

# APPENDIX

**NOT FOR PUBLICATION**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JUL 13 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 18-50243

Plaintiff-Appellee,

D.C. No.  
2:17-cr-00660-DSF-1

v.

TARCISIO VALENCIA-BARRAGAN,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the Central District of California  
Dale S. Fischer, District Judge, Presiding

Argued and Submitted June 4, 2020  
Pasadena, California

Before: CALLAHAN and NGUYEN, Circuit Judges, and KANE, \*\* District Judge.

Tarcisio Valencia-Barragan appeals his conviction for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(9) on the bases that the district court erroneously denied his motion to suppress evidence and statements

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Yvette Kane, United States District Judge for the Middle District of Pennsylvania, sitting by designation.

and that his conviction violates *Rehaif v. United States*, 139 S. Ct. 2191 (2019).<sup>1</sup>

We have jurisdiction pursuant to 28 U.S.C. § 1291. We review a district court's denial of a suppression motion *de novo* while reviewing the district court's factual findings for clear error. *See, e.g., United States v. Schram*, 901 F.3d 1042, 1044 (9th Cir. 2018) (citing *United States v. Cunag*, 386 F.3d 888, 893 (9th Cir. 2004)).

We address Valencia's contentions in turn, and we affirm Valencia's conviction.

1. Valencia first challenges the district court's denial of his motion to suppress the firearm recovered from his vehicle upon his arrest. Specifically, Valencia argues that the district court erred in holding that, regardless of the constitutionality of his seizure by police, Valencia's subsequent flight from law enforcement constituted an intervening act that purged the taint from any prior illegality under *United States v. Garcia*, 516 F.2d 318 (9th Cir. 1975). We need not address Valencia's arguments regarding the constitutionality of the vehicle stop because the district court correctly denied his motion to suppress on the ground that his flight from the officers attenuated any prior illegality.

The district court was correct in finding that *Garcia* and related authority were applicable to the facts of this case, where the video footage makes clear that the officers were attempting to physically restrain Valencia using handcuffs at the

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<sup>1</sup> Valencia pled guilty to the Section 922(g)(9) charge but reserved his right to appeal the district court's denial of his suppression motion.

time he fled. *See Garcia*, 516 F.2d at 319; *see also United States v. McClendon*, 713 F.3d 1211, 1218 (9th Cir. 2013). Moreover, as the district court aptly noted, Valencia fled under circumstances that posed a danger to the surrounding community that justified his eventual arrest. Therefore, the district court did not err in denying Valencia's motion to suppress the firearm.

2. Valencia also challenges the district court's denial of his motion to suppress statements made to law enforcement after his arrest on the basis that the statements were made in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966). We review the adequacy of *Miranda* warnings *de novo*. *See United States v. San Juan-Cruz*, 314 F.3d 384, 387 (9th Cir. 2002). “In order to be valid, a *Miranda* warning must convey *clearly* to the arrested party that he or she possesses the right to have an attorney present prior to and during questioning.” *Id.* at 388 (citing *United States v. Connell*, 869 F.2d 1349, 1353 (9th Cir. 1989)). “The warning also must make clear that if the arrested party would like to retain an attorney but cannot afford one, the Government is obligated to appoint an attorney for free.” *Id.* (citing *Connell*, 869 F.2d at 1353). “The translation of a suspect's *Miranda* rights need not be a perfect one, so long as the defendant understands that he does not need to speak to the police and that any statement he makes may be used against him.” *United States v. Perez-Lopez*, 348 F.3d 839, 848 (9th Cir. 2003) (quoting *United States v. Hernandez*, 913 F.2d 1506, 1510 (10th

Cir. 1990)). Valencia appears to take issue only with the fact that the agent who questioned him omitted the word “and” when relating to Valencia that he had the right to counsel “before, during the questions.”<sup>2</sup> We conclude that this omission is immaterial because, when viewed in its entirety, the warning was not misleading or confusing. *See id.*; *see also United States v. Loucious*, 847 F.3d 1146, 1151 (9th Cir. 2017). Accordingly, we affirm the district court’s denial of Valencia’s motion to suppress statements.

3. Finally, Valencia challenges the validity of his conviction on the basis that under *Rehaif*, the Government was required to prove both that he possessed the firearm and ammunition in question and that he knew he was prohibited from doing so based on his status of having previously been convicted of a misdemeanor crime of domestic violence. We review this question for plain error. *See United States v. Benamor*, 937 F.3d 1182, 1188 (9th Cir. 2019). Accordingly, Valencia must establish an “(1) error, (2) that is plain, (3) that affect[s] substantial rights,” and “(4) the error seriously affect[s] the fairness, integrity, or public reputation of judicial proceedings.” *See United States v. Gadson*, 763 F.3d 1189, 1203 (9th Cir. 2014) (alterations in original) (quoting *United States v. Cotton*, 535 U.S. 625, 631 (2002)).

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<sup>2</sup> Valencia also argues that the agent failed to adequately advise him that if he could not afford an attorney, the Government would appoint him one free of charge. We find no merit in this argument.

Valencia fails to meet this standard for two reasons. First, the record does not establish a reasonable probability that he would have persisted in a not guilty plea were it not for the alleged error. Second, Valencia cannot establish plain error in light of the fact that he was convicted of the relevant misdemeanor domestic violence offense in 2013, approximately five (5) years before possessing the firearm at issue in this case, and he completed a treatment program for domestic violence offenders following his conviction. *See Benamor*, 937 F.3d at 1189.

Valencia's conviction is **AFFIRMED**.<sup>3</sup>

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<sup>3</sup> We grant the Government's motion to take judicial notice of certain conviction-related documents for purposes of Valencia's *Rehaif*-based claim.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## MEMORANDUM

Case No. CR 17-660 DSFDate 2/27/18Title United States of America v. Tarcisio Valencia-BarraganPresent:  
The Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs

Attorneys Present for Defendants

Not Present

Not Present

**Proceedings:** (In Chambers) Order DENYING Motions to Suppress Evidence and Statements (Dkts. 26, 27)**I. INTRODUCTION**

Tarcisio Valencia Barragan is charged with violating 18 U.S.C. § 922(g)(9). He moves to suppress evidence seized during a search of his vehicle and statements made to an FBI agent. The Motions are DENIED.

**II. FACTS****A. Initial Traffic Stop**

On August 28, 2017, California Highway Patrol Officer Julie Jensen observed a white Acura TL with tinted front windows, purportedly in violation of California Vehicle Code § 26708(a). Dkt. 26 Ex. A (Police Report) at 4.<sup>1</sup>

<sup>1</sup> Local Criminal Rule 12-1.1 requires that a “motion to suppress shall be supported by a declaration on behalf of the defendant, setting forth all facts then known upon which it is contended the motion should be granted.” Defense counsel initially submitted a declaration stating: “The statement of facts contained in this motion is based entirely on the discovery

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## MEMORANDUM

While running the vehicle information through CHP dispatch, Officer Jensen observed Defendant place a call and say something that sounded like “Primo” and “Policia.” Id. at 5. Concerned that Defendant might be warning someone of the stop, or providing the location of the stop to a third party, Officer Jensen took possession of the phone. Id.

Officer Jensen asked Defendant if the address on his driver’s license was current, and he stated it was not. Id. Defendant said he had moved 15 days earlier, and gave Officer Jensen his current address. Id. While writing a ticket for the tinted windows, Officer Jensen asked Defendant if the owner of the Acura knew he had the vehicle, but Defendant said he knew “little English.” Id.

CHP Officer Cliff Powers arrived and assisted with translation. Defendant explained he was going to visit his cousin, and borrowed the car from a friend he lives with. Id. However, the registered owner’s address did not match the address on Defendant’s driver’s license, or the new address he gave Officer Jensen. Id.

Officer Jensen asked Defendant if he had any drugs or money in the car; Defendant said no. Id. at 6. After Defendant denied consent to search the car, Officer Jensen retrieved Edy, her police service dog, to sniff the exterior of the car. Id. Edy became excited, which Officer Jensen believed indicated the presence of narcotics. Id. Officer Jensen then opened the right front door, and directed Edy to sniff the interior of the vehicle. Id. Edy again became excited. Id. at 6-7. Based on Edy’s behavior, Officer Jensen searched the vehicle. Id. at 7. Under the right front seat, Officer Jensen found a plastic bag which was found to contain more than \$28,000. Id. at 9.

### **B. Discovery of the Firearm and Ammunition**

Officer Jensen asked Officer Powers to handcuff Defendant. Defendant said, “For what?” and then fled. Id. Defendant ran across two lanes of traffic, scaled a fence, and

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provided by the government, including the California Highway Patrol investigative report of Mr. Valencia’s August 28, 2017 arrest, attached hereto as Exhibit A.” The Court therefore relies on the facts stated in that Report, most of which are also clear from the video recordings of the stop, which the Court has viewed.

