

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

Case No. C-17002

People of the State of California

vs. Lindsey  
Defendant

## MINUTE ORDER - SENTENCE

Date: 4-27-87Judge: J. Clinton PetersonReporter: Tom PowersClerk: Kristen L. Apple

## APPEARANCES

People: John A. Henry  
Deputy District AttorneyDefender: John A. Henry  
☐ Private ☒ Public DefenderDefendant: ☒ Present ☐ Not Present ☐ Probation Officer☒ Judgment & Sentence☐ Probation Report☐ Modification of Probation☐ Supplemental Report ☐ Probation Violation☐ Return on Bench Warrant ☐ Probation Violation☒ Probation report is not acknowledged and can be filed by the Court.☐ Arraigned at which time the cause shown why sentence should not be pronounced.☐ Defendant ☐ denies probation violation.☐ Defendant to be screened for program.☐ Referred to the Vacaville Medical Facility for 90 day diagnostic evaluation and report pursuant to 1203.03 P.C.☒ Defendant is to be sentenced to the prison for the state term of 4 years.☐ Pursuant to 1170(d) P.C. ☐ extension of which is suspended. ☐ Pursuant to 1731.5 W & I☐ Defendant is referred to the California Youth Authority for the state term of 4 years.IT IS ORDERED THAT PROBATION IS: ☐ Extended ☐ Modified ☐ Continued ☐ Terminated ☐ Pursuant to 1203.4 P.C.☐ Grant of ☐ Revoked ☐ Reinstated ☐ Modified ☐ Continued ☐ Terminated ☐ Pursuant to 1203.4 P.C.☐ Extension of sentence is suspended and the defendant is granted probation for 4 years on the following terms and conditions:☐ Sentence: ☐ County Jail ☐ Fort with ☐ Weekends/Days off ☐ Stay to 1/5 days for a total of 1/5 days plus 4010 P.C. time.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.☐ Defendant shall remain in custody until released by the Director of the Department of Corrections.

MINUTES - CRIMINAL SENTENCE

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO

Case NO. CJ7002

## MINUTE ORDER - CRIMINAL

People of the State of California

vs.

Date: 4/01/87 Dept 7

JAMES EARL LINDSAY, Defendant.

JUDGE: J. Clinton Peterson

APPEARANCES:

REPORTER: Tom PowersPeople: Robin KeadyCLERK: Chris Ray

District Attorney

Defense: Jason P. Pelt☐ Private ☒ Public DefenderDefendants: ☒ Present ☐ Failed to appear.On calendar for: JURY TRIAL (continued)

The jury request readback from witness Connie Guthery, counsel stipulate the readback be done in the jury room and any other requested readbacks, just be noted and counsel notified.

The jury returns at 11:05am with a verdict finding the defendant guilty of PC 261 PC.

The defendant request a bail reduction, request is denied due to defendant being a flight risk. Bail is revoked.

The Court refers this matter to Probation for preparation of a presentence report.

The Court finds the defendant guilty of Count II 12021 of the California Penal Code, and also finds defendant did suffered prior convictions.

This matter is continued to April 27, 1987 4pm for Judgment & Sentence.

☐ On motion of ☐ Court ☐ People ☐ Defence, this matter is continued.

NEXT APPEARANCE: 4/27/87 at 4pm for J & S

☐ Bench warrant ordered.

☐ O R revoked.

Bail is ☐ set at \$            cash or corporate surety ☐ reduced to \$           

☐ forfeited

☐ exonerated

The defendant is ☒ remanded to the custody of the Sheriff.

☐ continued on ☐ own recognizance ☐ bail heretofore posted.

Form 100  
Rev 10/81

MINUTES CRIMINAL (BLANK)

**FILED**

MAR 30 1987

NEIL CRAWFORD, County Clerk

Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SOLANO

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff.

NO. 17002

vs.

James Earl Lindsey

Defendant(s)

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

Bifurcate & waive  
Jury

I am the defendant in this action. I am represented by  
☒ Public Defender Vallejo Defender 17  
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 different plea of \_\_\_\_\_  
to Count (s) \_\_\_\_\_

I understand that before the Court can accept this plea, waiver  
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:

DEF'S  
INIT.

1. 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. as to count 2 of the  
information, as to the enhancements charged  
in the information.

17

2. 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.
3. I have the right to subpoena witnesses or evidence to any trial. 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.
4. I have a right against self-incrimination (that is, the right to remain silent). This means that at any trial, I cannot be compelled to testify against myself. This right includes not being called to the witness stand during any trial. I understand that by entry of a plea of guilty, I am incriminating myself. I give up my right against self-incrimination.
5. The maximum punishment which the court may impose based upon this plea is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. I FURTHER UNDERSTAND:
  - a. A conviction for this offense may increase the punishment I receive for any future convictions.
  - 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.
  - c. 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.
  - d. 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.

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

e. 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.

f. 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.

g. 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.

