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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

GUSTAVO GONZALEZ, aka

MOJICA GUSTAVO JOSE GONZALEZ

Defendant.

**Case No.:** BA478369

MOTION REGARDING  
SOURCE OF BAIL AND  
BAIL DEVIATION;  
MEMORANDUM OF  
POINTS AND  
AUTHORITIES;  
SUPPORTING  
DECLARATIONS; AND  
[PROPOSED] ORDERS

The People request the Court to issue the following orders concerning the defendants' bail:

- (X ) Order to conduct hearing to determine legitimacy of proffered bail, pursuant to Penal Code Section 1275.1.
- (X ) Order to increase scheduled bail as to all of the above defendants pursuant to Penal Code Section 1269c, et seq.

This motion will be based upon the attached points and authorities, declarations filed in

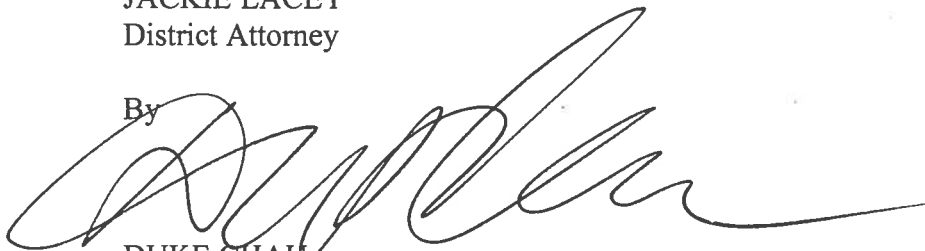
1 support of this motion and pleadings, records, files, documents, and evidence, oral or written, to  
2 be presented at the hearing on this motion.

3  
4 Dated: June 5, 2019

Respectfully submitted,

5 JACKIE LACEY  
6 District Attorney

7 By

A large, stylized handwritten signature in black ink, likely belonging to Duke Chau, is written over the text 'By' and extends across the middle of the page.

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9 DUKE CHAU  
10 Deputy District Attorney  
11 Attorneys for Plaintiff  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**  
2 **IN SUPPORT OF MOTION CONCERNING BAIL**

3 Penal Code section 1275.1 states in part, as follows:

- 4 (a) Bail, pursuant to this chapter, shall not be accepted unless a  
5 judge or magistrate finds that no portion of the consideration,  
6 pledge, security, deposit, or indemnification paid, given,  
7 made, or promised for its execution was feloniously obtained.
- 8 (b) A hold on the release of a defendant from custody shall only  
9 be ordered by a magistrate or judge if any of the following  
10 occurs:
- 11 (1) A peace officer, as defined in section 830, files a declaration  
12 executed under penalty of perjury setting forth probable cause  
13 to believe that, the source of any consideration, pledge,  
14 security, deposit, or indemnification paid, given, made, or  
15 promised for its execution was feloniously obtained.
- 16 (2) A prosecutor files a declaration under penalty of perjury  
17 setting forth probable cause to believe that the source of any  
18 consideration, pledge, security, deposit, or indemnification  
19 paid, given, made, or promised for its execution was  
20 feloniously obtained. A prosecutor shall have absolute civil  
21 immunity for executing a declaration pursuant to this  
22 paragraph.
- 23 (3) The magistrate or judge has probable cause to believe  
24 that the source of any consideration, pledge, security,  
25 deposit, or indemnification paid, given, made, or  
26 promised for its execution was feloniously obtained.

27 Penal Code section 1269c et seq. provides:

28 "If a defendant is arrested without a warrant for a bailable felony offense . . . and  
a peace officer has reasonable cause to believe that the amount of bail set forth in  
the schedule of bail for that offense is insufficient to assure defendant's  
appearance . . . the peace officer shall prepare a declaration under penalty of  
perjury setting forth the facts and circumstances in support of his or her belief and  
file it with a magistrate, as defined in Section 808, or his or her commissioner, in  
the county in which the offense is alleged to have been committed or having  
personal jurisdiction over the defendant, requesting an order setting a higher bail.  
The defendant, either personally or through his or her attorney, friend, or family  
member, also may make application to the magistrate for release on bail lower  
than that provided in the schedule of bail or on his or her own recognizance. The  
magistrate or commissioner to whom the application is made is authorized to set  
bail in an amount that he or she seems sufficient to assure the defendant's  
appearance . . . and to set bail on the terms and conditions that he or she, in his or  
her discretion, deems appropriate, or he or she may authorize the defendant's  
release on his or her own recognizance. If, after the application is made, no order

1 changing the amount of bail is issued within eight hours after booking, the  
2 defendant shall be entitled to be released on posting the amount of bail set forth in  
the applicable bail schedule."

