

# Criminal History Summary

SUBJECT: Joshua William Foster

COUNTY: Sacramento

| Case Number | Filing Date | Charge  | Severity        | Plea  | Conviction                 | Sentence  |
|-------------|-------------|---|-----------------|---|----------------------------|---|
| 09F03820    | 5/22/09     | HS 11359: Possesion of marijuana with intent to sell          | Felony          | Guilty to lesser charge of HS 11357 ( C ): Possesion of more then 28.5 grams of marijuana | <b>Yes:</b><br>Misdemeanor | Drug Court Diversion Program, 18 Months Probation                     |
| 09F03820    | 5/22/09     | HS 11360(A): Transporting marijuana into California           | Felony          | No Plea   | <b>No:</b><br>Dismissed    | N/A   |
| 05T05281    | 11/21/05    | VC 23152(A): DUI (Appeared Under the Influence)               | Misdemeanor     | Guilty to lesser charge of VC 23103.5: Wet Reckless Driving                               | <b>Yes:</b><br>Misdemeanor | 5 Days Incarceration W/ SWP* Eligibility, 3 Years Probation           |
| 05T05281    | 11/21/05    | VC 23152(B): DUI (Per Se)                                     | Misdemeanor     | No Plea   | <b>No:</b><br>Dismissed    | N/A   |
| 03T00916    | 2/7/03      | VC 23152(A): DUI (Appeared Under the Influence)               | Misdemeanor     | Not Guilty  | <b>Yes:</b><br>Misdemeanor | 2 Days Incarceration W/ SWP* Eligibility, 3 Years Probation           |
| 03T00916    | 11/29/05    | Probation Violation For Above Conviction                      | Prob. Violation | N/A   | <b>Yes</b>                 | 15 Days Incarceration W/ SWP* Eligibility, Reset of 3 Years Probation |
| 03T00916    | 7/14/06     | Probation Violation For Above Conviction                      | Prob. Violation | N/A   | <b>Yes</b>                 | 2 Days Of Jail, Reset of 3 Years Probation                            |
| 03T00916    | 2/7/03      | VC 23152(B): DUI (Per Se)                                     | Misdemeanor     | No Plea   | <b>No:</b><br>Dismissed    | N/A   |
| 98F05015    | 6/8/98      | VC 10851(A): Theft or unlawful taking or driving of a vehicle | Felony          | Guilty to lesser charge of PC 496(A) as a Misdemeanor: Receiving Stolen Property          | <b>Yes:</b><br>Misdemeanor | 60 Days Incarceration W/ SWP* Eligibility, 3 Years Probation          |
| 98M05275    | 4/16/98     | VC 10851(A): Theft or unlawful taking or driving of a vehicle | Misdemeanor     | No Plea   | <b>No:</b><br>Dismissed    | N/A   |
| 98M05275    | 4/16/98     | PC 148.9(A): False ID To Police Officer                       | Misdemeanor     | Not Guilty  | <b>Yes:</b><br>Misdemeanor | 10 Days Incarceration W/ SWP* Eligibility                             |

\*SWP = Sheriff's Work Project [View Website](#)



# Non Criminal Case Index

## RECORD 1

|              |                    |                 |               |
|--------------|--------------------|-----------------|---------------|
| Defendant:   | Joshua Foster      | Case Number:    | 70045         |
| Filing Date: | 1 / 15 / 2015      | Address:        | 2 Sea Lion Ct |
| City:        | Sacramento         | State:          | Ca            |
| Zip:         | 95831              | Plaintiff:      | Laura Brock   |
| Attorney:    | Michelle R Proctor | Attorney Phone: | 8669013212    |
| Action Type: | J                  | Book:           | 0115          |
| Page         | 0804               |                 |               |

## RECORD 2

|              |  |                 |               |
|--------------|--|-----------------|---------------|
| Defendant:   | Joshua Foster  | Case Number:    | S-Dr-0036048  |
| Filing Date: | 3 / 19 / 2013  | Address:        | 2 Sea Lion Ct |
| City:        | Sacramento   | State:          | Ca            |
| Zip:         | 95831  | Plaintiff:      | Laura Brock   |
| Attorney:    | Palaceer County Department Of Child Support Services | Attorney Phone: | 8669013212    |
| Action Type: | J  |                 |               |

## RECORD 3

|              |  |                 |               |
|--------------|--|-----------------|---------------|
| Defendant:   | Joshua Foster  | Case Number:    | S-Dr-0036048  |
| Filing Date: | 3 / 19 / 2013  | Address:        | 2 Sea Lion Ct |
| City:        | Sacramento   | State:          | Ca            |
| Zip:         | 95831  | Plaintiff:      | Laura Brock   |
| Attorney:    | Palaceer County Department Of Child Support Services | Attorney Phone: | 8669013212    |
| Action Type: | J  |                 |               |

## RECORD 4

|              |                |                 |               |
|--------------|----------------|-----------------|---------------|
| Defendant:   | Joshua Foster  | Case Number:    | S-Dr-0036048  |
| Filing Date: | 10 / 24 / 2012 | Address:        | 2 Sea Lion Ct |
| City:        | Sacramento     | State:          | Ca            |
| Zip:         | 95831          | Plaintiff:      | Laura Brock   |
| Attorney:    | Troy Held      | Attorney Phone: | 8669013212    |
| Action Type: | J              |                 |               |

## RECORD 5

|              |                |                 |               |
|--------------|----------------|-----------------|---------------|
| Defendant:   | Joshua Foster  | Case Number:    | S-Dr-0036048  |
| Filing Date: | 10 / 24 / 2012 | Address:        | 2 Sea Lion Ct |
| City:        | Sacramento     | State:          | Ca            |
| Zip:         | 95831          | Plaintiff:      | Laura Brock   |
| Attorney:    | Troy Held      | Attorney Phone: | 8669013212    |
| Action Type: | J              |                 |               |

The following are details for each case (starting with his most recent case and going back to his oldest case):

# Marijuana Case

## Case Information

**Defendant Name**  
JOSHUA WILLIAM FOSTER  
**Case Number**  
09F03820  
**Xref**  
3090124  
**Filing Date**  
05/22/2009  
**Charge Document**  
Complaint  
**Case Status**  
Disposed  
**Court ID**  
34470

### Aliases

| First Name | Middle Name | Last Name | Suffix |
|------------|-------------|-----------|--------|
| JOSH       | WILLIAM     | FOSTER    |        |
| JOSHUA     | WILLIAM     | FOSTER    |        |

### Charges

| Count | Charge   | Severity | Degree | Allegation | Blood Alcohol % |
|-------|--|----------|--------|------------|-----------------|
| C001  | HS 11359<br><br>Possession of marijuana<br><br>with intent to sell | Felony   | N/A    | N/A        | N/A             |
| C002  | HS 11360(A)  | Felony   | N/A    | N/A        | N/A             |



|  |   |  |  |  |  |
|--|---|--|--|--|--|
|  | Transporting marijuana<br>into California |  |  |  |  |
|--|---|--|--|--|--|

### Future Hearings

| Date | Time | Dept. | Reason | Outcome |
|------|------|-------|--------|---------|
|------|------|-------|--------|---------|

No future hearings found.

### Hearing History

| Date       | Time     | Dept. | Reason                            | Outcome   |
|------------|----------|-------|-----------------------------------|---|
| 11/17/2010 | 12:00 PM | 03    | REQUEST TO TERMINATE<br>DIVERSION | GRANT REQUEST   |
| 06/16/2009 | 8:30 AM  | 08    | BAIL BOND INFORMATION             | BOND EXONERATED   |
| 06/16/2009 | 8:30 AM  | 08    | COUNSEL INFORMATION               | PD RELIEVED BY COURT                                    |
| 06/16/2009 | 8:30 AM  | 08    | FURTHER PROCEEDINGS               | DIVERSION GRANTED                                       |
| 06/16/2009 | 8:30 AM  | 08    | MOTION FOR DISMISSAL              | MOTION GRANTED  |
| 06/09/2009 | 8:30 AM  | 08    | FURTHER PROCEEDINGS               | CONTINUED   |
| 05/26/2009 | 10:30 AM | 08    | ARRAIGNMENT                       | ARR, COPY DEL, INF RTS, ADVISE RE: ATTY<br>FEES/987.8PC |
| 05/26/2009 | 10:30 AM | 08    | COUNSEL INFORMATION               | PD APPOINTED  |

### Charge Dispositions

| Count | Plea          | Charge      | Disposition Code | Disposition Date | Severity    | Degree |
|-------|---------------|-------------|------------------|------------------|-------------|--------|
| C001  | Withdraw Plea | HS 11357(C) | Dismissed        | 11/17/2010       | Misdemeanor |        |
| C002  | No Plea       | HS 11360(A) | Dismissed        | 06/16/2009       | Felony      |        |

### Sentence Summary

| Count | Sentence Type | Sentence Date | Prob. Type | Prob. Status | Prob. Term | Prob. Sup. | Custody Program | Custody Length | Non LT Code | Non LT Time | Non LT Susp. |
|-------|---------------|---------------|------------|--------------|------------|------------|-----------------|----------------|-------------|-------------|--------------|
| C001  | Diversion     | 06/16/2009    |            | Diversion    | 18M        |            |                 |                |             |             |              |

DISTRICT ATTORNEY  
901 G STREET  
SACRAMENTO, CA 95814  
(916) 874-6218

SHIP-KV-72792  
J. BRIA, DDA  
TEAM: 8/TH (SCR)  
05/26/2009 (BB)  
XRef: 3090124

Filed in electronic form on  
05/22/09 (PC 959.1)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

vs.

JOSHUA WILLIAM FOSTER (09395505-01),

Defendant(s).

No. 09F03820

Felony Complaint

The People of the State of California upon oath of the undersigned, upon information and belief complain against the defendant(s) above named for the crime(s) as follows:

COUNT ONE

On or about May 16, 2009, at and in the County of Sacramento, State of California, defendant(s) JOSHUA WILLIAM FOSTER did commit a felony namely: a violation of Section 11359 of the Health and Safety Code of the State of California, in that said defendant did unlawfully possess for purpose of sale marijuana.