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**MEMORANDUM**

headed into a nearby industrial area, where he was later found and taken into custody. Id. at 7-8.

After Defendant fled the scene, abandoning the car, CHP Officer Charles Mairs drove the car to the CHP office. Id. at 8. A firearm and loaded magazine were located in the interior sunroof area of the vehicle above the driver's seat. Id.

**C. Custodial Interrogation**

Following Defendant's arrest, he was transported to the Santa Maria station and interviewed in Spanish by FBI Special Agent Daniel J. Diaz. Defendant and SA Diaz had the following exchange:

SA Diaz: But before I ask these questions . . . because you are detained-arrested, I have to tell you your rights. So . . . You have the right to remain silent. You have the right that . . . hmm . . . you have the right to [unintelligible] . . . anything you say can be used against you in the courts of law. You [voices overlap] . . .

Defendant: So, are you going to arrest me?

SA Diaz: For the time being, yes.

Defendant: What are the charges at the moment?

SA Diaz: Let me finish and then I . . . You have the right . . . You have the right to have an attorney present before, during the questions . . .

Defendant: Okay.

SA Diaz: If you so wish. If you do not have the funds to pay for a lawyer, you have the right to have the Court appoint one before beginning with the questioning. Do you understand your rights, as they are- the ones that I told you?

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Defendant: Yes.<sup>2</sup>

Dkt. 27 Ex. B (Audio Recording of Interview).

**III. DISCUSSION**

Defendant moves to suppress evidence seized from the Acura and statements made to SA Diaz.

**A. Standing**

“In order to contest the legality of a search or seizure, the defendant must establish that he or she had a ‘legitimate expectation of privacy’ in the place searched or in the property seized.” United States v. Kovac, 795 F.2d 1509, 1510 (9th Cir. 1986) (quoting Rakas v. Illinois, 439 U.S. 128, 143-44 (1978)). “The defendant has the burden of establishing that, under the totality of the circumstances, the search or seizure violated his legitimate expectation of privacy in a particular place.” Id.

For a vehicle search, a defendant who has “neither a property nor a possessory interest in the automobile, nor an interest in the property seized” lacks Fourth Amendment standing. Rakas, 439 U.S. at 148. On the other hand, “a defendant may have a legitimate expectation of privacy in another’s car if the defendant is in possession of the car, has the permission of the owner, holds a key to the car, and has the right and ability to exclude others, except the owner, from the car.” United States v. Thomas, 447 F.3d 1191, 1198 (9th Cir. 2006).

It is undisputed that Defendant was the driver and sole occupant of the car, and had the keys. Defendant submits a declaration with his Reply Brief,<sup>3</sup> which states that Defendant had permission to drive the Acura from the registered owner. See Dkt. 42 Ex. A (Valencia Decl.) ¶ 2. That is sufficient evidence to demonstrate standing under

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<sup>2</sup> Defendant’s translation indicates Defendant’s response is “Inaudible.” Dkt. 27 Ex. C at 2. The Court has listened to the audio recording and agrees with the Government’s translation; Defendant clearly and audibly answered, “Sí.” See Dkt. 27 Ex. B; Dkt. 39, Diaz Declaration ¶ 5.

<sup>3</sup> Defendant should have set forth the facts establishing standing in his initial moving papers, and is mistaken to suggest otherwise.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## MEMORANDUM

Thomas. Even if Defendant did not have standing to challenge the search of the Acura directly, he has standing to challenge the legality of the initial traffic stop, and to suppress any fruits of that stop if the initial stop was unlawful. See United States v. Twilley, 222 F.3d 1092, 1095 (9th Cir. 2000).

**B. Suppression of Evidence**

Because Defendant has standing, the Court must next determine “whether the stop was unconstitutional,” and, “if it was, [to] consider whether the subsequent search was tainted by the illegality of the stop.” Twilley, 222 F.3d at 1095-96.

The Government argues that, even assuming the illegality of the traffic stop, Defendant’s subsequent flight was an intervening event that purged the taint of the unlawful search. See Garcia v. United States, 516 F.2d 318 (9th Cir. 1975).<sup>4</sup>

In Garcia, the Defendant failed to stop at a border checkpoint, then sped off when border agents pursued. Id. at 319. The agents eventually stopped him, searched the vehicle, and found drugs. Id. The Ninth Circuit assumed the initial stop was illegal, but held the search was permissible because the officers did not exploit the illegality, unlike a situation in which law enforcement activity might be designed to “lure” suspected criminals into flight from law enforcement officers. Id. The Ninth Circuit distinguished the two situations, noting that “where the illegal conduct of the police is only a necessary condition leading up to the suspect’s act, no taint attached to his conduct; a ‘but-for’ connection alone is insufficient.” Id. (citations omitted).

The Court concludes Garcia controls. As in Garcia, there is no evidence that the CHP’s activity was designed to lure Defendant into flight from law enforcement.<sup>5</sup> Defendant’s independent and voluntary action of fleeing from the traffic stop is sufficient to purge any taint arising from an allegedly illegal stop. See id. at 320 (“In this case, the illegal stop was no more than part of a series of facts leading up to the subsequent

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<sup>4</sup> For the purpose of this motion only, the Court assumes the stop was illegal.

<sup>5</sup> Defendant argues in his Reply that his flight from law enforcement was the “intended result” of the illegal stop. The Court does not agree. Defendant has not pointed to any evidence that Officer Jensen encouraged Defendant to flee the scene, see Garcia, 516 F.2d at 320 (“By ordering [defendant] to stop, the officer could hardly have intended him to flee.”), and the video shows none.

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## MEMORANDUM

flight.”); see also United States v. McClendon, 713 F.3d 1211, 1218 (9th Cir. 2013) (defendant’s act of walking away from the police was an “intervening event that purged any taint from the prior [illegal] search”).

Defendant’s flight from the scene across several lanes of traffic posed an extreme danger to himself and drivers/passengers on the road. It also left his car unattended. His conduct was an intervening event not intended by the officers – who obviously wanted to take him into custody. The Court also concludes the evidence was not the “fruit of an illegal search.” Defendant’s Motion to Suppress Evidence is DENIED.

### C. Adequacy of Miranda Warnings

Defendant argues he did not knowingly and intelligently waive his Miranda rights because SA Diaz did not properly inform him of his right to an attorney before questioning. In order to be valid, a Miranda warning must “convey *clearly* to the arrested party that he or she possesses the right to have an attorney present prior to and during questioning,” and “must make clear that if the arrested party would like to retain an attorney but cannot afford one, the Government is *obligated* to appoint an attorney for free.” United States v. San Juan-Cruz, 314 F.3d 384, 388 (9th Cir. 2002).

SA Diaz informed Defendant he had a “right to attorney present before, during the questions,” and that if Defendant “did not have the funds to pay for a lawyer,” he had “the right to have the Court appoint one before beginning with the questioning.” Dkt. 27 Ex. C. SA Diaz’s warnings adequately advised Defendant of his right to an attorney, and closely tracked Miranda’s operative language. Unlike the defendant in United States v. Perez-Lopez, 348 F.3d 839 (9th Cir. 2003), Defendant here was not led to believe he had to “solicit” the court for an attorney. See id. at 847-49. Nor was he otherwise misled.

The warnings provided to Defendant satisfied the requirements of Miranda. Defendant’s Motion to Suppress Statements is DENIED.

### IV. CONCLUSION

Defendant’s Motions to Suppress Evidence and Statements are DENIED.

IT IS SO ORDERED.

FILED

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

TARCISIO VALENCIA-BARRAGAN,

Defendant.

CR No. CR17-0660-DSF

I N D I C T M E N T

[18 U.S.C. § 922(g)(9): Prohibited Possession of a Firearm and Ammunition; 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c): Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 922(g)(9)]

On or about August 28, 2017, in Santa Barbara County, within the Central District of California, defendant TARCISIO VALENCIA-BARRAGAN ("VALENCIA") knowingly possessed a firearm, namely, a Star, Bonifacio Echeverria .45 caliber semiautomatic pistol, bearing serial number 1473189, and ammunition, namely, three rounds of Winchester .45 caliber ammunition, one round of Hornady .45 caliber ammunition, one round of Remington .45 caliber ammunition, and one round of Barnes .45 caliber ammunition, in and affecting interstate and foreign commerce.

1        Such possession occurred after defendant VALENCIA had been  
2 convicted of a misdemeanor crime of domestic violence, namely,  
3 Battery on a Spouse, in violation of California Penal Code Section  
4 243(e)(1), in the Superior Court of the State of California, County  
5 of Sacramento, in Case Number 13M02829, on or about October 21, 2013.