7. That other than the promises listed below, no other promises have been made to me or my family to induce me to enter this ~~plea~~ <sup>waiver</sup>. I have been promised:

1. A reduction of count 1 from Count 2 &
2. the alleged enhancements
3. \_\_\_\_\_
4. \_\_\_\_\_

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

- ☒ those contained in the preliminary transcript.  
☒ those contained in the police report.  
☐ as follows:

9. ADDITIONAL MATTERS: (e.g., 290 P.C.; Harvey waiver; 11590 N&S; Restitution; etc.)

I understand that the Judge presiding at my trial will determine my guilt or innocence based on the evidence presented to the jury on count 1 & count 2. I understand the enhancements charged by the DA. regarding count 2. I will not bind the court regarding counts 2 & the enhancements.

10. 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).

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

DATED: 3/30/97

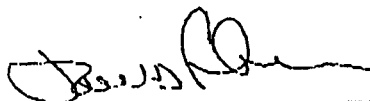
James Lindsay

Defendant.

I, James P. Pich, 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, he signed his name thereto in my presence; that based upon my conversation with the defendant, I am satisfied that his plea of guilty is freely and voluntarily made; that he understands the consequences of his plea of guilty, and that his 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.

DATE: 3-25-87



\_\_\_\_\_  
ATTORNEY.

**FILED**

NOV - 4 1983

WILLIAM CRAWFORD, County Clerk  
*[Signature]*  
 Deputy Clerk

1 MICHAEL E. NAIL  
 2 District Attorney of Solano County  
 3 By: ALLAN P. CARTER  
 4 Deputy District Attorney  
 5 321 Tholman Street  
 6 Vallejo, California 94590  
 7 Telephone: (707) 553-5321  
 8 D.A. File No.: WF-83-0335  
 9 Attorney for the People

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 FOR THE COUNTY OF SOLANO

12 THE PEOPLE OF THE STATE  
 13 OF CALIFORNIA,

14 Plaintiff,

15 vs.

16 JAMES EARL LINDSAY,

17 Defendant(s)

18 No. 17002

19 INFORMATION  
 20 (Amended)

21 The District Attorney of Solano County, California,  
 22 hereby accuses the above defenddant(s) of the following criminal  
 23 offenses occurring in the County of Solano, State of California:

24 COUNT I: On or about May 21, 1983, JAMES EARL LINDSAY,  
 25 did commit a FELONY, namely, a violation of Section 246 of the  
 26 California Penal Code, DISCHARGE OF FIREARM AT DWELLING OR  
 VEHICLE, in that said defendant did maliciously and willfully  
 discharge a firearm at an inhabited dwelling.

For a further and separate cause of action, being  
 a different offense of the same class of crime and offense  
 and connected in its commission with the offense alleged in  
 Count(s) I of this complaint, it is alleged that:

COUNT II: On or about May 21, 1983, JAMES EARL LINDSAY,  
 did commit a FELONY, namely, a violation of Section 12021 of the  
 California Penal Code, POSSESSION OF FIREARM BY EX-FELON, in that

1 said defendant did willfully and unlawfully, having been convicted  
2 of the crime of robbery, a felony, in violation of Section 211 of  
3 the Penal Code of the State of California, own or have in his  
4 possession or under his custody or control a firearm capable of  
5 being concealed upon the person.

3/30/87  
S/11/11/87  
6 ~~PRIOR CONVICTION 667(a) P.C.:~~ The District Attorney  
7 of Solano County, California, further alleges that before the  
8 commission of the above offense(s) that said defendant, JAMES  
9 EARL LINDSAY, was on or about August 28, 1978, in the Superior  
10 Court of the State of California, for the County of Solano,  
11 convicted of a serious felony, to wit, robbery, in violation of  
12 Section 211 of the Penal Code.

13 ~~PRIOR CONVICTION 667.5(b) P.C.:~~ The District Attorney  
14 of Solano County, California, further alleges that before the  
15 commission of the above offense(s) that said defendant, JAMES  
16 EARL LINDSAY, was on or about August 28, 1978, in the Superior  
17 Court of the State of California, for the County of Solano,  
18 convicted of the crime of robbery, a felony, in violation of  
19 Section 211 of the Penal Code, and served a prison term for such  
20 offense and that he has not remained free of prison custody or  
21 free of felony conviction for five years, within the meaning of  
22 Penal Code Section 667.5(b).

23 ~~PRIOR CONVICTION 1203.06(a)(2) P.C.:~~ It is further  
24 alleged that in the commission or attempted commission of the  
25 above offense(s), the said defendant, JAMES EARL LINDSAY, was  
26 personally unlawfully armed with a firearm, having previously,  
on or about the 28th day of August, 1978, in the Superior Court  
of the County of Solano, State of California, been convicted of  
the crime of robbery, in violation of Section 211 of the Penal  
Code, within the ~~meaning~~ meaning of Penal Code Section 1203.06(a) (

Dated: November 4, 1983

  
Deputy District Attorney