"Notice: Conviction of this offense will require you to register pursuant to Health and Safety Code Section 11590. Failure to do so is a crime pursuant to Health and Safety Code Section 11594."

COUNT TWO

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth in Count One hereof: On or about May 16, 2009, at and in the County of Sacramento, State of California, defendant(s) JOSHUA WILLIAM FOSTER did commit a felony namely: a violation of Section 11360(a) of the Health and Safety Code of the State of California, in that said defendant did unlawfully transport marijuana.

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3  
4  
5 "Notice: Conviction of this offense will require you to register pursuant to Health and Safety  
6 Code Section 11590. Failure to do so is a crime pursuant to Health and Safety Code Section  
7 11594."  
8

9 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
10 correct.  
11

12 Executed at Sacramento County, California, the 22nd day of May, 2009.  
13

14  
15 Declared under Penalty of Perjury by  
16 BRIAN MYERS  
17 Deputy District Attorney  
18 Submitted in electronic form (PC 959.1)  
19

20 (916) 874-6218  
21 Telephone Number  
22

23 GEM  
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FOSTER JOSHUA WILLIAM

1 3090124 09F03820 MUNI

PLEA DATE: JUN 16 2009

JUDGE: GARY E. RANSOM

DEPT: 8

RIGHTS:

ADV WVD

W W  
COUNSEL, retained or appointed  
PRELIMINARY HEARING  
JURY TRIAL, speedy and public  
CONFRONTATION, of witness  
SELF INCRIMINATION, remain silent

ADVISED

W  
possible maximum sentence  
possibility of 1203.03 PC  
rights regarding  
citizenship  
parole rights  
option of changing plea  
in re: West  
consequences of plea

       Video mass advisement transcript on request  
       Electronic Recording Monitor  
       Tape Number  
✓ Court Reporter (transcript on request)  
       The written Waiver and Plea form filed herein is ordered incorporated  
in the record

D. Purrington

Defendant advised of above rights, penalties and consequences of plea. Court found defendant understood same. Court found that defendant knowingly, intelligently, voluntarily and expressly waived the rights as indicated by initials above. Defendant entered a plea of:

       GUILTY

✓ NOLO CONTENDERE (acknowledged it is same as guilty)

       NGRI (PC 1026)

With Promise/Stip ND SP @ date  
Court prom 150 days CJ LMS  
Plea Includes VOP; DA motion to dis  
Harv Wvr as to ct(s)       

to the charges of: HS 11357 (C) R/R to CT 1

BAC:       

Court dismissed: Bal chg doc

✓ Insufficient Evidence  
✓ Interest of Justice  
✓ In View of Plea CT 1  
       Proof Shown  
       Harvey Waiver

Court found that the above plea(s) was voluntary and there was a factual basis for same.

PROBATION DEPARTMENT  
COUNTY OF SACRAMENTO  
MEMORANDUM TO COURT

ORIGINAL

November 9, 2010

**DRUG DIVERSION**

**TO:** THE HONORABLE RICHARD K. SUEYOSHI  
JUDGE OF THE SUPERIOR COURT  
DEPARTMENT 03

**FROM:** RAY NAZERI  
DEPUTY PROBATION OFFICER

**SUBJECT: RECOMMENDATION FOR TERMINATION OF THE DRUG DIVERSION  
PROGRAM, DISMISSAL OF THE CRIMINAL CHARGE(S) AND GRANT OF  
RELIEF PURSUANT TO SECTION 1000.4 P.C.**

Defendant's Name : JOSHUA W. FOSTER  
Court No. : 09F03820  
Charge(s) : 11357(c) H.S.  
CJIS XREF No. : 3090124  
Probation No. : A-447,250

**HEARING DATE: DECEMBER 13, 2010 @ 9:00 A.M. NON-APPEARANCE**

The defendant was diverted by Order of the Court on June 16, 2009, for a period of 18-36 months relative to the charge of violation of Section(s) 11357(c) of the Health and Safety Code. The defendant has been involved in the Drug Diversion Program for a period of approximately 18 months.

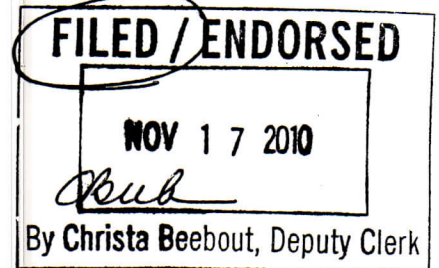
The defendant successfully completed the Drug Education Program on March 12, 2010.

The Department of Justice reports no new arrests and/or convictions on this subject.

The defendant was not ordered to pay a diversion restitution fee.

The defendant was ordered to pay an administration fee in the amount of \$300.00, which was paid in full.

The defendant's Educational/Counseling fees have been paid in full.



# DUI #2

## Case Information

**Defendant Name**

JOSHUA WILLIAM FOSTER

**Case Number**

05T05281

**Xref**

3090124

**Filing Date**

11/21/2005

**Charge Document**

Complaint

**Case Status**

Disposed

**Court ID**

34470

Aliases

| First Name | Middle Name | Last Name | Suffix |
|------------|-------------|-----------|--------|
| JOSH       | WILLIAM     | FOSTER    |        |

|        |         |        |  |
|--------|---------|--------|--|
| JOSHUA | WILLIAM | FOSTER |  |
|--------|---------|--------|--|

### Charges

| Count | Charge   | Severity    | Degree | Allegation | Blood Alcohol % |
|-------|--|-------------|--------|------------|-----------------|
| C001  | VC 23152(A)<br><br>Driving while under<br>the influence                    | Misdemeanor | N/A    | N/A        | 07              |
| C002  | VC 23152(B)<br><br>Driving with blood alcohol<br>content of .08 or greater | Misdemeanor | N/A    | N/A        | N/A             |

### Future Hearings

| Date                      | Time | Dept. | Reason | Outcome |
|---------------------------|------|-------|--------|---------|
| No future hearings found. |      |       |        |         |

### Hearing History

| Date       | Time     | Dept. | Reason                             | Outcome             |
|------------|----------|-------|------------------------------------|---------------------|
| 07/29/2011 | 12:00 PM | 99    | MOTION FOR DISMISSAL PER 1203.4 PC | MOTION GRANTED      |
| 07/14/2006 | 8:30 AM  | 02    | FURTHER PROCEEDINGS                | DEFENDANT SENTENCED |
| 07/14/2006 | 8:30 AM  | 02    | MOTION FOR DISMISSAL               | MOTION GRANTED      |
| 06/23/2006 | 8:30 AM  | 02    | FURTHER PROCEEDINGS                | CONTINUED           |



|            |         |    |                                |                  |
|------------|---------|----|--------------------------------|------------------|
| 04/28/2006 | 8:30 AM | 02 | COUNSEL INFORMATION            | RETAINED COUNSEL |
| 04/28/2006 | 8:30 AM | 02 | PRETRIAL CONFERENCE            | CONTINUED        |
| 04/18/2006 | 8:30 AM | 02 | COUNSEL INFORMATION            | CONTINUED        |
| 04/18/2006 | 8:30 AM | 02 | PRETRIAL CONFERENCE            | CONTINUED        |
| 03/28/2006 | 8:30 AM | 02 | APPOINTMENT OF PUBLIC DEFENDER | CONTINUED        |
| 03/28/2006 | 8:30 AM | 02 | PRETRIAL CONFERENCE            | CONTINUED        |
| 03/02/2006 | 1:30 PM | 02 | PRETRIAL CONFERENCE            | CONTINUED        |
| 02/16/2006 | 1:30 PM | 02 | PRETRIAL CONFERENCE            | CONTINUED        |
| 01/17/2006 | 1:30 PM | 02 | FURTHER PROCEEDINGS            | CONTINUED        |
| 12/20/2005 | 1:30 PM | 02 | FURTHER PROCEEDINGS            | CONTINUED        |
| 11/29/2005 | 8:15 AM | 02 | ARRAIGNMENT                    | CONTINUED        |
| 11/29/2005 | 8:15 AM | 02 | COUNSEL INFORMATION            | RETAINED COUNSEL |

### Charge Dispositions

| Count | Plea       | Charge      | Disposition Code           | Disposition Date | Severity    | Degree |
|-------|------------|-------------|----------------------------|------------------|-------------|--------|
| C001  | Not Guilty | VC 23103.5  | Dismissed after conviction | 07/29/2011       | Misdemeanor |        |
| C002  | No Plea    | VC 23152(B) | Dismissed                  | 07/14/2006       | Misdemeanor |        |

Sentence Summary

| Count | Sentence Type | Sentence Date | Prob. Type         | Prob. Status             | Prob. Term | Prob. Sup. | Custody Program        | Custody Length | Non LT Code | Non LT Time | Non LT Susp. |
|-------|---------------|---------------|--------------------|--------------------------|------------|------------|------------------------|----------------|-------------|-------------|--------------|
|       |               |               |                    |                          |            |            |                        |                |             |             |              |
| C001  | Original      | 07/14/2006    | Informal Probation | Granted / Non-Searchable | 3Y         |            | Sheriff's Work Project | 5D             |             |             |              |

DISTRICT ATTORNEY  
901 G STREET  
SACRAMENTO, CA 95814  
(916) 874-6218

NHP-AP-36520  
B. MYERS, DDA  
11/29/2005 (853.6)  
XRef: 3090124

FILED IN ELECTRONIC  
FORM ON 11/21/05 (PC 959.1)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 05T05281

vs.

JOSHUA WILLIAM FOSTER (09015073-01),

Misdemeanor Complaint

Defendant(s).