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1 FORFEITURE ALLEGATION

2 [18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)]

3 Pursuant to Rule 32.2, Fed. R. Crim. P., notice is hereby given  
4 to the defendant that the United States of America will seek  
5 forfeiture as part of any sentence in accordance with Title 18,  
6 United States Code, Section 924(d), and Title 28, United States Code,  
7 Section 2461(c), in the event of defendant's conviction under either  
8 or both Counts One and Two of this Indictment.

9 If defendant is so convicted of, defendant shall forfeit to the  
10 United States of America, pursuant to Title 18, United States Code,  
11 Section 924(d), and Title 28, United States Code, Section 2461(c),

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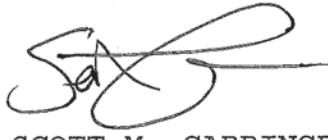
1 any firearms and ammunition involved in or used in the knowing  
2 commission of any such offense.

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4 A TRUE BILL

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Foreperson

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16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 17-660-DSF

21 Plaintiff,

22 AMENDED PLEA AGREEMENT FOR  
23 DEFENDANT TARCISIO VALENCIA-  
24 BARRAGAN

25 v.

26 TARCISIO VALENCIA-BARRAGAN,

27 Defendant.

28 1. This constitutes the conditional plea agreement between  
TARCISIO VALENCIA-BARRAGAN ("defendant") and the United States  
Attorney's Office for the Central District of California (the "USAO")  
in the above-captioned case pursuant to Federal Rule of Criminal  
Procedure 11(a)(2). This agreement is limited to the USAO and cannot  
bind any other federal, state, local, or foreign prosecuting,  
enforcement, administrative, or regulatory authorities.

29 DEFENDANT'S OBLIGATIONS

30 2. Defendant agrees to:

31 a. At the earliest opportunity requested by the USAO and  
32 provided by the Court, appear and plead guilty to Count One of the

1 Indictment in United States v. Tarcisio Valencia-Barraagan, CR No. 17-  
2 660-DSF, which charges defendant with 18 U.S.C. § 922(g)(9):  
3 Prohibited Possession of a Firearm and Ammunition.

4                   b. Not contest facts agreed to in this agreement.  
5                   c. Abide by all agreements regarding sentencing contained  
6 in this agreement.

7                   d. Appear for all court appearances, surrender as ordered  
8 for service of sentence, obey all conditions of any bond, and obey  
9 any other ongoing court order in this matter.

10                  e. Not commit any crime; however, offenses that would be  
11 excluded for sentencing purposes under United States Sentencing  
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
13 within the scope of this agreement.

14                  f. Be truthful at all times with Pretrial Services, the  
15 United States Probation Office, and the Court.

16                  g. Pay the applicable special assessment at or before the  
17 time of sentencing unless defendant lacks the ability to pay and  
18 prior to sentencing submits a completed financial statement on a form  
19 to be provided by the USAO.

20                  3. To agree to forfeit to the United States of America,  
21 pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), any firearms  
22 and ammunition involved in or used in the knowing commission of the  
23 crime charged in Count One of the Indictment.

24                  4. Defendant and the USAO agree that defendant's entry of a  
25 guilty plea pursuant to paragraph 2(a) above will be conditional, in  
26 that defendant reserves the right, on appeal from the judgment, to  
27 seek review of the Order Denying Motions to Suppress Statements and  
28 Evidence (Dkts. 26 and 27) entered by the Honorable Judge Dale S.

1 Fischer on February 27, 2018. If defendant prevails on appeal,  
2 defendant will be allowed to withdraw defendant's guilty plea.

3 THE USAO'S OBLIGATIONS

4 5. The USAO agrees to:

5 a. Not contest facts agreed to in this agreement.  
6 b. Abide by all agreements regarding sentencing contained  
7 in this agreement.

8 c. At the time of sentencing, provided that defendant  
9 demonstrates an acceptance of responsibility for the offense up to  
10 and including the time of sentencing, recommend a two-level reduction  
11 in the applicable Sentencing Guidelines offense level, pursuant to  
12 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
13 additional one-level reduction if available under that section.

14 NATURE OF THE OFFENSE

15 6. Defendant understands that for defendant to be guilty of  
16 the crime charged in Count One, that is, Prohibited Possession of a  
17 Firearm and Ammunition in violation of 18 U.S.C. § 922(g)(9), the  
18 following must be true: (1) On or about August 28, 2017, defendant  
19 knowingly possessed a firearm or ammunition; (2) the firearm or  
20 ammunition had been shipped or transported from one state to another  
21 or between a foreign nation and the United States; and (3) at the  
22 time defendant possessed the firearm or ammunition, he had been  
23 convicted in any court of a misdemeanor crime of domestic violence.

24 PENALTIES

25 7. Defendant understands that the statutory maximum sentence  
26 that the Court can impose for a violation of 18 U.S.C. § 922(g)(9),  
27 is: ten years' imprisonment; a three-year period of supervised  
28 release; a fine of \$250,000 or twice the gross gain or gross loss

1 resulting from the offense, whichever is greatest; and a mandatory  
2 special assessment of \$100.

3       8. Defendant understands that supervised release is a period  
4 of time following imprisonment during which defendant will be subject  
5 to various restrictions and requirements. Defendant understands that  
6 if defendant violates one or more of the conditions of any supervised  
7 release imposed, defendant may be returned to prison for all or part  
8 of the term of supervised release authorized by statute for the  
9 offense that resulted in the term of supervised release, which could  
10 result in defendant serving a total term of imprisonment greater than  
11 the statutory maximum stated above.

12       9. Defendant understands that, by pleading guilty, defendant  
13 may be giving up valuable government benefits and valuable civic  
14 rights, such as the right to vote, the right to possess a firearm,  
15 the right to hold office, and the right to serve on a jury.  
16 Defendant understands that once the court accepts defendant's guilty  
17 plea, it will be a federal felony for defendant to possess a firearm  
18 or ammunition. Defendant understands that the conviction in this  
19 case may also subject defendant to various other collateral  
20 consequences, including but not limited to revocation of probation,  
21 parole, or supervised release in another case and suspension or  
22 revocation of a professional license. Defendant understands that  
23 unanticipated collateral consequences will not serve as grounds to  
24 withdraw defendant's guilty plea.

25       10. Defendant understands that, if defendant is not a United  
26 States citizen, the felony conviction in this case may subject  
27 defendant to: removal, also known as deportation, which may, under  
28 some circumstances, be mandatory; denial of citizenship; and denial

1 of admission to the United States in the future. The court cannot,  
2 and defendant's attorney also may not be able to, advise defendant  
3 fully regarding the immigration consequences of the felony conviction  
4 in this case. Defendant understands that unexpected immigration  
5 consequences will not serve as grounds to withdraw defendant's guilty  
6 plea.

7 FACTUAL BASIS

8 11. Defendant admits that defendant is, in fact, guilty of the  
9 offense to which defendant is agreeing to plead guilty. Defendant  
10 and the USAO agree to the statement of facts provided below and agree  
11 that this statement of facts is sufficient to support a plea of  
12 guilty to the charge described in this agreement and to establish the  
13 Sentencing Guidelines factors set forth in paragraph 13 below but is  
14 not meant to be a complete recitation of all facts relevant to the  
15 underlying criminal conduct or all facts known to either party that  
16 relate to that conduct.

17 On August 28, 2017, defendant knowingly and unlawfully possessed  
18 a firearm, namely, a Star, Bonifacio Echeverria .45 caliber semi-  
19 automatic pistol, bearing serial number 1473189, and ammunition,  
20 namely, three rounds of Winchester .45 caliber ammunition, one round  
21 of Hornady .45 caliber ammunition, one round of Remington .45 caliber  
22 ammunition, and one round of Barnes .45 caliber ammunition. Both the  
23 firearm and the ammunition that defendant knowingly and unlawfully  
24 possessed on that date were manufactured outside of the State of  
25 California, and thus had, prior to August 28, 2017, traveled in and  
26 affected interstate commerce.

27 Prior to defendant's knowing and unlawful possession of the  
28 firearm and ammunition on August 28, 2017, defendant had been

1       convicted of a misdemeanor crime of domestic violence, namely,  
2       Battery on a Spouse, in violation of California Penal Code Section  
3       243(e)(1), in the Superior Court of the State of California, County  
4       of Sacramento, in Case Number 13M02829, on or about October 21, 2013.

## SENTENCING FACTORS

6       12. Defendant understands that in determining defendant's  
7 sentence the Court is required to calculate the applicable Sentencing  
8 Guidelines range and to consider that range, possible departures  
9 under the Sentencing Guidelines, and the other sentencing factors set  
10 forth in 18 U.S.C. § 3553(a). Defendant understands that the  
11 Sentencing Guidelines are advisory only, that defendant cannot have  
12 any expectation of receiving a sentence within the calculated  
13 Sentencing Guidelines range, and that after considering the  
14 Sentencing Guidelines and the other § 3553(a) factors, the Court will  
15 be free to exercise its discretion to impose any sentence it finds  
16 appropriate up to the maximum set by statute for the crime of  
17 conviction.

