE TWO SERIOUS PRIOR FELONY CONVICTIONS
6 ALLEGED, AS TO EACH OF THOSE TWO SERIOUS PRIOR FELONY
7 CONVICTIONS, A TERM OF FIVE YEARS IN STATE PRISON WOULD BE
8 IMPOSED, TO BE SERVED CONSECUTIVE TO EACH OTHER AND TO BE
9 SERVED CONSECUTIVE TO THE TWO-YEAR TERM.

10 THE TOTAL TERM IN PRISON WOULD BE TWELVE YEARS.

11 DO YOU UNDERSTAND THAT?

12 A. YES, YOUR HONOR.

13 Q. NOW, UPON COMPLETION OF YOUR PRISON COMMITMENT YOU'D
14 BE SUBJECTED TO A PAROLE SUPERVISION TERM OF THREE YEARS.
15 DO YOU UNDERSTAND THAT?

16 A. YES, YOUR HONOR.

17 Q. AND UPON ANY VIOLATION OF ANY TERM OR CONDITION OF
18 PAROLE YOU COULD BE RETURNED BACK TO PRISON FOR ONE YEAR
19 FOR EACH VIOLATION OF PAROLE. DO YOU UNDERSTAND THAT?

20 A. YES, SIR.

21 Q. YOU HAVE TO BE ADVISED, MR. RHODES, THAT IF UPON YOUR
22 RELEASE FROM PRISON, OR THEORETICALLY WHILE IN PRISON, IF
23 YOU WERE TO BE CHARGED WITH A NEW SERIOUS PRIOR -- SERIOUS
24 FELONY AND YOU WERE CONVICTED OF THAT NEW SERIOUS FELONY,
25 SUCH AS ROBBERY OR RESIDENTIAL BURGLARY OR THE OTHER
26 SPECIFIED SERIOUS FELONIES IN THE PENAL CODE, THAT AT THAT
27 TIME THE PEOPLE WOULD HAVE THE RIGHT TO FILE ESSENTIALLY
28 FOUR SERIOUS PRIOR FELONY CONVICTIONS IN A NEW

1 INFORMATION, AND EACH OF THOSE FOUR WOULD CARRY A TERM OF
2 FIVE YEARS CONSECUTIVE TO ANY TERM IMPOSED FOR THE NEW
3 CONVICTION, SO ESSENTIALLY YOU WOULD HAVE TWENTY YEARS IN
4 STATE PRISON IN CHARGEABLE SERIOUS PRIOR FELONY
5 CONVICTIONS IF YOU WERE TO COMMIT AND BE CONVICTED OF A
6 NEW SERIOUS PRIOR FELONY IN THE FUTURE. DO YOU UNDERSTAND
7 THAT?

8 A. YES, YOUR HONOR.

9 Q. ALL RIGHT. UNDER THE LAW ALSO THE COURT WOULD HAVE TO
10 IMPOSE AS A CONDITION OF PAROLE A RESTITUTION FUND FINE OF
11 NOT LESS THAN A THOUSAND DOLLARS UP TO THE STATUTORY --
12 STRIKE THAT -- NOT LESS THAN A HUNDRED DOLLARS UP TO THE
13 STATUTORY MAXIMUM OF TEN THOUSAND DOLLARS. DO YOU
14 UNDERSTAND THAT?

15 A. YES, SIR.

16 Q. NOW, ASIDE FROM WHAT'S BEEN DISCUSSED HERE IN COURT
17 THIS AFTERNOON CONCERNING THIS DISPOSITION, MR. RHODES,
18 HAVE THERE BEEN ANY OTHER PROMISES OR INDUCEMENTS MADE TO
19 YOU OTHER THAN WHAT HAS BEEN STATED HERE ON THE RECORD TO
20 MAKE YOU CHANGE YOUR PLEA FROM NOT GUILTY TO GUILTY?

21 A. NO OTHER PROMISES OTHER THAN I WOULD RECEIVE TWELVE
22 YEARS.

23 Q. ARE YOU DOING THIS FREELY AND VOLUNTARILY?

24 A. YES, YOUR HONOR.

25 Q. ANYBODY FORCED YOU TO COME INTO COURT TO MAKE YOU DO
26 SOMETHING YOU DON'T WANT TO DO?

27 A. NO, YOUR HONOR.

28 Q. AT THE PRESENT TIME ARE YOU UNDER THE INFLUENCE OF ANY