The People of the State of California upon oath of the undersigned, upon information and belief complain against the defendant(s) above named for the crime(s) as follows:

COUNT ONE

On or about November 11, 2005, at and in the County of Sacramento, State of California, defendant(s) JOSHUA WILLIAM FOSTER did commit a misdemeanor namely: a violation of Section 23152(a) of the Vehicle Code of the State of California, in that said defendant did willfully and unlawfully, while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage and any drug, drive a vehicle.

PRIOR CONVICTION AS TO COUNT ONE

DKT# 03T00916/CT# 34470

That the current offense as hereinabove set forth in this complaint occurred within ten years of a separate violation of Section 23152(a) of the California Vehicle Code, which separate violation occurred on or about the 1st day of February, 2003, and which resulted in a conviction.

COUNT TWO

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Count One hereof: On or about November 11, 2005, at and in the County of Sacramento, State of California, defendant(s) JOSHUA WILLIAM FOSTER did commit a misdemeanor namely: a violation of Section 23152(b) of the Vehicle Code of the State of California, in that said defendant did

2  
3  
4 willfully and unlawfully, while having a 0.08 percent and more, by weight, of alcohol in his  
5 blood, drive a vehicle.  
6

7 **PRIOR CONVICTION AS TO COUNT TWO**  
8 **DKT# 03T00916/CT# 34470**

9 That the current offense as hereinabove set forth in this complaint occurred within ten years of a  
10 separate violation of Section 23152(a) of the California Vehicle Code, which separate violation  
11 occurred on or about the 1st day of February, 2003, and which resulted in a conviction.  
12

13  
14  
15 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
16 correct.

17 Executed at Sacramento County, California, the 21st day of November, 2005.  
18  
19

20  
21 Declared under Penalty of Perjury by  
22 BRIAN MYERS  
23 Deputy District Attorney  
24 Submitted in electronic form (PC 959.1)

25 (916) 874-6218  
26 Telephone Number  
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2CG



**NOTICE TO APPEAR**  
**CHP 215 (REV 9/05)**

☐ MISDEMEANOR  
☒ Traffic ☐ Nontraffic

36520 AP

Date of Violation: 11.11.05 Time: 2:15 AM Day of the Week: S M T W T F S ☒ S ☐ F ☐ CHP 215s ☐ Accident

Name (First, Middle, Last): JOSHUA WILLIAM FOSTER ☐ Owner's Responsibility (\$40001 VC)

Address: 300 RIVERGATE WY City: SAC State: CA ZIP Code: 95831

Driver Lic. No.: B5911914 State: CA Commercial: ☒ Yes ☐ No Age: 27 Birth Date: 09-20-78

Sex: M Hair: BRN Eyes: BRN Height: 5-11 Weight: 195 Race / Ethnicity: W

Veh. Lic. No. or VIN No.: 4ZCE024 State: CA Reg. Exp.: 2006 ☐ COMMERCIAL VEHICLE (\$15210(b) VC)

Yr. of Veh.: 00 Make: MBZ Body Style: E300 Color: BLK Veh. Type: 01 ☐ HAZARDOUS MATERIAL (\$353 VC)

Evidence of Financial Responsibility or CHP / DOT / PUC / ICC

Registered Owner or Lessee: LORIE SOUZA ☐ Same as Driver

Address: 2349 HALDIS WY City: SAC State: CA ZIP Code: 95828

Correctable Violation (\$40610 VC) ☐ Booking Required (See Reverse) Misdemeanor or Infraction (Circle)

Yes No Code and Section Description

☐ ☐ 23152(A) VC - DUI (M) I

☐ ☐ 23152(B) VC - .08 (M) I

Speed Approx. P. F. / Max Spd. Veh. Lmt. Safe Special

Location of Violation(s): DEWEY N/O GREENBACK

Beat: 901 Area: 250 Perm. Area: ☐ Radar Unit / Patrol Vehicle No.

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed at (place): SAC CO. California

Date: 11/11/05 Arresting or Citing Officer: C. MOSS I. D. No.: 12470 to Vacation Dates

Name of Arresting Officer, if different from Citing Officer: Perm. Area: I. D. No.: to Vacation Dates

**WITHOUT ADMITTING GUILTY, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.**

X SIGNATURE: IN Custody

WHEN: DATE: TIME: ☐ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE: 720 9TH ST. SAC

ADDRESS: 65705281

PHONE NO.:

☐ To be notified

☐ You may arrange with the clerk to appear at a night session of the court.

Judicial Council of California Form  
 Rev. 09-20-05 (§§ 40500(b), 40513(b), 40522, 40600 VC; § 853.9 PC.)

TR - 130 SEE REVERSE

36520 AP

FOSTER JOSHUA WILLIAM

CRAIG B. REGAN

1

3090124

05T05281 MUNI

FOSTER JOSHUA WILLIAM

1 3090124 05T05281 MUNI

CRAIG B. REGAN

PLEA DATE: JUL 14 2006

JUDGE:

DEPT: 2

RIGHTS:

ADV WVD

COUNSEL, retained or appointed  
PRELIMINARY HEARING  
JURY TRIAL, speedy and public  
CONFRONTATION, of witness  
SELF INCRIMINATION, remain silent

ADVISED

possible maximum sentence  
possibility of 1203.03 PC  
rights regarding  
citizenship  
parole rights  
option of changing plea  
in re: West  
consequences of plea

Video mass advisement transcript on request

Electronic Recording Monitor

Tape Number one

Court Reporter (transcript on request)

The written Waiver and Plea form filed herein is ordered incorporated in the record

Defendant advised of above rights, penalties and consequences of plea. Court found defendant understood same. Court found that defendant knowingly, intelligently, voluntarily and expressly waived the rights as indicated by initials above. Defendant entered a plea of:

GUILTY

NOLO CONTENDERE (acknowledged it is same as guilty)

NGRI (PC 1026)

to the charges of:

ct 1 RRO VC23103.5 WET 2nd

BAC: 10.07/07

Court dismissed:

ct 2

Insufficient Evidence

Interest of Justice

In View of Plea

Proof Shown

Harvey Waiver

Court found that the above plea(s) was voluntary and there was a factual basis for same.

# DUI #1

## Case Information

**Defendant Name**  
JOSHUA WILLIAM FOSTER

**Case Number**  
03T00916

**Xref**  
3090124

**Filing Date**  
02/07/2003

**Charge Document**  
Complaint

**Case Status**  
Disposed

**Court ID**  
34470

### Aliases

| First Name | Middle Name | Last Name | Suffix |
|------------|-------------|-----------|--------|
| JOSH       | WILLIAM     | FOSTER    |        |
| JOSHUA     | WILLIAM     | FOSTER    |        |

### Charges

| Count | Charge | Severity | Degree | Allegation | Blood Alcohol % |
|-------|--------|----------|--------|------------|-----------------|
|-------|--------|----------|--------|------------|-----------------|

|      |  |             |     |     |     |
|------|--|-------------|-----|-----|-----|
| C001 | VC 23152(A)<br><br>Driving while under<br>the influence                    | Misdemeanor | N/A | N/A | 14  |
| C002 | VC 23152(B)<br><br>Driving with blood alcohol<br>content of .08 or greater | Misdemeanor | N/A | N/A | N/A |

### Future Hearings

| Date                      | Time | Dept. | Reason | Outcome |
|---------------------------|------|-------|--------|---------|
| No future hearings found. |      |       |        |         |

### Hearing History

| Date       | Time     | Dept. | Reason                                     | Outcome                             |
|------------|----------|-------|--|-------------------------------------|
| 07/29/2011 | 12:00 PM | 99    | MOTION FOR DISMISSAL PER 1203.4 PC         | MOTION GRANTED                      |
| 07/14/2006 | 8:30 AM  | 02    | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | SENTENCED ON VIOLATION OF PROBATION |
| 06/23/2006 | 8:30 AM  | 02    | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED                           |
| 04/28/2006 | 8:30 AM  | 02    | COUNSEL INFORMATION                        | RETAINED COUNSEL                    |
| 04/28/2006 | 8:30 AM  | 02    | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED                           |
| 04/18/2006 | 8:30 AM  | 02    | COUNSEL INFORMATION                        | CONTINUED                           |



|            |          |    |  |                     |
|------------|----------|----|--|---------------------|
| 04/18/2006 | 8:30 AM  | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 03/28/2006 | 8:30 AM  | 02 | APPOINTMENT OF PUBLIC DEFENDER             | CONTINUED           |
| 03/28/2006 | 8:30 AM  | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 03/02/2006 | 1:30 PM  | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 02/16/2006 | 1:30 PM  | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 01/17/2006 | 1:30 PM  | 02 | FURTHER PROCEEDINGS                        | CONTINUED           |
| 12/20/2005 | 1:30 PM  | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 11/29/2005 | 12:00 PM | 02 | VIOLATION OF PROBATION-FURTHER PROCEEDINGS | CONTINUED           |
| 04/01/2003 | 1:30 PM  | 02 | FOR PLEA                                   | DEFENDANT SENTENCED |
| 03/18/2003 | 1:30 PM  | 02 | FURTHER PROCEEDINGS                        | CONTINUED           |
| 03/10/2003 | 8:15 AM  | 02 | ARRAIGNMENT                                | CONTINUED           |
| 03/10/2003 | 8:15 AM  | 02 | COUNSEL INFORMATION                        | RETAINED COUNSEL    |

#### Charge Dispositions

| Count | Plea | Charge | Disposition Code | Disposition Date | Severity | Degree |
|-------|------|--------|------------------|------------------|----------|--------|
|-------|------|--------|------------------|------------------|----------|--------|

|      |            |             |                            |            |             |  |
|------|------------|-------------|----------------------------|------------|-------------|--|
| C001 | Not Guilty | VC 23152(A) | Dismissed after conviction | 07/29/2011 | Misdemeanor |  |
| C002 | No Plea    | VC 23152(B) | Dismissed                  | 04/01/2003 | Misdemeanor |  |