18        13. Defendant and the USAO agree to the following applicable  
19 Sentencing Guidelines factors:

20 Base Offense Level: 12 [U.S.S.G. § 2K2.1(a)(7)]

21       14. Defendant and the USAO reserve the right to argue that  
22 additional specific offense characteristics, adjustments, and  
23 departures under the Sentencing Guidelines are appropriate. The base  
24 offense level set forth above is based on information currently known  
25 to the government regarding defendant's criminal history. Defendant  
26 understands and agrees that defendant's base offense level could be  
27 increased if defendant is a career offender under U.S.S.G. §§ 4B1.1  
28 and 4B1.2 or an armed career criminal under U.S.S.G. §§ 4B1.4 and 18

1 U.S.C. § 924(e), or if defendant has additional prior conviction(s)  
2 for either a crime of violence or a controlled substance offense  
3 under U.S.S.G. § 2K2.1. If defendant's base offense level is so  
4 altered, defendant and the USAO will not be bound by the base offense  
5 level agreed to above. Defendant understands that there is no  
6 agreement as to defendant's criminal history or criminal history  
7 category.

8 15. Defendant and the USAO reserve the right to argue for a  
9 sentence outside the sentencing range established by the Sentencing  
10 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
11 (a)(2), (a)(3), (a)(6), and (a)(7).

12 WAIVER OF CONSTITUTIONAL RIGHTS

13 16. Defendant understands that by pleading guilty, defendant  
14 gives up the following rights:

15 a. The right to persist in a plea of not guilty.  
16 b. The right to a speedy and public trial by jury.  
17 c. The right to be represented by counsel - and if  
18 necessary have the court appoint counsel -- at trial. Defendant  
19 understands, however, that, defendant retains the right to be  
20 represented by counsel -- and if necessary have the court appoint  
21 counsel -- at every other stage of the proceeding.

22 d. The right to be presumed innocent and to have the  
23 burden of proof placed on the government to prove defendant guilty  
24 beyond a reasonable doubt.

25 e. The right to confront and cross-examine witnesses  
26 against defendant.

1                   f. The right to testify and to present evidence in  
2 opposition to the charges, including the right to compel the  
3 attendance of witnesses to testify.

4                   g. The right not to be compelled to testify, and, if  
5 defendant chose not to testify or present evidence, to have that  
6 choice not be used against defendant.

7                   h. Any and all rights to pursue any affirmative defenses,  
8 Fourth Amendment or Fifth Amendment claims, and other pretrial  
9 motions that have been filed or could be filed.

10                   WAIVER OF APPEAL OF CONVICTION

11                   17. Defendant understands that, with the exception of an appeal  
12 based on a claim that defendant's guilty plea was involuntary, or an  
13 appeal on the grounds specifically reserved in paragraph 8 above, by  
14 pleading guilty defendant is waiving and giving up any right to  
15 appeal defendant's conviction on the offense to which defendant is  
16 pleading guilty.

4 LETVB  
MC  
3/19/18

17                   LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

18                   18. Defendant agrees that, provided the Court imposes a term of  
19 imprisonment within or below the range corresponding to an offense  
20 level of 10 and the criminal history category calculated by the  
21 Court, defendant gives up the right to appeal all of the following:  
22 (a) the procedures and calculations used to determine and impose any  
23 portion of the sentence, with the exception of the Court's  
24 calculation of defendant's criminal history category; (b) the term of  
25 imprisonment imposed by the Court, except to the extent it depends on  
26 the Court's calculation of defendant's criminal history category; (c)  
27 the fine imposed by the Court, provided it is within the statutory  
28

maximum; and (d) the term of probation or supervised release imposed by the Court, provided it is within the statutory maximum.

3       19. The USAO agrees that, provided the Court imposes a term of  
4 imprisonment within or above the range corresponding to an offense  
5 level of 10 and the criminal history category calculated by the  
6 Court, the USAO gives up its right to appeal any portion of the  
7 sentence.

WAIVER OF COLLATERAL ATTACK

9       20. Defendant also gives up any right to bring a post-  
10 conviction collateral attack on the convictions or sentence, except a  
11 post-conviction collateral attack based on a claim of ineffective  
12 assistance of counsel, a claim of newly discovered evidence, or an  
13 explicitly retroactive change in the applicable Sentencing  
14 Guidelines, sentencing statutes, or statutes of conviction.

RESULT OF WITHDRAWAL OF GUILTY PLEA

16        21. Defendant agrees that if, after entering a guilty plea  
17 pursuant to this agreement, defendant seeks to withdraw and succeeds  
18 in withdrawing defendant's guilty plea on any basis other than a  
19 claim and finding that entry into this plea agreement was  
20 involuntary, then the USAO will be relieved of all of its obligations  
21 under this agreement

EFFECTIVE DATE OF AGREEMENT

23       22. This agreement is effective upon signature and execution of  
24 all required certifications by defendant, defendant's counsel, and an  
25 Assistant United States Attorney.

## BREACH OF AGREEMENT

27       23. Defendant agrees that if defendant, at any time after the  
28 signature of this agreement and execution of all required

1 certifications by defendant, defendant's counsel, and an Assistant  
2 United States Attorney, knowingly violates or fails to perform any of  
3 defendant's obligations under this agreement ("a breach"), the USAO  
4 may declare this agreement breached. All of defendant's obligations  
5 are material, a single breach of this agreement is sufficient for the  
6 USAO to declare a breach, and defendant shall not be deemed to have  
7 cured a breach without the express agreement of the USAO in writing.  
8 If the USAO declares this agreement breached, and the Court finds  
9 such a breach to have occurred, then: (a) if defendant has previously  
10 entered a guilty plea pursuant to this agreement, defendant will not  
11 be able to withdraw the guilty plea, and (b) the USAO will be  
12 relieved of all its obligations under this agreement.

13 COURT AND PROBATION OFFICE NOT PARTIES

14 24. Defendant understands that the Court and the United States  
15 Probation Office are not parties to this agreement and need not  
16 accept any of the USAO's sentencing recommendations or the parties'  
17 agreements to facts or sentencing factors.

18 25. Defendant understands that both defendant and the USAO are  
19 free to: (a) supplement the facts by supplying relevant information  
20 to the United States Probation Office and the Court, (b) correct any  
21 and all factual misstatements relating to the Court's Sentencing  
22 Guidelines calculations and determination of sentence, and (c) argue  
23 on appeal and collateral review that the Court's Sentencing  
24 Guidelines calculations and the sentence it chooses to impose are not  
25 error, although each party agrees to maintain its view that the  
26 calculations in paragraph 13 are consistent with the facts of this  
27 case.

28

1       26. Defendant understands that even if the Court ignores any  
2 sentencing recommendation, finds facts or reaches conclusions  
3 different from those agreed to, and/or imposes any sentence up to the  
4 maximum established by statute, defendant cannot, for that reason,  
5 withdraw defendant's guilty plea, and defendant will remain bound to  
6 fulfill all defendant's obligations under this agreement. Defendant  
7 understands that no one -- not the prosecutor, defendant's attorney,  
8 or the Court -- can make a binding prediction or promise regarding  
9 the sentence defendant will receive, except that it will be within  
10 the statutory maximum.

NO ADDITIONAL AGREEMENTS

12        27. Defendant understands that, except as set forth herein,  
13 there are no promises, understandings, or agreements between the USAO  
14 and defendant or defendant's attorney, and that no additional  
15 promise, understanding, or agreement may be entered into unless in a  
16 writing signed by all parties or on the record in court.

17 //  
18 //  
19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

1 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

2 28. The parties agree that this agreement will be considered  
3 part of the record of defendant's guilty plea hearing as if the  
4 entire agreement had been read into the record of the proceeding.

