

# MINUTE ORDER

Case Number [REDACTED]

People Vs [REDACTED]

Report Request Criteria

- 1. Docket Date Range : Date filter
- 2. Sequence Number Range : Sequence filter
- 3. Docket Category : Category filter

Docket Dt    Seq    Text

- 1/7/2010    1    **Hearing held on 01/07/2010 at 08:30:00 AM in Department H13 for Motion Vacate Judgment.**
- 2    Officiating Judge: Craig E. Robison, Judge
- 3    Clerk: R. M. Hume
- 4    Bailiff: Present
- 5    People represented by Paul Singh Brar, Deputy District Attorney, present.
- 6    Defendant present in Court with counsel Hazany, Leon Ben, Retained Attorney.
- 7    Peter Hyon Park, Korean Interpreter, present to interpret for the defendant.
- 8    Motion by Defense to Vacate Judgment or in the Alternative Petition for Writ of Error Coram Nobis
- 9    The Motion to Vacate Judgment is denied. The court lacks jurisdiction under PC 1118 to vacate a judgment more than 180 days from pronouncement of that judgment.
- 10    The Petition for Writ of Error Coram Nobis is granted as follows:
- 11    Counsel for the Defendant and the District Attorney stipulate as follows:

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1/7/2010	12	1. That the defendant in this case, at the time of the entry of his guilty plea, was primarily a Korean language speaker;
		2. The proceedings where the defendant/petitioner entered his plea were conducted entirely in English and that he was not provided assistance from a Korean language interpreter;
		3. The defendant did not understand the proceedings occurring in court, but simply responded to the judges' inquiry "yes" or "no" as he was directed to do by his attorney.
		4. These facts, if known by the judge at the time of the inquiry and acceptance of the defendant's guilty plea, would have prevented rendition of judgment by the court.
		5. <u>Counsel stipulate that the Petition be granted and plea set aside as counsel have reached an agreement to settle the case once the requested relief has been granted.</u>
	13	<b>Defendant's motion to WITHDRAW GUILTY PLEA to count(s) 1 granted.</b>
	14	Court orders DISMISSAL VACATED as to count(s) 2, 3, 4.
	15	Defendant advised of and waives the following:
	16	- The right to a trial by Court or Jury.
	17	- The right to confront and cross-examine witnesses.
	18	- The right against self incrimination.
	19	Defendant waives the right to subpoena and present evidence.
	20	Defendant advised of the possible consequences of plea affecting deportation and citizenship.
	21	Defendant's written waiver of legal and constitutional rights for guilty plea received and ordered filed.
	22	<b>Defendant's motion to WITHDRAW NOT GUILTY PLEA to count(s) 4 granted.</b>

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1/7/2010	23	To the Original Complaint defendant pleads GUILTY as to count(s) 4.
	24	Counsel joins in waivers and plea.
	25	Count(s) 1, 2, 3 DISMISSED - Motion of People.
	26	Court finds defendant intelligently and voluntarily waives legal and constitutional rights to jury trial, confront and examine witnesses, and to remain silent.
	27	Court finds factual basis and accepts plea.
	28	Defendant waives statutory time for Sentencing.
	29	Court notes all fees previously paid.
	30	As to count(s) 4, Attend and complete Child Abuser's Treatment Program
	31	Court notes Child Abuser's program previously completed.
	32	Clerk to issue amended abstract.

hereby certify the foregoing instrument consisting of 3 page(s) is a true and correct copy of the original on file in this court.

JAN - 8 2010



ATTEST (DATE) ALAN CARLSON, EXECUTIVE OFFICER AND CLERK OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY [Signature] DEPUTY