### Sentence Summary

| Count | Sentence Type          | Sentence Date | Prob. Type         | Prob. Status             | Prob. Term | Prob. Sup. | Custody Program        | Custody Length | Non LT Code | Non LT Time | Non LT Susp. |
|-------|------------------------|---------------|--------------------|--------------------------|------------|------------|------------------------|----------------|-------------|-------------|--------------|
| C001  | Violation of Probation | 11/29/2005    | Informal Probation | Revoked                  | 3Y         |            | Sheriff's Work Project | 15D            |             |             |              |
| C001  | Violation of Probation | 07/14/2006    | Informal Probation | Reinstated               | 3Y         |            | Straight Time          | 2D             |             |             |              |
| C001  | Original               | 04/01/2003    | Informal Probation | Granted / Non-Searchable | 3Y         |            | Sheriff's Work Project | 48H            |             |             |              |

**CITY OF SACRAMENTO  
POLICE DEPARTMENT  
NOTICE TO APPEAR**

MISDEMEANOR

TRAFFIC ☒ NON-TRAFFIC ☐

560951

|   |  |   |  |  |  |                         |  |
|---|--|---|--|--|--|-------------------------|--|
| DATE OF VIOLATION<br>2/1/03   |  | TIME<br>0155  |  | DAYS OF WEEK<br>SAT  |  | REPORT NUMBER<br>560951 |  |
| NAME (FIRST, MIDDLE, LAST)<br>JOSHUA WILLIAM FOSTER   |  |   |  |  |  |                         |  |
| RESIDENCE ADDRESS<br>7760 ELENA MARIE DR  |  |   |  |  |  |                         |  |
| CITY<br>SACRAMENTO  |  |   |  |  |  |                         |  |
| DRIVER LICENSE NO.<br>B5411914  |  | STATE<br>CA   |  | CLASS<br>A   |  | AGE<br>9/20/78          |  |
| SEX<br>M  |  | HAIR<br>BRN   |  | EYES<br>BRN  |  | HEIGHT<br>5-11          |  |
| WEIGHT<br>165   |  | RACE<br>W   |  | VEHICLE LICENSE NO.<br>2VGR470   |  |                         |  |
| STATE<br>CA   |  | EXP DATE  |  | <input type="checkbox"/> COMMERCIAL VEHICLE<br>(Veh. Code, § 15210(b)) |  |                         |  |
| YR OF VEH<br>91   |  | MAKE<br>LEX   |  | MODEL<br>LS400   |  | BODY STYLE<br>4DR       |  |
| COLOR<br>BRN  |  | <input type="checkbox"/> HAZARDOUS MATERIAL<br>(Veh. Code, § 353) |  |  |  |                         |  |
| EVIDENCE OF FINANCIAL RESPONSIBILITY  |  |   |  |  |  |                         |  |
| REGISTERED OWNER OR LESSEE (FIRST, MIDDLE, LAST)  |  |   |  |  |  |                         |  |
| ADDRESS   |  |   |  |  |  |                         |  |
| CITY  |  |   |  |  |  |                         |  |
| STATE   |  |   |  |  |  |                         |  |
| ZIP CODE  |  |   |  |  |  |                         |  |
| CORRECTABLE VIOLATION (Veh. Code, § 40610)  |  |   |  |  |  |                         |  |
| YES NO CODE AND SECTION DESCRIPTION   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> A23152a VC DWI (M) I   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> A23152b VC DWI .08% (M) I  |  |   |  |  |  |                         |  |
| <input type="checkbox"/> M I  |  |   |  |  |  |                         |  |
| <input type="checkbox"/> M I  |  |   |  |  |  |                         |  |
| SPEED APPROX. PF/MAX SPD VEH. LMT. SAFE RADAR DIRECTION OF TRAVEL CRIME CODE  |  |   |  |  |  |                         |  |
| E   |  |   |  |  |  |                         |  |
| LOCATION OF VIOLATION(S)<br>1ST / 3 ST.   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> ACCIDENT CITIZEN'S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO   |  |   |  |  |  |                         |  |
| COMMENTS (WEATHER, ROAD, & TRAFFIC COND.)   |  |   |  |  |  |                         |  |
| X-REFERENCE NO.   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> VIOLATION(S) NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF.   |  |   |  |  |  |                         |  |
| I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT.   |  |   |  |  |  |                         |  |
| TRAC 647 2/1/03   |  |   |  |  |  |                         |  |
| ARRESTING OR CITING OFFICER AND BADGE   |  |   |  |  |  |                         |  |
| NAME OF ARRESTING OFFICER IF DIFFERENT FROM CITING OFFICER  |  |   |  |  |  |                         |  |
| WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.   |  |   |  |  |  |                         |  |
| X SIGNATURE IN CUSTODY  |  |   |  |  |  |                         |  |
| WHEN AND WHERE:   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> TRAFFIC - YOU MUST APPEAR ON OR BEFORE AT THE CLERK OF SACRAMENTO COURTS, 301 BICENTENNIAL CIRCLE - ROOM 100, SACRAMENTO, CA 95826-2701. HOURS 8:30 am TO 4:30 pm M-F (916) 875-7200 |  |   |  |  |  |                         |  |
| <input type="checkbox"/> ADULT MISDEMEANOR - YOU MUST APPEAR AT 8:30 AM ON MUNICIPAL COURT, 720 9TH STREET, SACRAMENTO, CA 95814. (916) 874-5744 AT DEPARTMENT 3.   |  |   |  |  |  |                         |  |
| <input type="checkbox"/> JUVENILE MISDEMEANOR - YOU WILL BE NOTIFIED BY THE JUVENILE COURT DEPARTMENT BY LETTER WHEN TO APPEAR. THEY WILL CONTACT YOU.  |  |   |  |  |  |                         |  |

RIGHT THUMB PRINT

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

SPD 109

Notice to Appear Form Approved by Judicial Council of California  
Rev 11/02/00 (Veh Code § 40500(b), 40513(b), 40522, 40600; Pen Code, § 853.9)

ORIGINAL

SEE REVERSE  
TR-130

SUPERVISOR

MINOR

1 3090124

DEPT: 2



Costs: For program costs, contact the program providers.

NO PRIORS

WARRANT AND PLEA TO DRIVING UNDER THE INFLUENCE  
No Prior Conviction (23536 Veh. Code)

CASE NO. 03T 00916

I, Joshua Foster, understand that I am charged with driving a vehicle on (Date) 2-1-03 while under the influence of an alcoholic beverage or drugs or both (23152(a) Veh. Code), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (23152(b) Veh. Code).

I understand the penalties are:

- A. **Maximum:** Fine of \$1,000.00, plus penalty assessments of \$1701.00, plus restitution fund assessment of \$1,000.00, 6 months in jail, suspension of driving privilege for 6 months, vehicle impoundment at defendant-owner's expense for 30 days (unless defendant was driving another vehicle or is exempted pursuant to Veh. Code 23594), and an Ignition Interlock Device for up to 3 years.
- B. **Minimum Without Probation:** Fine of \$390.00, plus penalty assessments of \$664.00, 96 hours in jail, at least 48 hours shall be continuous, and suspension of driving privilege for 6 months.
- C. **Minimum With 3 to 5 Years Probation:** Fine of \$390.00, plus penalty assessments of \$664.00, plus restitution to victim(s) or restitution fund, alcohol education program of at least 3 months and either (1) 48 hours in jail or (2) restriction of driving privileges for 90 days to necessary travel to, from and during employment with proof of ability to respond for damages for 3 years to DMV.
- D. **Minimum With 3 to 5 Years Probation, if Refused Chemical Test:** Fine of \$390.00, plus penalty assessments of \$664.00, plus restitution to victim(s) or restitution fund, and 48 hours in jail.
- E. I understand that I may be ordered to attend an alcohol and drug problem assessment program (23646(b) Veh. Code).
- F. **Ignition Interlock Device:** I understand that I may be prohibited from operating any vehicle that I own or operate unless it is equipped with a certified ignition interlock device, which will prevent the vehicle from starting if I have alcohol in my body, for period of one to three years. I also understand that this will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions (14601.2 Veh. Code).

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States, or denied naturalization as a United States Citizen.

I understand that if I am currently on probation or parole for any other criminal offense that such probation could be revoked as a result of my plea today.

I understand that any driver's license suspension or revocation from DMV administrative proceedings is independent of court imposed penalties.

By personally writing ☒ YES in the boxes below, I indicate that I understand the following rights and facts, and I expressly give up and waive each right knowingly, intelligently and voluntarily as each applies to this charge and the separate conviction alleged.

DEFENDANT TO PERSONALLY WRITE ☒ YES OR ☐ NO IN EACH BOX:

FILED

- 1. Right to a speedy and public jury trial.....
- 2. Right to confront and cross-examine all witnesses against me.....
- 3. Right to remain silent and not incriminate myself.....
- 4. Right to subpoena and produce evidence.....
- 5. Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.....
- 6. Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own.....

I understand this right

I give up this right

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

☒ YES

DEFENDANT TO PERSONALLY WRITE ☒ YES IN ONE OF TWO BOXES:

☐

REPRESENTED BY SELF: I give up my right to an attorney.

☒ YES

REPRESENTED BY AN ATTORNEY: I have discussed my case with my attorney. We discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and consequences to my plea.

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of No Contest to the charge(s) of violation of the Veh. Code Section(s) 23152a  
(GUILTY OR NO CONTEST)

Signed

CR-171 (rev. 7/01)

Dated: 3-19-03



ORIGINAL

PROBATION DEPARTMENT  
COUNTY OF SACRAMENTO  
Memorandum to the Court

Date: July 13, 2011

TO: THE HONORABLE DAVID DE ALBA  
JUDGE OF THE SUPERIOR COURT  
DEPARTMENT 30

FROM: BRIAN WOLFE  
SENIOR DEPUTY PROBATION OFFICER

SUBJECT: JOSHUA WILLIAM FOSTER  
Court No : 03T00916  
CJIS XREF No. : 3090124  
Probation No. : N/A  
Offense : 23152(a) V.C.  
Court Date/Time : 7/29/11

REASON FOR MEMORANDUM: 1203.4 P.C. (DISMISSAL)

On April 1, 2003, JOSHUA WILLIAM FOSTER was granted 3 years informal probation after a conviction for violation of Section 23152(a) of the California Vehicle Code. The period of probation expired on March 31, 2006.