5 AGREED AND ACCEPTED

6 UNITED STATES ATTORNEY'S OFFICE  
7 FOR THE CENTRAL DISTRICT OF  
8 CALIFORNIA

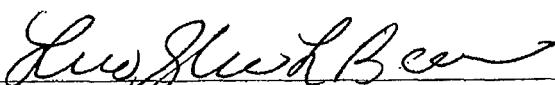
9 NICOLA T. HANNA  
10 United States Attorney

11   
12 MIGUEL ESPINOZA  
13 Assistant United States Attorney

14 3/12/18  
15 Date

16   
17 TARCISIO VALENCIA-BARRAGAN  
18 Defendant

19 3/9/18  
20 Date

21   
22 LISA SHINAR LABARRE  
23 Deputy Federal Public Defender  
24 Attorney for Defendant TARCISIO  
25 VALENCIA-BARRAGAN

26 3/9/18  
27 Date

CERTIFICATION OF DEFENDANT

2 This agreement has been read to me in Spanish, the language I  
3 understand best. I have had enough time to review and consider this  
4 agreement, and I have carefully and thoroughly discussed every part  
5 of it with my attorney. I understand the terms of this agreement,  
6 and I voluntarily agree to those terms. I have discussed the  
7 evidence with my attorney, and my attorney has advised me of my  
8 rights, of possible pretrial motions that might be filed, of possible  
9 defenses that might be asserted either prior to or at trial, of the  
10 sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant  
11 Sentencing Guidelines provisions, and of the consequences of entering  
12 into this agreement. No promises, inducements, or representations of  
13 any kind have been made to me other than those contained in this  
14 agreement. No one has threatened or forced me in any way to enter  
15 into this agreement. I am satisfied with the representation of my  
16 attorney in this matter, and I am pleading guilty because I am guilty  
17 of the charges and wish to take advantage of the promises set forth  
18 in this agreement, and not for any other reason.

XTRA 2000

TÁRCISIO VALENCIA-BARRAGAN  
Defendant

3/9/11e

Date

111

CERTIFICATION OF INTERPRETER

2 I, Cecilia Gutierrez am fluent in the written and spoken English  
3 and Spanish languages. I accurately translated this entire agreement  
4 from English into Spanish to defendant TARCISIO VALENCIA-BARRAGAN on  
5 this date.

## INTERPRETER

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

10 I am TARCISIO VALENCIA-BARRAGAN's attorney. I have carefully  
11 and thoroughly discussed every part of this agreement with my client.  
12 Further, I have fully advised my client of his rights, of possible  
13 pretrial motions that might be filed, of possible defenses that might  
14 be asserted either prior to or at trial, of the sentencing factors  
15 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines  
16 provisions, and of the consequences of entering into this agreement.  
17 To my knowledge: no promises, inducements, or representations of any  
18 kind have been made to my client other than those contained in this  
19 agreement; no one has threatened or forced my client in any way to  
20 enter into this agreement; my client's decision to enter into this  
21 agreement is an informed and voluntary one; and the factual basis set  
22 forth in this agreement is sufficient to support my client's entry of  
23 a guilty plea pursuant to this agreement.

LISA SHINAR LABARRE  
Deputy Federal Public Defender  
Attorney for Defendant TARCISIO  
VALENCIA-BARRAGAN

Date

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, ) C.A. No. 18-50243  
Plaintiff-Appellee, ) D.C. No. CR 17-660-DSF  
v. ) (Central Dist. Cal.)  
TARCISIO VALENCIA- )  
BARRAGAN, ) **GOVERNMENT'S REQUEST**  
Defendant-Appellant. ) **FOR JUDICIAL NOTICE;**  
 ) **DECLARATION OF JULIA L.**  
 ) **REESE; EXHIBITS**  
 )

---

Plaintiff-Appellee United States of America, by and through its counsel of record, hereby requests judicial notice of the attached certified copy of the conviction records in Case No. 13M02829, Sacramento Superior Court, the offense to which defendant stipulated as part of his plea agreement. (ER 11-12.)

The documents are the proper subject of judicial notice. This Court “may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). In fact, the Court “must take judicial notice if a party

requests it and the court is supplied with the necessary information.”

Fed. R. Evid. 201(c)(2).

This Court has taken judicial notice of matters not otherwise included in the record on appeal, including state court records that “have a direct relation to matters at issue.” *See United States v. Black*, 482 F.3d 1035, 1041 (9th Cir. 2007) (quotation mark omitted) (taking judicial notice on appeal of state court judgment of criminal conviction); *see also United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (court of appeals may take notice of facts from “its own records in other cases, as well as the records of an inferior court in other cases”). Here, the documents for which the government requests judicial notice are not subject to reasonable dispute and directly relate to matters at issue.

The certified conviction records are not subject to reasonable dispute. The records were certified by a deputy clerk for the Sacramento Superior Court. The records include: (1) the underlying charging document (JND 12-13); (2) a declaration in support of an arrest warrant and excerpts from an accompanying exhibit, which was

incorporated by reference into the charging document (JND 14-18)<sup>1</sup>; (3) the judgment reflecting defendant's sentence (JND 11); (4) various minute orders (JND 2, 4, 6-10); (5) a court order regarding restitution (JND 5); and (6) a signed memorandum modifying defendant's probation based on his completion of a batterer's treatment program (JND 3).

The certified conviction records are also directly related to matters at issue here. A primary issue on appeal is whether defendant's argument based on *Rehaif v. United States*, 139 S. Ct. 2191 (2019)—that the government did not prove that defendant knew he had suffered a misdemeanor domestic-violence conviction—requires reversal under plain-error review. The certified conviction documents—which were produced in discovery but were not part of the record below—have a direct relation to whether defendant's substantial rights or the fairness, integrity, or public reputation of the judicial proceedings were affected. Namely, they show defendant's knowledge of his misdemeanor

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<sup>1</sup> Based on undersigned counsel's review of the records, three pages appear to be missing from the exhibit to the application for the arrest warrant.

domestic-violence conviction based on his presence at the change-of-plea proceeding and sentencing, and his post-sentencing participation in a batterer's treatment program.

This request is made pursuant to Federal Rule of Appellate Procedure 27 and Circuit Rule 27-1. It is based on the attached declaration of counsel, the files and records in this case, and any further information that the Court may request.

///

///

///

Defendant is not in custody. No court reporter is in default with regard to any designated transcript. Defense counsel takes no position on this motion.

DATED: January 21, 2020

Respectfully submitted,

NICOLA T. HANNA  
United States Attorney

BRANDON D. FOX  
Assistant United States Attorney  
Chief, Criminal Division

L. ASHLEY AULL  
Assistant United States Attorney  
Chief, Criminal Appeals Section

*/s/ Julia L. Reese*

JULIA L. REESE  
Assistant United States Attorney  
Criminal Appeals Section

Attorneys for Plaintiff-Appellee  
UNITED STATES OF AMERICA

## DECLARATION OF JULIA L. REESE

I, Julia L. Reese, hereby declare and state as follows:

1. I am an Assistant United States Attorney in the Central District of California and a member of my office's Criminal Appeals Section. I represent the United States in *United States v. Tarcisio Valencia-Barragan*, C.A. 18-50243.
2. Attached as Exhibit A hereto is a certified copy of conviction records relating to defendant's conviction in Case No. 13M02829, Sacramento Superior Court.
3. Jonathan D. Libby, attorney for defendant Tarcisio Valencia-Barragan, has informed me that he takes no position on the government's request for judicial notice of Exhibit A.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

EXECUTED this 21st day of January 2020, in Los Angeles, California.

/s/ *Julia L. Reese*

JULIA L. REESE  
Assistant United States Attorney

## **EXHIBIT A**



## Superior Court of California County of Sacramento

720 Ninth Street  
Sacramento CA 95814

This letter is confirmation that the annexed instrument (inclusive) is a correct copy of the original on file in the Sacramento Superior Court file.

Sacramento Superior Court in and for the County of Sacramento, State of California.

CASE NAME VALENCIA, TARSICIO

CASE NUMBER 13M02829

ATTEST CERTIFIED DATE 09/27/2017

BY Joseph M. Flores DEPUTY CLERK

TOTAL NUMBER OF PAGES 20



**SACRAMENTO SUPERIOR COURT  
MINUTE ORDER**

DEFENDANT'S NAME <b>VALENCIA, TARSICIO</b> XREF: <b>REDACTED</b>		SECTION(S) VIOLATED 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____				DOCKET NO. <b>13M02829</b>	
(Last)	(First)	(Middle)					BAIL SET
OFFENSE DATE	DATE FILED	RELEASE STATUS	<input type="checkbox"/> BAIL <input type="checkbox"/> O.R. <input type="checkbox"/> 853.6	BAIL AMOUNT \$ _____	AGENCY <input type="checkbox"/> CHP 100% <input type="checkbox"/> CHP 50%		<input type="checkbox"/> SPD <input type="checkbox"/> SSD
RELEASE STATUS		<input type="checkbox"/> CASH <input type="checkbox"/> BOND # _____					
PROSECUTOR		DEFENSE ATTORNEY				JURY TRIAL DATE	
DATE	JUDGE	CSR#	DEPT.	PROCEEDINGS			
3/3/15	AWONIYI	N/A	60	EX PARTE:  HAVING RECEIVED, READ, & FILED THE MEMO FROM PROBATION, THE COURT HEREBY GRANTS THE REQUEST TO MODIFY THE DEFENDANT'S FORMAL MISDEMEANOR PROBATION TO INFORMAL PROBATION.  THE DEFENDANT SUCCESSFULLY COMPLETED BTP THROUGH <u>CHANGES COURSES</u>			
							

PROBATION DEPARTMENT  
COUNTY OF SACRAMENTO  
Memorandum to Court

COURT

Date: February 24, 2015

TO: THE HONORABLE BUNMI O. AWONIYI  
JUDGE OF THE SUPERIOR COURT  
DEPARTMENT 60

FROM: STEVE HENNINGER  
DEPUTY PROBATION OFFICER

SUBJECT: MODIFICATION TO INFORMAL PROBATION

Defendant	:	VALENCIA, TARSICIO	<input checked="" type="checkbox"/> Probation
Court No.	:	13M02829	<input type="checkbox"/> Mandatory Supervision
Xref No.	:	REDACTED	

The above-named defendant has successfully completed a Batterer's Treatment Program with:

CHANGING COURSES.

