

**ABSTRACT OF JUDGMENT—PRISON COMMITMENT—DETERMINATE  
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**  
[Not to be used for multiple count convictions or for 1/3 consecutive sentences]

<input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF: <u>SOLANO</u> <input type="checkbox"/> MUNICIPAL BRANCH OR JUDICIAL DISTRICT: _____		FILED
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: <u>HERSEY LEE LELAND</u> AKA: _____ CII#: _____ BOOKING #: _____	DOB: <u>08-12-80</u> CASE NUMBER: <u>C49530</u>	
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT <input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING: <u>09-03-99</u> CLERK: <u>LORI DAY</u>	DEPT. NO.: <u>8</u> REPORTER: <u>JENNIFER BRESSLER</u>	
COUNSEL FOR PEOPLE: <u>DONNA STASHYN</u>		JUDGE: <u>LUIS VILLARREAL</u> PROBATION NO. OR PROBATION OFFICER: <u>SCOTT MCLEOD</u> COUNSEL FOR DEFENDANT: <u>DAWN POLVOROSA</u> <input checked="" type="checkbox"/> APPTD.

SEP 07 1999

CHARLES D. RAMEY  
Clerk of the Superior Court  
By Cathy Dane DEPUTY CLERK

1. Defendant was convicted of the commission of the following felony:

CNT.	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DAY/YEAR)	CONVICTED BY			TERM (L. M. U)	TIME IMPOSED	
						JURY	COURT	PLEA		YRS.	MOS.
2	PC	288(a)	Lewd or lascivious act w/ child under 14	1999	08 05 99			X	L	3	0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. ☐ Defendant was sentenced pursuant to PC 667(b)-(i) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

a. RESTITUTION FINE of: \$ 200 per PC 1202.4(b) forthwith per PC 2085.5.

b. RESTITUTION FINE of: \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.

c. RESTITUTION of: \$ \_\_\_\_\_ per PC 1202.4(f) to ☐ victim(s)\* ☐ Restitution Fund

(\*List victim name(s) if known and amount breakdown in item 7, below.)

(1) ☐ Amount to be determined. (2) ☐ Interest rate of: \_\_\_\_\_ % (not to exceed 10% per PC 1204.4(f)(3)(F)).

d. ☐ LAB FEE of: \$ \_\_\_\_\_ for counts: \_\_\_\_\_ per H&SC 11372.5(a).

e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a).

f. ☐ FINE of: \$ \_\_\_\_\_ per PC 1202.5.

6. TESTING: ☒ AIDS ☐ DNA pursuant to ☒ PC 1202.1 ☐ PC 290.2 ☐ other (specify):

7. Other orders (specify):

[ ] Full term consecutive to present sentence.

No contact with victim, \_\_\_\_\_

Register as a sex offender pursuant to 290PC

8. TOTAL TIME IMPOSED: \_\_\_\_\_ 3 0

9. ☐ This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

a. ☒ at initial sentencing hearing.

d. ☐ at resentencing per recall of commitment. (PC 1170(d).)

b. ☐ at resentencing per decision on appeal.

e. ☐ other (specify):

c. ☐ after revocation of probation.

11. DATE SENTENCE PRONOUNCED: 09-03-99 CREDIT FOR TIME SPENT IN CUSTODY: 49 INCLUDING: ACTUAL LOCAL TIME: 43 LOCAL CONDUCT CREDITS: 6 ☒ 4019 ☐ 2933 SERVED TIME IN STATE INSTITUTION: ☐ CDC ☐ CRC

12. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☒ the reception center designated by the director of the California Department of Corrections.

☐ other (specify):

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

Cathy Dane

DATE

09-07-99

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

People of the State of California  
vs

Case No. C49530

Hershey A. Ireland  
Defendant

MINUTES-CRIMINAL

APPEARANCES:

People:

Donna Stashyn  
Deputy District Attorney

Date: 9-3-99

Defense:

Dawn Polvorosa  
[ ] Private [X] Public Defender

Judge: L.M. Villareal

Defendant:

[X] Present [ ] Not present

Reporter: J. Bressler

Clerk: H. Day

- [X] Judgment & Sentence  
[ ] Determine Credits  
[ ] Progress Report/Review  
[ ] Supplemental Report

- [ ] Admit/Deny Probation Violation  
[ ] Probation Hearing  
[ ] Return on Bench Warrant  
[ ]