The Court suspended the imposition of Judgment and Sentence with the following special conditions:

- (1) Serve 48 hours in the Sacramento County Jail (Time Served).
- (2) Driver's License Restricted.
- (3) Complete DUI first offender program.
- (4) Pay fines and fees.
- (5) Obey all laws.

Restitution is not an issue. Fines and fees are paid in full (3/22/04).

On 11/11/05, the defendant was arrested in Sacramento County for 23152(a) of the California Vehicle Code. On 7/14/06, the defendant was subsequently granted 3 years informal probation following a conviction for violation of section 23103.5 of the California Vehicle Code. (Docket #05T05281)

The defendant is not now serving a sentence for any offense, on probation for any other offense, or charged with the commission of any offense.

This defendant did not satisfactorily meet the conditions of probation during the 3 years of probation status, as he was convicted of a new offense during his probationary period.

In view of his conduct while on probation, it is respectfully recommended that the requested 1203.4 P.C. of the State of California be denied.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Joshua Williams Foster  
1857 Broken Bit Drive  
Plumas Lake, CA 95961

TELEPHONE NO. (916) 997-5292

FAX NO. (Optional):

E-MAIL ADDRESS (Optional)

ATTORNEY FOR (Name): IN PRO PER

FOR COURT USE ONLY

FILED

JUL 29 2011

By

DEPUTY CLERK

PEOPLE OF THE STATE OF CALIFORNIA

v.

DEFENDANT:

JOSHUA WILLIAM FOSTER

CASE NUMBER:

03T00916

ORDER FOR DISMISSAL  
(Pen. Code, §§ 17,1203.4, 1203.4a)

## DEFENDANT'S INFORMATION

CIT:

DRIVER'S LIC #: B5911914

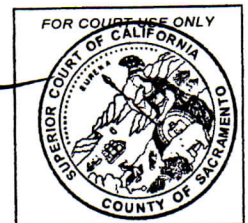
SSN # (LAST FOUR DIGITS ONLY): 3262

DATE OF BIRTH: 09/20/1978

1. ☐ The court denies the petition.
2. ☒ The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
3. a. ☐ The court reduces the felony offense to a misdemeanor.  
b. ☐ The court denies the request to reduce the felony offense to a misdemeanor.
4. ☒ It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.
5. If this order is granted under the provisions of Penal Code section 1203.4:
  - a. The defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency or for contracting with the California State Lottery.
  - b. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
  - c. The defendant may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.
6. If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1 -
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does not release defendant from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen. Code, § 295 et seq.) if defendant was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

Date: JUL 29 2011

(JUDICIAL OFFICER)



Page 1 of 1



|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Joshua Williams Foster</b><br>1857 Broken Bit Drive<br>Plumas Lake, CA 95961<br>TELEPHONE NO. (916) 997-5292 FAX NO. (Optional):<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): <b>IN PRO PER</b> | FOR COURT USE ONLY<br><br><div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>FILED/ENDORSED</b><br/>         Court to rule on Petition by:<br/><br/> <b>AUG - 5 2011</b><br/><br/>         (90-100 Days)<br/>         For Case Status go to:<br/> <a href="https://services.saccount.com/indexsearchnew/">https://services.saccount.com/indexsearchnew/</a><br/>         CASE NUMBER: <i>S-A-H Shaville</i><br/><br/> <b>03T00916</b> </div> |
| PEOPLE OF THE STATE OF CALIFORNIA<br>v.<br>DEFENDANT:<br><br><b>JOSHUA WILLIAM FOSTER</b>  |  |
| <b>PETITION FOR DISMISSAL</b><br>(Pen. Code, §§ 17, 1203.4, 1203.4a)   |  |
| DEFENDANT'S INFORMATION<br><br>Cit:<br>DRIVER'S LIC #: <b>B5911914</b><br>SSN # (LAST FOUR DIGITS ONLY): <b>3262</b><br>DATE OF BIRTH: <b>09/20/1978</b>   |  |

1. On (date): **04/01/2003** the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): **23152(A)** of the (specify): **California Vehicle** Code.
2. The offense was a ☒ misdemeanor ☐ felony.  
 Felony offense (Pen. Code, § 17):  
☐ The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.
3. ☒ Offense with probation granted (Pen. Code, § 1203.4):  
 Probation was granted on the terms and conditions set forth in the docket of the above-entitled court, the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant (check one):  
 a. ☒ has fulfilled the conditions of probation for the entire period thereof,  
 b. ☐ has been discharged from probation prior to the termination of the period thereof, or  
 c. ☐ should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice by completing and attaching the optional Attached Declaration (form MC-031).)
4. ☐ Offense with sentence other than probation (Pen. Code, § 1203.4a).  
☐ Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life and conformed to and obeyed the laws of the land.

Petitioner requests that defendant be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section ☐ 1203.4 or ☒ 1203.4a of the Penal Code.

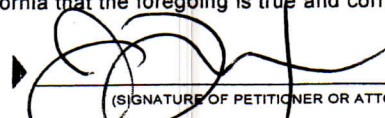
☐ Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

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

Executed on: **March 23, 2011**

(DATE)

**1857 Broken Bit Drive**  
 (ADDRESS, DEFENDANT)

  
 (SIGNATURE OF PETITIONER OR ATTORNEY)  
**Plumas Lake** **CA** **95961**  
 (CITY) (STATE) (ZIP CODE)

# Vehicle Theft / Stolen Property

## Case Information

**Defendant Name**

JOSHUA WILLIAM FOSTER

**Case Number**

98F05015

**Xref**

3090124

**Filing Date**

06/08/1998

**Charge Document**

Complaint

**Case Status**

Disposed

**Court ID**

34470



### Aliases

| First Name | Middle Name | Last Name | Suffix |
|------------|-------------|-----------|--------|
| JOSH       | WILLIAM     | FOSTER    |        |
| JOSHUA     | WILLIAM     | FOSTER    |        |

### Charges

| Count | Charge                                   | Severity | Degree | Allegation | Blood Alcohol % |
|-------|--|----------|--------|------------|-----------------|
| C001  | VC 10851(A)<br>Receiving stolen property | Felony   | N/A    | N/A        | N/A             |

### Future Hearings

| Date                      | Time | Dept. | Reason | Outcome |
|---------------------------|------|-------|--------|---------|
| No future hearings found. |      |       |        |         |

### Hearing History

| Date       | Time     | Dept. | Reason                              | Outcome        |
|------------|----------|-------|-------------------------------------|----------------|
| 07/29/2011 | 12:00 PM | 99    | MOTION FOR DISMISSAL PER 1203.4 PC  | MOTION GRANTED |
| 08/26/1998 | 9:00 AM  | 12    | MOT TO MODIFY                       | GRANT REQUEST  |
| 08/21/1998 | 8:30 AM  | 03    | MOTION FOR MODIFICATION OF SENTENCE | CONTINUED      |

|            |         |    |                     |   |
|------------|---------|----|---------------------|---|
| 06/22/1998 | 9:00 AM | 08 | COUNSEL INFORMATION | PD RELIEVED BY COURT                                    |
| 06/22/1998 | 9:00 AM | 08 | FURTHER PROCEEDINGS | DEFENDANT SENTENCED                                     |
| 06/22/1998 | 9:00 AM | 08 | JAIL INSTRUCTIONS   | JAIL INSTRUCTIONS                                       |
| 06/08/1998 | 1:30 PM | 63 | ARRAIGNMENT         | ARR, COPY DEL, INF RTS, ADVISE RE:<br>ATTY FEES/987.8PC |
| 06/08/1998 | 1:30 PM | 63 | COUNSEL INFORMATION | PD APPOINTED  |
| 06/08/1998 | 1:30 PM | 63 | FURTHER PROCEEDINGS | CONTINUED   |

#### Charge Dispositions

| Count | Plea       | Charge    | Disposition Code           | Disposition Date | Severity    | Degree |
|-------|------------|-----------|----------------------------|------------------|-------------|--------|
| C001  | Not Guilty | PC 496(A) | Dismissed after conviction | 07/29/2011       | Misdemeanor |        |

#### Sentence Summary

| Count | Sentence Type | Sentence Date | Prob. Type         | Prob. Status         | Prob. Term | Prob. Sup. | Custody Program        | Custody Length | Non LT Code | Non LT Time | Non LT Susp. |
|-------|---------------|---------------|--------------------|----------------------|------------|------------|------------------------|----------------|-------------|-------------|--------------|
| C001  | Modification  | 08/26/1998    |                    | Terminated           |            |            |                        |                |             |             |              |
| C001  | Original      | 06/22/1998    | Informal Probation | Granted / Searchable | 3Y         |            | Sheriff's Work Project | 60D            |             |             |              |

Sacramento, CA 95814

## ORDER OF INFORMAL PROBATION AND MINUTE ORDER

|   |   |                                |
|---|---|--------------------------------|
| DEFENDANT NAME (LAST, FIRST, M.I.)<br><b>Foster, Joshua William</b> |   | CASE NUMBER<br><b>98FO5015</b> |
| VIOLATION(S)<br><b>AM XRB51CM 496(a)PC</b>                          |   | TODAY'S DATE<br><b>6-22-98</b> |
| JUDGE OF THE MUNICIPAL COURT<br><b>Ransom</b>                       | DEPT. CLERK OF THE COURT<br><b>B R Mays</b> | DATE<br><b>6-22-98</b>         |

WHEREAS, on this date the defendant appeared before this Court for judgment and sentence, and having been duly arraigned for said purpose for the above violation(s) and no legal cause being shown why judgment should not be pronounced