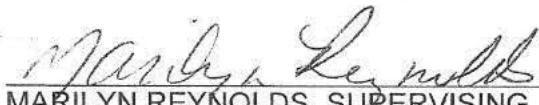
It is respectfully requested that the defendant's formal grant of misdemeanor probation be modified ex parte by the Court to Informal Probation.

Respectfully submitted,

LEE SEALE  
CHIEF PROBATION OFFICER



STEVE HENNINGER  
DEPUTY PROBATION OFFICER

APPROVED:   
MARILYN REYNOLDS, SUPERVISING PROBATION OFFICER

Date

Approved

3-25

Denied



JUDGE BUNMI O. AWONIYI

**SACRAMENTO SUPERIOR COURT**  
**MINUTE ORDER**

## CRIGINAL

PEOPLE OF THE STATE OF CALIFORNIA  
VS.Tarsicio Barragan Valencia  
DEFENDANTSUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

FILED FEB 25 2014	DATE: February 26, 2014
ENDORSED	DEPARTMENT NO.: 60
	COURT NO.: 13M02829
	PROBATION NO.: A-477-312
	X-REFERENCE: REDACTED

MOTION AND ORDER PURSUANT TO  
RESTITUTION DETERMINATION

The Probation Officer respectfully submits that on 10-21-13, said defendant was granted THREE (3) years on probation and was ordered as a condition of probation to make restitution in an amount to be determined. The Probation Officer has investigated losses caused by the defendant and recommends:

THAT said defendant be ordered to make restitution in the amount of, payable through the Department of Revenue Recovery.

ACKNOWLEDGMENT OF PROBATIONER

I understand that I have the right to a Court hearing to contest the above restitution amount and to be represented by an attorney at the hearing and that, if I cannot afford one, an attorney will be appointed to represent me at no cost.

I hereby waive my right to a hearing and my right to an attorney, and agree to make restitution in the amount.

I disagree with the recommendation of the Probation Officer and request a hearing.

I understand that, if I request a hearing and fail to appear, the Court will construe this as a waiver of all of above rights and will order payment or restitution in the above amount.

I understand that any restitution order will be deemed a money judgment and will be enforceable by the victim as if it were a civil judgment (Penal Code Section 1214(b)).

A hearing on the issue of restitution determination has been scheduled for you on, in Superior Court, Department, at in the Sacramento County Main Jail, 651 I Street, Sacramento, CA.

Failure to appear shall result in the Court presuming that you have waived your right to a hearing and an order for restitution will be made as recommended by the Probation Officer.

## PROBATIONER/DATE

## WITNESS: DEPUTY PROBATION OFFICER

THAT said defendant's restitution order be set at zero as the victim(s): H.C. and M.M.

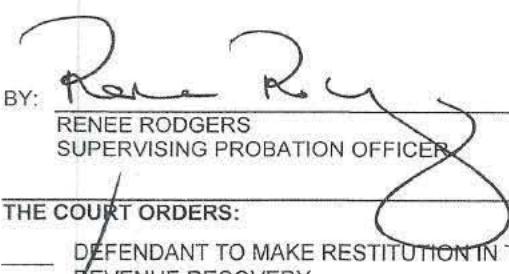
Failed to respond to written inquiries made on

Moved and left no forwarding address.

Is/Are proceeding through civil litigation.

In the event new information concerning restitution is received, a modification order will be requested.

ADDITIONAL COMMENTS: On January 21, 2014 and February 6, 2014, Statement of Loss forms were mailed to victims H.C. and M.M. On February 18, 2014, two letters were returned and marked, "return to sender". There is no listed telephone numbers for the victims. Therefore, it is respectfully recommended that victim restitution to H.C. and M.M. be set to zero at this time.

BY:   
RENEE RODGERS  
SUPERVISING PROBATION OFFICER

LEE SEALE  
CHIEF PROBATION OFFICER

BY:   
MICHAEL MENDEZ  
DEPUTY PROBATION OFFICER

## THE COURT ORDERS:

DEFENDANT TO MAKE RESTITUTION IN THE AMOUNT OF \$ \_\_\_\_\_, PAYABLE THROUGH THE DEPARTMENT OF REVENUE RECOVERY.

DEFENDANT'S RESTITUTION ORDER BE SET AT ZERO.

DATED: 3/25/14

ATTEST BY: CLERK OF THE COURT

MM/m



JUDGE OF THE SUPERIOR COURT  
JAIME R. ROMÁN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME **DEF** **EXREF** **CASE**  
VALENCIA TARSICIO BARRAGAN **1** **REDACTED** **13M02829 MUNI**

CUSTODY STATUS: PROB  
DOB: **REDACTED**  
LEA: SACRAMENTO POLICE DEPARTMENT  
BAIL SET:  
BAIL POSTED:

DATE FILED: 04/26/2013  
ARREST #: 09744546-02  
BOND #:

PROSECUTOR: DEFENSE:  
TYPE:

SECTION(S) VIOLATED: 03/09/2013 (CT 1) PC 243 (E) (1)

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT'S NAME  
VALENCIA TARSICIO BARRAGAN

DEF XREF CASE  
1 REDACTED 13M02829 MUNI

CUSTODY STATUS: BOND

DOB: **REDACTED**  
LEA: SACRAMENTO POLICE DEPARTMENT  
BAIL SET: \$10,000.00  
BAIL POSTED: \$10,000.00

DATE FILED: 04/26/2013  
ARREST #: 09744546-02  
BOND #: 2013-BB-020455

PROSECUTOR:

DEFENSE: STONEBURNER, JENNIFER  
TYPE: PD

SECTION (S) VIOLATED:

03/09/2013 (CT 1) PC 243(E) (1)

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
MINUTE ORDER - HEADER/PROCEEDINGSDEFENDANT NAME  
VALENCIA TARSICIO BARRAGANDEF XREF  
1 **REDACTED** CASE  
13M02829 MUNI

CUSTODY STATUS: BOND

DOB: **REDACTED**

DATE FILED: 04/26/2013

LEA: SACRAMENTO POLICE DEPARTMENT

ARREST #: 09744546-02

BAIL SET: \$10,000.00

BOND #: 2013-BB-020455

BAIL POSTED: \$10,000.00

PROSECUTOR:

DEFENSE: STONEBURNER, JENNIFER  
TYPE: PD

SECTION(S) VIOLATED:

03/09/2013

(CT 1) PC 243 (E) (1)

DATE	JUDGE	DEPT	REL	CSR	PROCEEDINGS
091613	FIORINI	60	B	8638	FP (cts:2) <i>RE: 200</i>
08:30					SPANISH INTERP, OOF:
					Δ pres. INTERPRETER SWORN <i>Tobin</i>
					LANGUAGE <i>Spanish</i>
					<i>cta</i>
					<i>9-24-13 830 60 JMS</i>
9/24/13	C. FIORINI	60	B 340	FP	SIMPSON 977
					CONT: 9/30/13 830 60
9/30/13	C. FIORINI	60	B 340	FP	Δ PRES W/ PP.
					CONT: 10/21/13 830 60
					INTERPRETER SWORN OOF: R. LORENZO
					LANGUAGE <i>SPANISH</i>

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
MINUTE ORDER - HEADER/PROCEEDINGS

DEFENDANT NAME  
VALENCIA TARSICIO BARRAGAN

DEF XREF CASE  
1 [REDACTED] 13M02829 MUNI

CUSTODY STATUS: **BOND**  
DOB: **REDACTED**  
LEA: LEA NOT FOUND FOR ARREST  
BAIL SET: \$10,000.00  
BAIL POSTED:

DATE FILED: 04/26/2013  
ARREST #:

PROSECUTOR: DEFENSE: PD APPT / FAW  
TYPE:

SECTION(S) VIOLATED: 03/09/2013 (CT 1) PC 243 (E) (1)

DO NOT FILE ANY DOCUMENTS EXCEPT OUTSTANDING WARRANTS ON TOP OF THIS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO  
MINUTE ORDER - PLEA

VALENCIA TARSICIO BARRAGAN

1 4395221 13M02829 MUNI

PLEA DATE: 10/21/13

JUDGE: Fiorini

DEPT: 60

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  
  parole rights  
  option of changing plea  
  in re: West  
  consequences of plea

1 If you are not a citizen, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

Video mass advisement transcript on request

Tape Number

Court Reporter (transcript on request) Plumington 3407

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

1 NOLO CONTENDERE (acknowledged it is same as guilty)

       NGRI (PC 1026)

to the charges of: (t) PC 243(c) (1)

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.