- [X] Probation report is acknowledged and considered by the Court.  
[X] The parties [X] have received the report [ ] waive the right to have the report, five days prior to the hearing.  
[X] Arraignment waived; no legal cause to show why sentence should not be pronounced.  
[X] Probation is [ ] revoked [X] denied [ ] continued [ ] same terms and conditions [ ] terminated [ ] pursuant to 1203.4 P.C.  
[ ] Defendant [ ] admits [ ] denies probation violation  
[ ] Counsel [ ] voir dices the defendant [ ] submits waiver of rights.  
[ ] People call as witness(es):  
[ ] Defense call as witness(es):  
[ ] The Court accepts the admission after a knowing and intelligent waiver of rights, finding it to be a free and voluntary admission with an adequate factual basis.  
[ ] The Court [ ] finds the defendant in violation [ ] dismisses the violation.  
[ ] Defendant is referred to CMF for 90 day diagnostic evaluation pursuant to 1203.03 P.C.  
[ ] Defendant is referred to CYA for the term of years.  
[X] Defendant is sentenced to state prison for the total term of 3 years. TPT  
Pursuant to [ ] 1170(d) P.C. [ ] 1731.5(c) W&I [ ]

Ct. 2 - 288(a) PC Low Term 3 years

[ ] concurrent [ ] consecutive with

[ ] stay granted to

- [X] Credit for time served: 43 days plus 6 4019 P.C. time = 49 total.  
[ ] Defendant is advised of [ ] appeal rights [X] parole status.  
[X] \$ 200.00 fine imposed pursuant to 13967 C.C. 1202.4 PC  
[ ] Proceedings are suspended pursuant to 3051 W&I.  
[ ] Filing of formal petition is waived.

[ ] Dr. is appointed to evaluate the defendant and submit a report to the Court.

- [X] Other: No Contact w/victim  
AIDS Test pursuant to 1202.1 PC; Register as a  
psychoffender pursuant to 290 PC

REFERRED FOR:

- [ ] S.O.R. [ ] Supplemental [ ] Placement [ ] Progress [ ] Credits [ ] report.  
[ ] Defendant's appearance is waived.  
[ ] On motion of [ ] Court [ ] People [ ] Defense [ ] Probation, matter is continued.

NEXT APPEARANCE:

- [ ] Judgment & Sentence [ ] Supplemental Report [ ] Progress Report/Review  
[ ] Probation Hearing [ ] Modification of Prob [ ] Determine Credits  
[ ] Psychiatric Report [ ] Admit/Deny Violation [ ]

Bench warrant [ ] ordered [ ] recalled [ ] stayed. [ ] O.R. revoked

Bail is [ ] set at \$ cash or corporate surety.

[ ] forfeited [ ] reduced to \$ [ ] reinstated [ ] exonerated

The defendant is [X] remanded to the custody of the Sheriff/CMF [ ] released

[ ] continued on [ ] O.R. [ ] Supervised O.R. [ ] bail as posted

FILED  
SOLANO COUNTY COURTS  
1999 SEP 16 PM 1:53  
Clerk: D. DANEY  
By: M. J. Bonnett

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SOLANO  
DEPARTMENT EIGHT**

\*\*\*\*\*

PEOPLE OF THE STATE OF CALIFORNIA

CASE NO: C49530

Plaintiff,

**ORDER FOR  
EXAMINATION  
PURSUANT TO  
PENAL CODE § 288.1**

v.

HERSEY LEE LELAND,

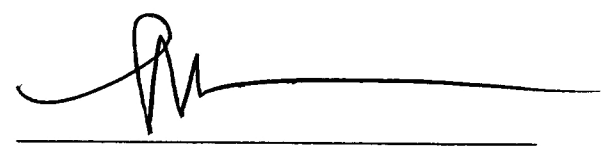
Defendant.

Court Date: 9/03/99 – 8:30 AM

The above-named defendant having pled Nolo Contendere to the felony violation of Penal Code section 288(a) and good cause appearing for the following,

**IT IS HEREBY ORDERED** that Carlton W. Purviance, Ph.D., be appointed to make a report on the mental condition of the defendant pursuant to Penal Code section 288.1, and render said report to the Court at least 48 hours prior to the next hearing date of September 3, 1999.