IT IS ORDERED THAT ☐ ( ) days in the county jail and execution of sentence, ☐ (imposition of sentence) be suspended and that the defendant be placed on informal probation to this court, for the term of **(3) Three** years from this date on the conditions checked below:

- ☒ 1. (OAL) Obey all laws.
- ☐ 2. (REST/LOSS) Make restitution for personal injury/property damage/loss caused in this offense. \$ \_\_\_\_\_
- ☐ (REST/TBD) Restitution to be determined by DRR.
- ☐ 3. (FINE/ASMT) (FINE/TIME) Fine and Assessments: Pay fine of \$ \_\_\_\_\_ plus PA of \$ \_\_\_\_\_ or serve \_\_\_\_\_ days in the Sacramento County Jail. ☐ Jail in lieu of fine.
- ☐ (ASP/LIEUF) Alternative Sentencing Program in lieu of fine \_\_\_\_\_ hours to be completed by/within \_\_\_\_\_ days/months.
- In addition, pay the following fees or assessments:
- ☐ (RESTFUND10) Restitution Fund Assessment of \$10.00 ☒ (FINE) ☒ (RESTFUND30) Restitution Fund Assessment of ~~\$30.00~~ **\$100.00**
- ☐ (RESTWAIVED) Restitution Waived ☐ (RESTFUND) Restitution Fund Assessment of \$ \_\_\_\_\_ (GC13967)
- ☐ (DRUG/FEE) Drug Program Fee of \$100.00 ☐ \$ \_\_\_\_\_ (H&S11372.7) ☐ (LAB/FEE) Criminal Lab Analysis Fee of \$50.00 (H&S11372.5)
- ☐ (AIDS/FUND) AIDS Education Fee \$70.00 (B&P4383.4) (PC647.1)
- ☐ (CRIME/PREV) Crime Prevention Program Fee of \$10.00 (PC1202.5)
- ☐ (CITE/FEE) Citation Processing Fee of \$10.00 (GC29550(c))
- ☐ (O.R./FEE) Criminal Justice Processing Fee of \$25.00 (GC29550(c)). ☐ (CRIM/FEE) Criminal Justice Admin. Fee of \$ \_\_\_\_\_ (GC29550.2(a)) Repayment of booking cost ☐ (BOOK/FEE) Main Jail Booking Fee \$156.00
- ☐ (CLASS/FEE) Classified Fee \$32.00 ☐ (RCCC/FEE) RCCC \$60.00
- ☐ Other \_\_\_\_\_
- ☐ (PROOF/FEE) Proof of Correction Admin. Fee of \$10.00 (VC76000)
- ☐ (ASMTWAIVED) Assessment Fees Waived.
- ☐ Other: \_\_\_\_\_
- Payable: ☐ (PAY/FW) Forthwith; ☐ (PAY/DRR) Through D.R.R. ☐ (PAY/STAY) In Court no later than \_\_\_\_\_
- ☒ 4. (JAIL) SERVE **60** days/hours in the County Jail and obey all rules and regulations of jail while there:
- ☐ Concurrent ☒ Consecutive ☒ Credit for time served **19** hours/days **SIGN UP FOR SUP BY 6:26 BY 2**
- ☒ Commencing (stay) \_\_\_\_\_
- ☒ W.W.P. recommended ☐ Work furlough recommended
- ☐ To be served straight ☐ To be served weekends/other weekly increments from \_\_\_\_\_ to \_\_\_\_\_
- ☐ Last \_\_\_\_\_ hours/days ☐ WWP ☐ WF
- ☐ 5. (REGISTER) REGISTRATION: Register pursuant to Health and Safety Code Section 11590.
- ☐ 6. (NO/DRUGS) Do not use, handle or possess controlled substances (marijuana, narcotics or dangerous drugs) or any kind unless lawfully prescribed to you by a licensed medical practitioner.
- ☐ 7. (NO/ASSOC) Do not associate with known or reputed users of controlled substances, nor be in a place where controlled substances are present.
- ☐ 8. (NO/ALC) Abstain from the consumption of any alcoholic beverages in any amount whatsoever, and do not possess nor be in places where alcohol is the chief item of sale.
- ☒ 9. (S&S) SEARCH: Defendant shall submit his/her person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or Probation Officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.
- ☐ 10. (NO/CONTACT) Do not contact directly or indirectly \_\_\_\_\_
- ☐ 11. (NO/STRIKE) Do not strike or attempt to strike \_\_\_\_\_
- ☐ 12. (STAY/AWAY) Stay away from \_\_\_\_\_
- ☐ 13. (NO/WEAPONS) Do not own or possess any dangerous or deadly weapon nor remain in building or vehicle where any person has such weapon.
- ☐ 14. (WEAP/CONF) Weapon(s) ordered confiscated
- ☐ 15. Other: \_\_\_\_\_

I acknowledge that I have received and read a copy of this order and accept probation.

|  |   |
|--|---|
| DEFENDANT SIGNATURE<br><b>N/A</b>            | TELEPHONE NUMBER<br><b>(916) 393-8879</b> |
| STREET ADDRESS<br><b>7088 Riverside Blvd</b> | CITY STATE ZIP<br><b>Sacto CA 95831</b>   |

Notice: This is your order of probation, it limits what you can do. A violation of probation can result in your arrest and confinement. If you do not understand any condition of probation, discuss it with your attorney or the Judge who sentenced you.





ORDER OF INFORMAL PROBATION AND MINUTE ORDER

|   |                   |                                     |
|---|-------------------|-------------------------------------|
| DEFENDANT NAME (LAST, FIRST, M.I.)<br><b>Foster, Joshua William</b> |                   | CASE NUMBER<br><b>96F05015</b>      |
| VIOLATION(S)<br><b>10851(A) HS</b>                                  |                   | TODAY'S DATE<br><b>6-22-98</b>      |
| JUDGE OF THE MUNICIPAL COURT<br><b>Ransom</b>                       | DEPT.<br><b>8</b> | CLERK OF THE COURT<br><b>R Mays</b> |
|   |                   | DATE<br><b>6-22-98</b>              |

WHEREAS, on this date the defendant appeared before this Court for judgment and sentence, and having been duly arraigned for said purpose for the above violation(s) and no legal cause being shown why judgment should not be pronounced  
IT IS ORDERED THAT ☐ ( ) days in the county jail and ☐ ( ) months of sentence, ☐ ( ) imposition of sentence be suspended and that the defendant be placed on informal probation to this court, for the term of **(3) three** years from this date on the conditions checked below:

- ☒ 1. (OAL) Obey all laws.
- ☐ 2. (REST/LOSS) Make restitution for personal injury/property damage/loss caused in this offense. \$ \_\_\_\_\_  
☐ (REST/TBD) Restitution to be determined by DRR.
- ☐ 3. (FINE/ASMT) (FINE/TIME) Fine and Assessments: Pay fine of \$ \_\_\_\_\_ plus PA of \$ \_\_\_\_\_ or serve \_\_\_\_\_ days in the Sacramento County Jail. ☐ Jail in lieu of fine.  
☐ (ASP/LIEUF) Alternative Sentencing Program in lieu of fine \_\_\_\_\_ hours to be completed by/within \_\_\_\_\_ days/months.  
In addition, pay the following fees or assessments:  
☐ (RESTFUND10) Restitution Fund Assessment of \$10.00 ☒ (RESTFUND30) Restitution Fund Assessment of ~~\$30.00~~ **\$100.00**  
☐ (RESTWAIVED) Restitution Waived ☐ (RESTFUND) Restitution Fund Assessment of \$ \_\_\_\_\_ (GC13967)  
☐ (DRUG/FEE) Drug Program Fee of \$100.00 ☐ \$ \_\_\_\_\_ (H&S11372.7) ☐ (LAB/FEE) Criminal Lab Analysis Fee of \$50.00 (H&S11372.5)  
☐ (AIDS/FUND) AIDS Education Fee \$70.00 (B&P4383.4) (PC647.1)  
☐ (CRIME/PREV) Crime Prevention Program Fee of \$10.00 (PC1202.5)  
☐ (CITE/FEE) Citation Processing Fee of \$10.00 (GC29550(c))  
☐ (O.R./FEE) Criminal Justice Processing Fee of \$25.00 (GC29550(c)). ☐ (CRIM/FEE) Criminal Justice Admin. Fee of \$ \_\_\_\_\_ (GC29550.2(a)) Repayment of booking cost ☐ (BOOK/FEE) Main Jail Booking Fee \$156.00  
☐ (CLASS/FEE) Classified Fee \$32.00 ☐ (RCCC/FEE) RCCC \$60.00  
☐ Other \_\_\_\_\_  
☐ (PROOF/FEE) Proof of Correction Admin. Fee of \$10.00 (VC76000)  
☐ (ASMTWAIVED) Assessment Fees Waived.  
☐ Other: \_\_\_\_\_  
Payable: ☐ (PAY/FW) Forthwith; ☐ (PAY/DRR) Through D.R.R. ☐ (PAY/STAY) In Court no later than \_\_\_\_\_  
☒ 4. (JAIL) SERVE **60** days in Room 102 by 4:00 P.M.  
☐ Concurrent ☒ Consecutive ☐ Credit for time served **19** hours days.  
☒ Commencing (stay) **(3) three** years from this date on the conditions checked below:  
☒ W.W.P. recommended ☐ Work furlough recommended  
☐ To be served straight ☐ To be served weekends/other weekly increments from \_\_\_\_\_ to \_\_\_\_\_  
☐ Last \_\_\_\_\_ hours/days ☐ WWP ☐ WF  
☐ 5. (REGISTER) REGISTRATION: Register pursuant to Health and Safety Code Section 11590.  
☐ 6. (NO/DRUGS) Do not use, handle or possess controlled substances (marijuana, narcotics or dangerous drugs) or any kind unless lawfully prescribed to you by a licensed medical practitioner.  
☐ 7. (NO/ASSOC) Do not associate with known or reputed users of controlled substances, nor be in a place where controlled substances are present.  
☐ 8. (NO/ALC) Abstain from the consumption of any alcoholic beverages in any amount whatsoever, and do not possess nor be in places where alcohol is the chief item of sale.  
☒ 9. (S&S) SEARCH: Defendant shall submit his/her person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or Probation Officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.  
☐ 10. (NO/CONTACT) Do not contact directly or indirectly \_\_\_\_\_  
☐ 11. (NO/STRIKE) Do not strike or attempt to strike \_\_\_\_\_  
☐ 12. (STAY/AWAY) Stay away from \_\_\_\_\_  
☐ 13. (NO/WEAPONS) Do not own or possess any dangerous or deadly weapon nor remain in building or vehicle where any person has such weapon.  
☐ 14. (WEAP/CONF) Weapon(s) ordered confiscated  
☐ 15. Other: \_\_\_\_\_