3 The mere proffering of a corporate surety bond in the amount set at bail does not  
4 prevent, the Court from inquiring into the source of bail. The source of bail might bear on whether  
5 the defendant will make future court appearances. (*United States v. Ellis De Marchena*, 330 F.  
6 Supp. 1223 (1971) (Affirmed, Dkt. No. 71-2343, September 3, 1971, 9th Cir.).)

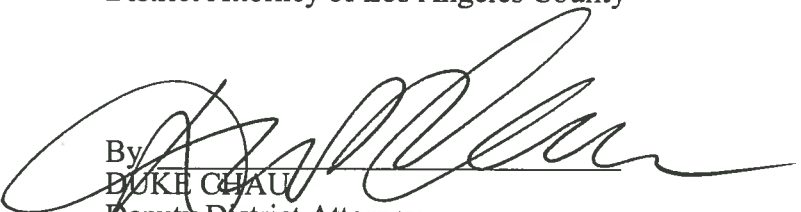
7 "the mere proffering of a corporate surety bond in the amount set as  
8 bail does not deprive the court of the right to inquire into areas which  
9 might bear on the question of whether the defendant will make  
10 future court appearances if released on the bond. The Court has the  
11 right and the duty to satisfy itself that there is more than just a  
12 financial assurance that a bailed defendant will appear in court when  
13 required. . . . The source of the security providing the collateral for  
14 the bond can provide valuable information regarding the motivation  
15 for a defendant to appear. If the bond were secured by the property  
of defendant's relatives, or close friends, the court could, logically,  
conclude that the possibility of financial harm to those individuals  
might motivate a defendant to appear. On the other hand, if the  
security comes from an illegitimate source, and is merely a business'  
expense for a dealer in contraband, there is paucity of moral force  
compelling a defendant to reappear. Indeed, such a source would be  
more consistent with a possible fulfillment of a pledge to a defendant  
of purchased freedom if caught."

16 (*Id.* at p. 1226, emphasis added.)

17 Dated: June 5, 2019

Respectfully submitted,

18 JACKIE LACEY  
19 District Attorney of Los Angeles County

20  
21 By   
22 DUKE CHAU  
23 Deputy District Attorney  
Attorneys for Plaintiff  
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DECLARATION IN SUPPORT OF MOTIONS

I, CESAR PEREA, declare as follows:

1. That I am employed as a Humane Officer (per Corporations Code § 14502) with the Los Angeles Society for the Prevention of Cruelty to Animals.

2. That I am the investigating officer assigned to handle the case of **People v. GUSTAVO GONZALEZ**; Case #BA478369.

3. That after a review of the facts in this matter, I believe that defendant Gustavo Gonzalez, doing business as (dba) "GGDS LLC" is involved in the illegal smuggling of diseased and ill dogs (puppies) from Mexico. The defendant defrauds unsuspecting consumers by selling diseased and ill puppies in the United State for substantial income.

4. I request an order pursuant to Penal Code Section 1275.1 and bail be increased for the following reasons:

5. Defendant Gustavo Gonzalez poses a danger to the community and higher bail is necessary to protect the public.

6. Defendant has been involved in illegally smuggling hundreds (100s) of diseased and ill puppies into the United States from Mexico. The defendant has been detained for the illegal smuggling of puppies by Customs and Border Protection while attempting to enter the United States with diseased, ill and deceased puppies.

7. Defendant does not possess an *Import Permit* as required by United States Code, Title 7 § 2148 (7 USC § 2148), as required by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), for the legal importation of live dogs. The defendant's lack of applicable import permits is further evident of his continued evasion of law enforcement and complete disregard for public health and federal law.