Dated: August 5, 1999



**LUIS M. VILLARREAL**  
Judge of the Superior Court

Superior Court of California  
County of Solano

Chambers of  
LUIS M. VILLARREAL, Judge  
Department Eight

Law & Justice Building  
530 Union Avenue  
Fairfield, CA 94533  
(707) 421-7410  
FAX (707) 421-7439

August 9, 1999

Carlton W. Purviance, Ph.D.  
1761 Broadway, Suite 209  
Vallejo, CA 94589

Re: People v. Hersey Lee Leland  
Solano County Superior Court Case No: C49530

Dear Dr. Purviance:

You have been appointed by the Court to do a psychiatric evaluation pursuant to Penal Code section 288.1 on the above-named defendant. Enclosed is a copy of the Court's order, minute order and complaint for your reference. For your information, the defendant is presently housed at Solano County Jail, however, you should confirm that location at the time you make your appointment to interview the defendant.


The next scheduled court date is September 3, 1999, and we would request that your report be received 48 hours prior to that date. When you transmit your written report to the Court, please send it to me at the above address and set forth the following information on the first page:

- (a) Defendant: Hersey Lee Leland
- (b) Superior Court Case No. C49530
- (c) Next Court Appearance: September 3, 1999, in Department 8.

If you need any additional information, please feel free to contact my secretary, Shelley Elsmann, at 421-7410.

Thank you for your assistance in this regard.

Very truly yours,



LUIS M. VILLARREAL  
Judge of the Superior Court

LMV:se

Enclosure



SUPERIOR COURT OF THE STATE OF CALIFORNIA

**FILED**

Clk of the Solano County Courts

FOR THE COUNTY OF SOLANO

AUG 05 1999

(Felony Plea in Municipal Court)

CHARLES D. RAMEY

DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

Defendant.

*Hersey Leland*

No. 176973

**WAIVER OF CONSTITUTIONAL RIGHTS  
AND DECLARATION IN SUPPORT OF  
DEFENDANT'S MOTION TO CHANGE PLEA**

I am the Defendant in this action. I am represented by  
☒ Public Defender   ☐ Conflict Defender   ☐ \_\_\_\_\_

I have fully discussed the facts, merits and possible defenses of this case with my attorney;

I wish to change my previously-entered plea of "not guilty" to Count(s) \_\_\_\_\_

and enter a new and difference plea of no contest to Count(s) PC 288(a)

I understand that before the Court can accept this plea, I must show that I have been advised of, understand, and waive (that is, give up) certain constitutional rights.

**FOR THE PURPOSE OF THIS CHANGE OF PLEA, I UNDERSTAND:**

**Deft's  
Initials**

1. I have the right to a preliminary hearing within 10 court days and 60 days of my arraignment. I understand at the preliminary hearing that the prosecution would be required to produce sufficient evidence to convince the judge that a crime has been committed and that there is reasonable cause to believe I committed that crime. If the prosecution produced insufficient evidence, the case would be dismissed. I give up my right to a preliminary hearing.
2. I have a right to a speedy and public trial. I give up this right. I have a right to a trial by jury; I further understand that the jury would be composed of 12 persons from the community, and that I could not be found guilty unless they all agreed that I was guilty. I understand that their determination must be based upon a finding that the evidence proved my guilt beyond a reasonable doubt. I give up my right to a trial by jury.
3. I have the right to confront the witnesses against me (that is, I have the right to see and hear the witnesses who testify against me.) The witnesses may be asked questions on my behalf. This questioning of witnesses on my behalf is called "cross-examination." I give up my right to confront the witnesses who may testify against me.

*H.L.*

*H.L.*

*H.L.*

4. I have the right to subpoena witnesses or evidence to any trial or preliminary hearing. A subpoena is a court order which compels the attendance of witnesses in court or the bringing of evidence to court. The subpoena makes it possible for a defendant to present witnesses and evidence on his behalf.  
I give up my right to subpoena witnesses and evidence into court on my behalf.

H.L.

5. I have a right against self-incrimination (that is, the right to remain silent). This means that at any trial or preliminary hearing, I cannot be compelled to testify against myself. This right includes not being called to the witness stand during any trial or preliminary hearing. I understand that by entry of a plea of guilty, I am incriminating myself.  
I give up my right against self-incrimination.

H.L.

6. APPEAL RIGHTS: Even though I will be convicted in this case as a result of my plea, I have the right to appeal the judgment and rulings of the courts (both municipal and superior courts).  
I give up my right of appeal.

H.L.

7. The maximum punishment which the court may impose based upon this plea is

Days prison

H.L.