I acknowledge that I have received and read a copy of this order and accept probation.

|  |                                     |
|--|-------------------------------------|
| DEFENDANT SIGNATURE<br>                      | TELEPHONE NUMBER<br><b>393-8879</b> |
| STREET ADDRESS<br><b>7088 RIVERSIDE BLVD</b> | CITY<br><b>SAC</b>                  |
|  | STATE<br><b>CA</b>                  |
|  | ZIP<br><b>95834</b>                 |

Notice: This is your order of probation, it limits what you can do. A violation of probation can result in your arrest and confinement. If you do not understand any condition of probation, discuss it with your attorney or the Judge who sentenced you.



PLEA DATE: 6/22/98

Kangam



ADV      WVD

ADVISED

possible maximum sentence  
possibility of 1203.03 PC  
rights regarding  
citizenship  
parole rights  
option of changing plea  
in re: West  
consequences of plea

Electronic Recording Monitor

Court Reporter (transcript on request)

M. Mc Intyre

X GUILTY

NGRI (PC 1026)

PC 496(a) RRO to ct 1 (as a mod)  
w/prom 60 day led SWP Rec  
CSK

Court dismissed:

## Interest of Justice

In View of Plea

Proof Shown

Harvey Waiver

JICR0420/CR61C - PAGE 02

# REQUEST FOR CALENDARING CHANGE

|  |  |                           |   |
|--|--|---------------------------|---|
| TO CALENDAR CLERK DEPT.<br>3   | DEFENDANT'S NAME (LAST, FIRST, MIDDLE)<br>FOSTER, Joshua | TODAY'S DATE<br>8/13/98   | CASE NUMBER<br>98F05015   |
| DATE OF NEXT COURT APPEARANCE OR FTA   | TIME   | DEPT.                     | PROCEEDINGS   |
|  |  |                           | CUSTODY<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO            |
| NAME OF PERSON REQUESTING CHANGE<br>McKechnie - PD   |  | TELEPHONE NUMBER<br>46417 | NAME OF OPPOSING COUNSEL<br>DA  |
|  |  |                           | <input type="checkbox"/> NOTIFIED<br><input checked="" type="checkbox"/> WILL BE NOTIFIED |
| CHANGE REQUESTED AND REASON:<br><br>Sentence mod. in case #98F05015 to terminate informal prob. to <del>also</del> allow Δ to enter the military |  |                           |   |
| NEW CALENDAR DATE REQUESTED:<br>8/21/98  |  | DEPT.<br>3                | TIME<br>8:30  |
| SIGNATURE OF JUDGE APPROVING REQUEST<br><i>[Signature]</i>   |  | DATE<br>8-13-98           |   |



4 SACRAMENTO, CALIFORNIA 95814  
5 Phone: (916) 874-6637

06/08/98 (IC)

ORIGINAL

Xref: 3090124

VL#

SACRAMENTO SUPERIOR AND MUNICIPAL COURT DISTRICT

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

13 THE PEOPLE OF THE STATE OF CALIFORNIA,) *98F05015*  
14 vs. )  
15 JOSHUA WILLIAM FOSTER (07973095-01))  
16 )  
17 Defendant. )  
18 \_\_\_\_\_)

19 The People of the State of California upon oath of the undersigned  
20 complain against the defendant above named for the crime of violation of  
21 Section 10851(a) of the Vehicle Code, a felony, committed as follows:  
22 That on the 4th day of June, 1998, at and in the County of Sacramento,  
23 State of California, the defendant, JOSHUA WILLIAM FOSTER, then and  
24 there before the filing of this complaint, did willfully and unlawfully  
25 drive and take a certain vehicle, to wit, a 1997 Mitsubishi, then and  
26 there the personal property of , without the consent of and with intent  
27 to deprive the said owner of title to or possession of said vehicle.

# Vehicle Theft and False ID

## Case Information

**Defendant Name**

JOSHUA WILLIAM FOSTER

**Case Number**

98M05275

**Xref**

3090124

**Filing Date**

04/16/1998

**Charge Document**

Complaint

**Case Status**

Disposed

**Court ID**

34470

### Aliases

| First Name | Middle Name | Last Name | Suffix |
|------------|-------------|-----------|--------|
| JOSH       | WILLIAM     | FOSTER    |        |
| JOSHUA     | WILLIAM     | FOSTER    |        |

### Charges

| Count | Charge   | Severity    | Degree | Allegation | Blood Alcohol % |
|-------|--|-------------|--------|------------|-----------------|
| C001  | VC 10851(A)<br><br>Theft or unlawful taking<br><br>or driving of a vehicle | Misdemeanor | N/A    | N/A        | N/A             |
| C002  | PC 148.9(A)<br><br>False ID to police officer                              | Misdemeanor | N/A    | N/A        | N/A             |

### Future Hearings



| Date                      | Time | Dept. | Reason | Outcome |
|---------------------------|------|-------|--------|---------|
| No future hearings found. |      |       |        |         |

#### Hearing History

| Date       | Time     | Dept. | Reason                              | Outcome              |
|------------|----------|-------|-------------------------------------|----------------------|
| 07/29/2011 | 12:00 PM | 99    | MOTION FOR DISMISSAL PER 1203.4 PC  | MOTION GRANTED       |
| 08/13/1998 | 8:30 AM  | 03    | MOTION FOR MODIFICATION OF SENTENCE | DROP HEARING         |
| 04/17/1998 | 1:30 PM  | 03    | COUNSEL INFORMATION                 | PD APPOINTED         |
| 04/17/1998 | 1:30 PM  | 03    | COUNSEL INFORMATION                 | PD RELIEVED BY COURT |
| 04/17/1998 | 1:30 PM  | 03    | FURTHER PROCEEDINGS                 | DEFENDANT SENTENCED  |
| 04/16/1998 | 1:30 PM  | 63    | ARRAIGNMENT                         | ARRAIGNED            |

#### Charge Dispositions

| Count | Plea       | Charge   | Disposition Code           | Disposition Date | Severity    | Degree |
|-------|------------|--|----------------------------|------------------|-------------|--------|
| C001  | No Plea    | VC 10851(A)<br>Theft and unlawful taking or driving of a vehicle | Dismissed                  | 04/17/1998       | Misdemeanor |        |
| C002  | Not Guilty | PC 148.9(A)<br>False ID to police officer                        | Dismissed after conviction | 07/29/2011       | Misdemeanor |        |

## Sentence Summary

| Count | Sentence Type | Sentence Date | Prob. Type | Prob. Status | Prob. Term | Prob. Sup. | Custody Program        | Custody Length | Non LT Code | Non LT Time | Non LT Susp. |
|-------|---------------|---------------|------------|--------------|------------|------------|------------------------|----------------|-------------|-------------|--------------|
| C002  | Original      | 04/17/1998    |            | No Probation |            |            | Sheriff's Work Project | 10D            |             |             |              |

3 901 G STREET

4 SACRAMENTO, CALIFORNIA 95814

5 Phone: (916) 874-6637

6

7

8

SACRAMENTO SUPERIOR AND MUNICIPAL COURT DISTRICT

9

10

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

11

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

13 vs. )

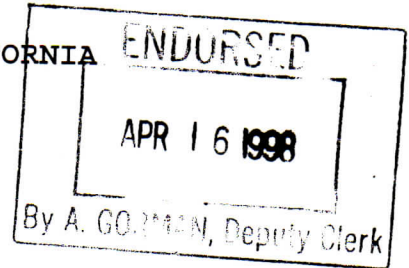
14 JOSHUA WILLIAM FOSTER (07932321-01))

15 )

16 Defendant. )

17 )

FELONY REDUCED



18 The People of the State of California upon oath of the undersigned  
19 complain against the defendant above named for the crime of violation of  
20 Section 10851(a) of the Vehicle Code, a misdemeanor, committed as  
21 follows: That on the 14th day of April, 1998, at and in the County of  
22 Sacramento, State of California, the defendant, JOSHUA WILLIAM FOSTER,  
23 then and there before the filing of this complaint, did willfully and  
24 unlawfully drive and take a certain vehicle, to wit, a 1987 Ford Taurus,  
25 then and there the personal property of RAYMOND TAN, without the consent  
26 of and with intent to deprive the said owner of title to or possession  
27 of said vehicle.

28

29

COUNT TWO

30 For a further and separate cause of action, being a different offense  
31 from but connected in its commission with the charges set forth in Count  
32 One hereof, defendant, JOSHUA WILLIAM FOSTER, is accused by this  
33 complaint of the crime of violation of Section 148.9(a) of the Penal  
34 Code, a misdemeanor, committed as follows: That on the 14th day of  
35 April, 1998, at and in the County of Sacramento, State of California,  
36 the defendant, JOSHUA WILLIAM FOSTER, then and there before the filing  
37 of this complaint and within one year prior thereto, did willfully and  
38 unlawfully falsely represent and identify himself/herself as another  
39 person and as a fictitious person to a peace officer, upon a lawful  
40

41 C9804160.006

3  
4 detention and arrest, in order to evade the process of the court and to  
5 evade the proper identification of the person by the investigating  
6 officer.

