

LASSEN SUPERIOR COURT

DEPARTMENT ONE

CRIMINAL

TENTATIVE RULINGS

April 25, 2017

Hon. Michele Verderosa, Presiding

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(NOTE TO COUNSEL AND PARTIES: The Court provides tentative rulings on law and motion matters only for information to the parties in preparation for the hearing. The Court does NOT issue tentative rulings pursuant to California Rule of Court 3.1308, and the procedure set out in that Rule does not apply.)

1:00 CALENDAR

#CR033344

**People vs. Driscoll, George Cornelius
Sentencing**

The court has read and considered the probation department's report and recommendation. Pursuant to Penal Code section 1170.9(a), the court would have to make a determination whether the defendant is or was a member of the United States military and is suffering from post-traumatic stress disorder as a result of his military service. The probation department's report on page nine at lines two through ten states the defendant is eligible because he is a veteran and has a diagnosis of post-traumatic stress disorder. The report does not state whether defendant's post-traumatic stress disorder is a result of the defendant's service in the military. Additionally, the probation report recommendation does not state specifically what "rehabilitation" program the defendant would be attending and whether or not it is a residential program and what issues would be addressed at such a program, i.e. addiction issues and or mental health therapy for the post-traumatic stress disorder.

The court has also read and considered the victim impact statements attached to the probation department's pre-plea report filed on July 7, 2016. While the court intends to grant formal probation for three years,

the court will hear brief argument from the parties regarding the issue of both the imposition of jail time and the length of jail time as a term and condition of probation in addition to the terms and conditions of probation as set forth in the probation departments' report.

#CC034006

**People vs. Huggins, Keith Allen
Sentencing**

The court has read and considered the probation department's report and recommendation and intends to impose the same. On April 4, 2017, the court inquired about the following: verification of defendant's employment; whether defendant can be on electronic monitoring while at his employment; and the probation department's connection with L.C.A., the organization that could provide the electronic monitoring of the defendant. The court will make the same inquiries of the probation and the parties. The court will hear brief argument from the parties.

#CR031353

**People vs. Olmstead, Kyle M.
Sentencing for violation of probation**

The court has read and considered the probation department's report and recommendation and does not intend to impose the same. The court intends to terminate the defendant's probation as unsuccessful, impose the mid-term of three years state prison (the underlying offense is a violation of Penal Code section 245(a)(4) which is not eligible pursuant to Penal Code section 1170(h) to be served in local county jail). This is the defendant's third violation of probation. The sentence for the defendant's second violation of probation was the current probation recommendation for defendant's third violation of probation. The court will impose the \$300.00 fine pursuant to Penal Code section 1202.4 and suspend a similar fine of \$300.00 pursuant to Penal Code section 1202.45 unless defendant's parole or post release community supervision is revoked. At the last hearing on March 7, 2017, the court continued the sentencing to April 25, 2017 to hear from the parties as to why the court should not follow its tentative ruling. The court will hear brief argument from the parties.