8. Defendant illegally imports puppies into the United States and then defrauds unsuspecting buyers by posting classified advertisements on websites depicting pictures and claims of vibrant and healthy puppies and then sells diseased puppies to vulnerable victims.

9. Defendant has defrauded approximately ninety-three (93) victims, who cumulatively

1 paid over sixty-eight thousand dollars (\$68,000) to the defendant, for the purchase of the puppies  
2 and these victims cumulatively incurred over one-hundred and seventy-five thousand dollars  
3 (\$175,000) in veterinary medical care expenses. More than half of the puppies purchased from  
4 the defendant resulted in death.

5 10. Defendant has used forty (40) different telephone numbers to advertise and  
6 communicate with his victims regarding the sales of puppies. The defendant has used fifteen  
7 (15) different names (aliases) when he has communicated with his victims. The defendant has  
8 used twenty (22) different locations to meet his victims. The defendant's misleading and erratic  
9 behavior is evident to his intent to conceal his nefarious and bad faith business dealings.

10 11. The puppies sold by Defendant have been found to be infected with canine  
11 parvovirus, canine distemper, giardia, coccidia, roundworms, and other parasites.

12 12. Defendant poses a public health hazard as some of these diseases are known to be  
13 zoonotic: a disease that can be transmitted from animals to people.

14 13. Defendant has been involved in the ongoing fraud of money from consumers since  
15 2015 and will continue to pose a threat to the community if he is released on bail. His conduct  
16 has resulted in serious financial and emotional damage to the victims and their families. His  
17 animal victims suffer horrific and painful ailments and most eventually die. The defendant will  
18 continue to make a living from trafficking diseased and ill puppies even after having full  
19 knowledge of the trail of animal suffering that he is leaving behind.

20 14. The defendant's actions are callous and with no regard for the victims and their  
21 families. His actions violate the integrity of the legal process.

22 15. The defendant poses a flight risk as he frequents Mexico, he was born in Venezuela  
23 and per the United States Citizenship and Immigration Services (USCIS) he is in the United  
24 States as a *Permanent Resident*. The defendant admitted to me that he had recently traveled to  
25 Mexico.

26 16. Based on the defendant's history of illegal smuggling of diseased and ill puppies both  
27 locally, and internationally, I believe he is a danger to the community. Due to his connections to  
28



1 Mexico and the proximity of the international border, I believe the defendant is a flight risk. Due  
2 to the lucrative nature of the illicit sales of puppies, I believe the defendant has quick access to  
3 additional large sources of money, including his business partner(s) in Mexico.

4 17. Defendant has collected cash from his numerous victims allowing him to have  
5 untraceable and accessible resources to facilitate fleeing the country.

6 18. Defendant admitted to me that selling puppies was his primary business. The  
7 defendant admitted to me that he gets paid "under the table" for occasional construction work.  
8 The defendant admitted to me that since obtaining his (GGDS) LLC he had not paid local, state  
9 or federal taxes.

10 19. Defendant does not possess a permit pursuant to § 6066 of the California Revenue  
11 and Taxation Code as required by a "Pet Dealer" engaging in the business of selling dogs per  
12 California Health and Safety § 122125. The defendant's lack of applicable seller's permitting is  
13 further evident of his continued evasion of reporting and paying relevant taxes.

14 20. Defendant's criminal conduct resulted in feloniously obtained assets, which could be  
15 used to arrange for the posting of bail in this matter and facilitate his flight risk.

16 21. Compliance with section 1275.1 of the Penal Code would determine that the source  
17 of any proffered bail was not feloniously obtained.

18 22. That the amount of bail set forth in the felony bail schedule is insufficient because of  
19 the aforementioned facts in the case and the defendant's conduct.

20 23. Any assurance that the defendant will make all future court appearances depends on  
21 both the quality and quantity of the bail.

22 I swear under penalty of perjury that the foregoing is true and correct to the best of my  
23 knowledge.

24 Executed this June 5, 2019 at LOS ANGELES, California

  
Cesar Perea  
Declarant