7  
8 I declare upon information and belief and under penalty of perjury that  
9 the foregoing is true and correct.

10  
11 Executed at Sacramento County, California, the 16th day of April, 1998.

12  
13  
14  
15  
16 \_\_\_\_\_  
17 Declarant

18  
19 SACRAMENTO COUNTY DISTRICT ATTORNEY  
20 Address or Law Enforcement Agency

21  
22 (916) 874-6637  
23 Telephone Number  
24  
25  
26  
27  
28  
29  
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RIGHTS:

ADV      WVD

COUNSEL, retained or appointed  
PRELIMINARY HEARING  
JURY TRIAL, speedy and public  
CONFRONTATION, of witness  
SELF INCRIMINATION, remain silent

ADVISED

possible maximum senten  
possibility of 1203.03  
rights regarding  
citizenship  
parole rights  
option of changing plea  
in re: West  
consequences of plea

Video mass advisement transcript on request

SHANA SIMPSON

Electronic Recording Monitor

Tape Number

Court Reporter (transcript on request)

The written Waiver and Plea form filed herein is ordered incorporated in the record

Defendant advised of above rights, penalties and consequences of plea. Court found defendant understood same. Court found that defendant knowingly, intelligently, voluntarily and expressly waived the rights as indicated by initials above. Defendant entered a plea of:

GUILTY

NOLO CONTENDERE (acknowledged it is same as guilty)

NGRI (PC 1026)

to the charges of:

BAC:

Court dismissed:

## Insufficient Evidence

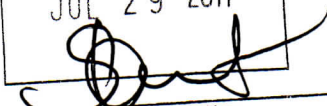
## Interest of Justice

In View of Plea

Proof Shown

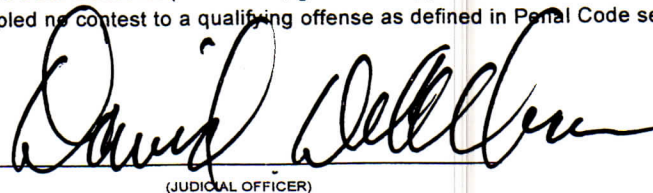
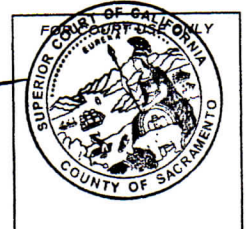
## Harvey Waiver

Court found that the above plea(s) was voluntary and there was a factual basis for same.

|   |  |  |
|---|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Joshua William Foster<br>1857 Broken Bit Drive<br>Plumas Lake, CA 95961<br>TELEPHONE NO. (916) 997-5292 FAX NO. (Optional):<br>E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): IN PRO PER |  | FOR COURT USE ONLY<br><div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED</b><br/>         JUL 29 2011<br/> <br/>         DEPUTY CLERK       </div> |
| PEOPLE OF THE STATE OF CALIFORNIA<br>v.<br>DEFENDANT:<br>JOSHUA WILLIAM FOSTER  |  | CASE NUMBER:<br>98M05275   |
| ORDER FOR DISMISSAL<br>(Pen. Code, §§ 17, 1203.4, 1203.4a)  |  |  |
| DEFENDANT'S INFORMATION<br>CIt:<br>DRIVER'S LIC #: B5911914<br>SSN # (LAST FOUR DIGITS ONLY): 3262<br>DATE OF BIRTH: 09/20/1978   |  |  |

1. ☐ The court denies the petition.
2. ☒ The court grants the petition. The court finds from the records on file in this case, and from the foregoing petition, that the defendant is eligible for the relief requested.
3. a. ☐ The court reduces the felony offense to a misdemeanor.  
 b. ☐ The court denies the request to reduce the felony offense to a misdemeanor.
4. ☒ It is ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.
5. If this order is granted under the provisions of Penal Code section 1203.4:
  - a. The defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency or for contracting with the California State Lottery.
  - b. Dismissal of the conviction does not permit a person prohibited from holding public office as a result of that conviction to hold public office.
  - c. The defendant may also be eligible to obtain a certificate of rehabilitation and pardon under the procedure set forth in Penal Code section 4852.01 et seq.
6. If the order is granted under the provisions of either Penal Code section 1203.4 or 1203.4a, the defendant is released from all penalties and disabilities resulting from the offense except as provided in Penal Code sections 12021 and 12021.1 and Vehicle Code section 13555. The dismissal does not permit a person to own, possess, or have in his or her control a firearm if prevented by Penal Code sections 12021 or 12021.1 -
7. In addition, as required by Penal Code section 299(f), relief under Penal Code sections 17, 1203.4, or 1203.4a does not release defendant from the separate administrative duty to provide specimens, samples, or print impressions under the DNA and Forensic Identification Database and Data Bank Act (Pen- Code, § 295 et seq.) if defendant was found guilty by a trier of fact, not guilty by reason of insanity, or pled no contest to a qualifying offense as defined in Penal Code section 296(a).

Date: JUL 29 2011

  
 (JUDICIAL OFFICER)




ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Joshua Williams Foster  
1857 Broken Bit Drive  
Plumas Lake, CA 95961

TELEPHONE NO.

(916) 997-5292

FAX NO. (Optional):

E-MAIL ADDRESS (Optional)

ATTORNEY FOR (Name): IN PRO PER

FOR COURT USE ONLY

**FILED ENDORSED**

Court to rule on Petition by:

AUG - 5 2011

(90-100 Days)

For Case Status go to:

<https://services.saccourt.com/indexsearchnew/>

5-9-11 Shavella

CASE NUMBER:

98M05275

PEOPLE OF THE STATE OF CALIFORNIA

v.

DEFENDANT:

JOSHUA WILLIAM FOSTER

**PETITION FOR DISMISSAL**  
(Pen. Code, §§ 17,1203.4,1203.4a)

## DEFENDANT'S INFORMATION

CII:

DRIVER'S LIC #: B5911914

SSN # (LAST FOUR DIGITS ONLY): 3262

DATE OF BIRTH: 09/20/1978

1. On (date): 04/17/1998 the defendant in the above-entitled criminal action was convicted of a violation of section(s) (specify): 148.9(A) of the (specify): California Penal Code.

- 2 The offense was a ☒ misdemeanor ☐ felony.

Felony offense (Pen. Code, § 17):

☐ The offense listed above is a felony that may be reduced to a misdemeanor under Penal Code section 17.

3. ☐ Offense with probation granted (Pen. Code, § 1203.4):

Probation was granted on the terms and conditions set forth in the docket of the above-entitled court, the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and the defendant (check one):

- a. ☐ has fulfilled the conditions of probation for the entire period thereof,  
b. ☐ has been discharged from probation prior to the termination of the period thereof, or  
c. ☐ should be granted relief in the interests of justice. (Please note: You must explain why granting a dismissal would be in the interests of justice by completing and attaching the optional Attached Declaration (form MC-031).)

4. ☒ Offense with sentence other than probation (Pen. Code, § 1203.4a).

☒ Probation was not granted; more than one year has elapsed since the date of pronouncement of judgment. The defendant has complied with the sentence of the court and is not serving a sentence for any offense nor under charge of commission of any crime, and since said pronouncement of judgment has lived an honest and upright life and conformed to and obeyed the laws of the land.

Petitioner requests that defendant be permitted to withdraw the plea of guilty, or that the verdict or finding of guilt be set aside and a plea of not guilty be entered and the court dismiss this action under section ☐ 1203.4 or ☒ 1203.4a of the Penal Code.

☐ Petitioner requests that the felony charge be reduced to a misdemeanor under Penal Code section 17.

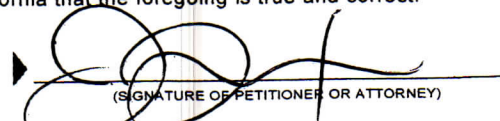
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: March 23, 2011

(DATE)

1857 Broken Bit Drive

(ADDRESS, DEFENDANT)

  
(SIGNATURE OF PETITIONER OR ATTORNEY)

Plumas Lake

(CITY)

CA

(STATE)

95961

(ZIP CODE)

ORIGINAL

PROBATION DEPARTMENT  
COUNTY OF SACRAMENTO  
Memorandum to the Court

Date: July 13, 2011

TO: THE HONORABLE DAVID DE ALBA  
JUDGE OF THE SUPERIOR COURT  
DEPARTMENT 30

FROM: BRIAN WOLFE  
SENIOR DEPUTY PROBATION OFFICER

SUBJECT: JOSHUA WILLIAM FOSTER  
Court No : 98M05275  
CJIS XREF No. : 3090124  
Probation No. : N/A  
Offense : 148.9(a) P.C.  
Court Date/Time : 7/29/11

REASON FOR MEMORANDUM: 1203.4 P.C. (DISMISSAL)

On April 17, 1998, JOSHUA WILLIAM FOSTER was convicted of violation of section 148.9(a) of the California Penal Code in Sacramento County. He was not placed on probation.

The Court suspended the imposition of Judgment and Sentence with the following special conditions:

- (1) Serve 10 days in the Sacramento County Jail (Time Served).
- (2) Pay fines and fees.
- (3) Obey all laws.

Restitution is not an issue. Fines and fees are paid in full (9/28/98).

On 6/22/98, the defendant was granted 3 years probation in Sacramento County following a conviction for violation of section 496(a) of the California Penal Code (Docket #98F05015). This grant of probation was terminated early on 8/26/98.

The defendant is not now serving a sentence for any offense, on probation for any other offense, or charged with the commission of any offense.

In view of his conviction within one year of being granted probation, it is respectfully recommended that the requested 1203.4 P.C. of the State of California be denied.

NOTICE TO DISTRICT ATTORNEY PURSUANT TO 1203.4(d) P.C.:

By copy of this memorandum, the District Attorney's Office is hereby given notice of the Petition filed herein.