8. I FURTHER UNDERSTAND:

- a. A conviction for this offense may increase the punishment I receive for any future violations.
- b. If I am sentenced to state prison, I would be subject to parole supervision for a period of three years\*, and if I violated that parole, I could be returned to state prison for up to four years.
- c. In addition to other penalties that may be ordered by the court, I may be subjected to fines that may vary in amount from ~~\$10.00~~ to \$10,000.00.
- d. If I am not a citizen, a conviction of this offense to which I am now entering a plea may result in my deportation from the country, exclusion from admission to the United States and/or a denial of naturalization pursuant to the laws of the United States.
- e. I am of sound mind and am not now under the influence of alcohol, narcotics, drugs or any other substance that would impair my judgment.
- f. No threats have been made against me or any member of my family or close friends in order to induce me to make this plea.

\*Penal Code Section 3000(b)  
(Life Sentence Exception)



g. If I am on parole or probation for another offense, by entering this plea I could be found in violation of that parole or probation.

h. Whether or not I will get probation is to be determined solely by the Court. I understand the sentence I receive is solely within the discretion of the court.

H.L.

9. Other than the promises listed below, no other promises have been made to me or my family to induce me to enter this plea. I have been promised:

1. it will be dismissed
2. low term tp - possibility of probation (low term = 3 years)
3. no additional charges based on information
4. in police report 99-06151

I understand that the above promises made to me are not binding if I fail to appear at any subsequent hearing.

H.L.

10. The facts upon which this change of plea are based are:

☐ those contained in the police report.

☒ as follows:

slip

H.L.

11. ADDITIONAL MATTERS: (e.g., 290 PC, Harvey waiver, 11590 H&S, restitution, parole obligation for life sentence, etc.)

register per 290

H.L.

12. I declare that my attorney has read and explained this document to me and I hereby freely and voluntarily, having full knowledge and understanding of the rights that I am giving up and the possible consequences which may result from my plea, do hereby request the Court to accept my new and different plea(s).

H.L.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 8-5-99

Hersey Deland  
Defendant

I, \_\_\_\_\_, do hereby declare that I am the attorney  
for the Defendant in this action;

that I have read and explained the foregoing document to my client;  
that after I read and explained said document, (s)he signed his/her name thereto in my presence;  
that based upon my conversation with the Defendant, I am satisfied that his/her plea of guilty is  
freely and voluntarily made;  
that (s)he understands the consequences of his/her plea of guilty;  
that his/her decision to plead guilty was made only after a full discussion with me of the facts and  
the law of this case;  
that I join in the waiver of the jury trial.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 8-5-99

*Amey Porosa*  
Attorney for Defendant

\* \* \* \* \*

9/15/99.

*[Signature]*



FILED

JUL 27 1999

CHARLES B. NAMEY  
CLERK OF THE SUPERIOR COURT  
OF SOLANO COUNTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

HERSEY LEE LELAND (08/12/1980)

Defendant(s)

Case No. F176973-F

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT I

On or about and between February 01, 1999, and May 31, 1999, defendant(s) HERSEY LEE LELAND did commit a felony namely: CONTINUOUS SEXUAL ABUSE, a violation of Section 288.5(a) of the Penal Code of the State of California, County of Solano, in that said defendant did willfully and unlawfully engage in three and more acts of "substantial sexual conduct", as defined in Penal Code Section 1203.066(b), and three and more acts in violation of Section 288 with [REDACTED], a child under the age of 14 years, [REDACTED].

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(23). "

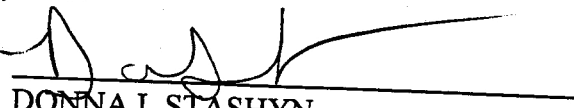
"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1."

1 Further, attached hereto and incorporated herein are official reports and documents of a law  
2 enforcement agency which the undersigned believes establish probable cause for the arrest of  
3 defendant(s) HERSEY LEE LELAND , for the above-listed crimes.

4 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
5 CORRECT AND THAT THIS COMPLAINT CONSISTS OF 01 COUNT(S).

6 Executed at, Fairfield California, on July 26, 1999.

7   
8 DONNA L STASHYN  
9 DECLARANT AND COMPLAINANT

10 AGENCY: VVPD

11 D.A. NO.: F993508

12 Investigating Officer: DONALDSON, R.

13 DEFENDANT	14 CII NO	15 DOB	16 BOOKING NO	17 CUSTODY R'TN DATE
18 Hersey Lee Leland	19 A11224 20 224	21 08/12/1980	22	23 //

24  
25  
26  