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

## ORDER OF FORMAL PROBATION

DEFENDANT NAME (LAST, FIRST, M.I.)	VIOLATION(s)	CASE NUMBER
Valencia, Tarsicio	2705(a)(7) PC 243(c)(1)	BM0029

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** imposition of sentence be suspended and that the defendant be placed on **FORMAL** probation to this court for the term of 3 years from this date on the conditions checked below:

## TERMS AND CONDITIONS

- 1. (OAL) Obey all laws.
- 2. (RPT/COMPLY) Report and comply with all suggestions, directives and recommendations of the Probation Officer. Comply with general conditions of probation specified on the reverse side of this order. Report to Probation:  within 48 hrs upon release  by the close of business on \_\_\_\_\_.
- 3. (REST/LOSS) Make restitution for personal injury/property damage/loss caused in this offense. Pursuant 1202.4(f)(7) & (11) PC, you shall prepare and file a financial disclosure form (CR-115) with the court within 10 days of this date and an updated form within 90 days prior to release from probation if there is any unpaid restitution or fine.
- 4. (REST/TBD) Restitution to be determined by Probation  Amount: \$ \_\_\_\_\_ Victim(s): M.M.
- 5. (FINE/ASMT) (FINE/TIME) Fine & Assessments: Pay the following fines/assessments or serve \_\_\_\_\_ days County Jail.  H.C.

FINE/ASSESSMENT TYPE	AMOUNT	REDUCED AMOUNT	OR SERVE
Base Fine (VC 23538(a))			
*Penalty Assessment (PC 1464, GC 76000)			
*CIF (PC1465.7(a)) (CIF)			
*DNA (GC76104.6) (DNA1) (Effective 11/04/04)			
*DNA (GC76104.7) (DNA2) (Effective 07/12/06)			
*DNA (GC76104.7) (DNA2A) (Effective 06/10/10)			
Rest Fine (PC1202.4(b)) (RESTMISD)	140	120.00	
Domestic Violence Fund Fee (PC 1203.097) (DOMVFUND)	500	400.00+PA	
<input type="checkbox"/> Criminal Lab Analysis Fee (H&S 11372.5) (LAB/FEE) (\$50.00+PA)			
<input type="checkbox"/> Drug Program Fund (H&S 11372.7) (DRUG/FEE) (\$100.00+PA)			
Criminal Conviction Assessment (Fei/Misd) (GC 70373) (CTCONV30)	30.00		
<input checked="" type="checkbox"/> (1202.44 PC) Additional Rest Fine in the amount of \$ 140	140	pursuant PC1202.44 stayed pending revocation of probation.	
<input type="checkbox"/> (BOOK/FEE) MJ Booking Fee \$331.98 (GC 29550.2(a))			<input type="checkbox"/> (OR/FEE) Criminal Justice Processing Fee \$25.00 (GC 29550(c))
<input type="checkbox"/> (CLASS/FEE) Classification Fee \$60.18 (GC 29550.2(a))			<input type="checkbox"/> (CITE/FEE) Citation Processing Fee \$10.00 (GC 29550(c))
<input type="checkbox"/> (HIST/FEE) Criminal History Fee \$10.00 (VC 40508.6)			<input type="checkbox"/> (RCCC/FEE) RCCC Booking Fee \$165.57 (GC 29550.2(a))

\* Assessments are based on a percentage of the total base fine amount. See the reverse of this document for breakdown of assessments.

All fines/fees payable:  (PAY/DRR) Through DRR  (PAY/FW) Forthwith  (PAY/STAY) No later than \_\_\_\_\_  Stay fee waived.

- 5. Complete 6 hours Community Service Work through the Alternative Sentencing Program. Complete by \_\_\_\_\_.
- 6. (JAIL SERVE) 90 days in the CJ, credit for time served 2 days  Consecutive  Concurrent to \_\_\_\_\_  
 Straight Time  HBA  Speed  Minor in Vehicle  Refusal  Jail stayed pending completion of \_\_\_\_\_  
 Court has no objection to any Work Release Program. Qualify or surrender at  Main Jail  RCCC on: 12/13/13 6pm  
 Stay to sign up on or before: \_\_\_\_\_ Court objects to  S.W.P.  HD/Medical HD  
 County Jail Converted to \_\_\_\_\_ hours ASP by / within \_\_\_\_\_ days / mos.  
 CJ may be done in \_\_\_\_\_ County.  Show proof completion: \_\_\_\_\_ at: \_\_\_\_\_ Dept.
- 7. (COUNSELING) Participate in Professional Counseling Program under the direction of the Probation Officer.
- 8. (PARENTING) Participate in 52-week Parenting Class as directed by the Probation Officer.  (PROB/CONV) Probation converts to Informal Probation upon successful completion.
- 9. (PROTECTORD) Criminal Protective Order issued. See Order. Expiration date 10-21-16.
- 10. (STAY/AWAY) Stay away from \_\_\_\_\_.
- 11. (DRUG/REHAB) Participate in a  Drug Rehabilitation  Alcohol Rehabilitation Program under the direction of the Probation Officer, to include chemical testing of the blood, breath, urine as directed by the Probation Officer. Pay \$25.00 per test for urinalysis testing through DRR.
- 12. (NO/DRUGS) Do not knowingly use, handle or possess controlled substances of any kind unless lawfully prescribed to you by a licensed medical practitioner.
- 13. (NO/ASSOC) Do not associate with persons you know to be illegal users or sellers of controlled substances, nor be in a place where you know illegal controlled substances are present.
- 14. (NO/ALC) Do not knowingly consume or possess any alcoholic beverages in any amount whatsoever, nor be in places where you know alcohol is the chief item for sale.
- 15. (S&S) Defendant shall submit his/her person, property and automobile and any object under defendant's control to search and seizure in/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/without his/her 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.
- 16. (NO/FIREARMS) Do not knowingly possess firearms for a period of  ten (10) years  life  other \_\_\_\_\_. Defendant ordered to relinquish all firearms within 24 hours of release.  Defendant advised and provided with 12021 PC firearms prohibition packet.
- 17. (NO/WEAPONS) Do not knowingly own or possess any dangerous or deadly weapon nor remain in building or vehicle where you know any person (other than one who is authorized by law to possess a deadly weapon) has such weapons.
- 18. (WEAP/CONF) Weapon(s) ordered confiscated and destroyed.
- 19. (ATTEND/AA) Defendant to attend \_\_\_\_\_ NA / AA meetings. Provide proof of completion of \_\_\_\_\_ NA / AA meetings on \_\_\_\_\_ at \_\_\_\_\_, in Dept. \_\_\_\_\_ or in the alternative serve \_\_\_\_\_ days in the county jail, consecutive.
- 20. Other \_\_\_\_\_.

JUDGE OF THE SUPERIOR COURT	DEPT	DATE	CLERK OF THE COURT
Florini	60	10/21/13	OL

READ THE OTHER SIDE OF THIS ORDER

1 JAN SCULLY  
2 DISTRICT ATTORNEY  
3 901 G STREET  
4 SACRAMENTO, CA 95814  
5 (916) 874-6218

SPD-13-51952

D. ABILDGAARD, DDA  
(DV)  
XRef: REDACTED

FILED / ENDORSED  
2013 APR 26 PM 4:00

CRIM D

ORIGINAL

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10  
11 THE PEOPLE OF THE STATE OF CALIFORNIA,  
12 vs.  
13 TARSICIO BARRAGAN VALENCIA,  
14  
15 Defendant(s).

13M02829

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

19 COUNT ONE

20 On or about March 09, 2013, at and in the County of Sacramento, State of California,  
21 defendant(s) TARSICIO BARRAGAN VALENCIA did commit a misdemeanor namely: a  
22 violation of Section 243(e)(1) of the Penal Code of the State of California, in that said defendant  
23 did willfully and unlawfully use force and violence upon the person of H.C. DOE, a person  
24 who was the parent of the defendant's child.

26 That attached hereto and by this reference incorporated herein is a declaration setting forth facts  
27 in support of probable cause for the issuance of a warrant of arrest herein.

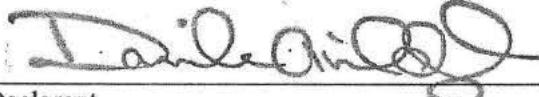
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04120015.C13

(1)

1  
2  
3  
4 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
5 correct.  
6

7 Executed at Sacramento County, California, the 12th day of April, 2013.  
8  
9

10   
11 Declarant  
12 SACRAMENTO COUNTY DISTRICT ATTORNEY  
13

14 (916) 874-6218  
15 Telephone Number  
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17 KIN  
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**DECLARATION IN SUPPORT OF ARREST WARRANT**

(Made under 2015.5 CCP)

The undersigned hereby declares:

That your declarant is currently employed as a Deputy District Attorney for the County of Sacramento, State of California.

That pursuant to said employment, your declarant has been assigned to investigate allegations that TARSICIO BARRAGAN VALENCIA did commit the crime(s) as set forth in the attached complaint.

That pursuant to said assignment, your declarant has contacted person(s) having knowledge of said offense(s) and who has/have prepared written reports and/or statements, and/or has received and read written reports and/or statements prepared by others known by your declarant to be law enforcement officers, all of which reports and/or statements are included in a report consisting of 7 page(s) which is attached hereto as Exhibit I and incorporated by references as though fully set forth.

That each of these documents is presently an official record of a law enforcement agency.

WHEREFORE, your declarant prays that a warrant issue for the arrest of the hereinabove-named defendant(s) and that said defendant(s) be dealt with according to law.

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

Executed on the 12th day of April, 2013, Sacramento, California.

Declarant  
901 G Street,  
Sacramento, California 95814  
Sacramento County District Attorney

## DISTRICT ATTORNEY'S COVER SHEET

SACRAMENTO S.O.

243(E)(1) PC

SSD 13-51952

SUBMITTING AGENCY

OFFENSE

REPORT NUMBER

 WARRANT REQUEST IN CUSTODY CITATION

Attn:

(D.A. If known)

DATE / TIME OF OFFENSE

DATE / TIME OF ARREST

Victim #1

H.C.

#2

#3

## SUSPECT

## RAP INFORMATION

#	Name	Age	Charge	CII #	Enclosed	Ordered	No Record
#1	Valencia, Tarcicio <b>REDACTED</b>	27	243(E)(1) PC	<b>REDACTED</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
#2					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
#3					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
#4					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CASE SUMMARY (Briefly establish the factual basis of the offense and defendant's guilt, including dates, times and the identity of principal witnesses. Do not type below box, use Continuation form.)

1 S1 and V1 have a former dating relationship and share children in common. They went to  
 2 dinner with the children. S1 tried to kiss V1 and she said no, because they are not together. S1  
 3 slapped V1 on the cheek and grabbed her by both wrist and pulled her to him. S1 forcibly  
 4 kissed V1 on the lips. V1 pulled back and S1 softly bit down on her lower lip to keep her close.  
 5 As they argued, S1 tried to slap V1 again but missed. S1 grabbed her by the wrist and made  
 6 her sit next to him and slapped her again. S1 took her baby to the restroom to hide and call  
 7 911. V1 hid in the restroom until officers arrived and S1 was gone. V1 had no visible injury.

8 W1 is V1's 9 year old daughter from a prior relationship. W1 stated she saw S1 slap V1 twice  
 9 and dragged her around by the wrist. W1 stated she was afraid that she would be slapped if  
 she spoke out.

10 S1 already has a warrant for 243(E)(1) from a case I worked in September 2012 with a bail of  
 11 \$5000. S1 is homeless and bounces between friend's residences.

13

14

15

16

17

18

 Check here if further investigation is pending and describe briefly.

COMMENTS: (Use for description and identification of all suspects for warrant requests and additional victims and / or defendants.)

Submitting Officer Detective S Chavez 954 Detail CID-Crimes Against People Phone 874-5209

Name &amp; Badge No.

Reviewing Supervisor Sgt. R. Casper Date / Time Submitted 04/08/13 0700 Hours

(1)

DIST	SECT	SUB	SACRAMENTO SHERIFF'S DEPARTMENT CONTINUATION REPORT		PAGE	REPORT NUMBER
LOCATION OF INCIDENT 2344 Watt Ave, SACRAMENTO, CA 95825			DATE 03/09/2013	3 OF 9		2013-0051952
AUTHORITY / SECTION PC 243 (E) (1) - Battery:Spouse/Ex Spouse/Date/Etc					DAY OF WEEK Sat	TIME 18:20 - 18:35
COMPLAINANT/VICTIM (LIST FIRST VICTIM IF MORE THAN ONE) v1 H.C.						

1 **1842 hours/03-09-2013/Saturday:** I (Deputy N. Seger #973, Unit  
 2 45D1) was dispatched to a call regarding a domestic violence  
 3 that just occurred. The text of the call read 10 minutes prior,  
 4 the complainant's boyfriend, Tarsicio VALENCIA, an Hispanic male  
 5 adult, 27 years old, 5'9", 175 pounds, black shirt, blue pants,  
 6 slapped the complainant in the face. The call further indicated  
 7 the complainant was calling from a bathroom with her 15-year-old  
 8 daughter because she was afraid VALENCIA would force her to go  
 9 home with him. The complainant had a one-year-old, six-year-  
 10 old, and nine-year-old child sitting at the table with the  
 11 boyfriend.

12  
 13 **1849 hours:** Sgt. K. Lee #13 and I arrived on scene, entered the  
 14 restaurant, and conducted a quick search based on the  
 15 description given, but were unable to locate the suspect. I  
 16 advised dispatch to have the complainant, identidfied as **H.C.**  
 17 DOE (V1), to come out of the bathroom to meet with me. When she  
 18 did, she showed me where the table was located. The suspect had  
 19 left the scene prior to our arrival. We checked the parking lot  
 20 and were able to locate the suspect's vehicle, which was a black  
 21 2008 Acura TL, license plate number **REDACTED**, but the suspect was  
 22 nowhere to be seen. The suspect was identified as Tarsicio  
 23 Valencia (S1).

24  
 25 All parties were accounted for and were unharmed. We took DOE  
 26 out to the vehicle get her purse, but the car was locked. We  
 27 attempted to call her boyfriend via telephone to have him come  
 28 down so we could get his side of the story; however, he refused  
 29 and admitted he had a warrant and did not want to talk to police  
 30 because he didn't want to go to jail on his warrant.

31  
 32 DOE was able to find a ride for her and her children. I stood by  
 33 with DOE for her safety while waiting for the ride.

34  
 35 DOE had no visible injuries and no complaints of pain on either  
 36 her face or her lip where she claimed to have been injured. CSI  
 37 was not requested due to lack of visible injury.

38

REPORTING OFFICER Seger	BADGE 973	DIVISION	APPROVED BY Froman	BADGE 6	DATE AND TIME OF REPORT Sat 03/09/2013 18:49
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(2)

DIST	SECT	SUB	SACRAMENTO SHERIFF'S DEPARTMENT CONTINUATION REPORT		PAGE	REPORT NUMBER
					4 OF 9	2013-0051952
LOCATION OF INCIDENT 2344 Watt Ave, SACRAMENTO, CA 95825			DATE 03/09/2013	DAY OF WEEK Sat		TIME 18:20 - 18:35
AUTHORITY / SECTION PC 243 (E) (1) - Battery: Spouse/Ex Spouse/Date/Etc						
COMPLAINANT/VICTIM (LIST FIRST VICTIM IF MORE THAN ONE) V1 H.C.						

39 DOE told me she had no idea where VALENCIA (S1) lived or any way  
 40 to tell officers where he might be located or where he is  
 41 staying.

42  
 43 I advised DOE about a restraining order and custody issues, and  
 44 I left her with a domestic violence pamphlet and a report  
 45 number.

REPORTING OFFICER Seger	BADGE 973	DIVISION	APPROVED BY Froman	BADGE 6	DATE AND TIME OF REPORT Sat 03/09/2013 18:49
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(3)

Response - Received 3/13/2013 7:43:42 AM

Page 1 of 1

4VPISOQ363Z.IH

RE: QHY.CA0340000.32512648.SCHAVEZ DATE:20130313 TIME:07:43:41  
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSE.  
ATTN:SCHAVEZ-1351952

\*\*\*\*\*  
DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED,  
TYPED, AND UPLOADED INTO THE CAL-DNA DATA BANK.  
FOR INFO (510) 620-3300 OR PC296.PC296@DOJ.CA.GOV.  
\*\*\*\*\*

\*\* PALM PRINTS AVAILABLE AT DOJ FOR PALM PRINTS CONTACT  
PALM.PRINT@DOJ.CA.GOV  
III CALIFORNIA ONLY SOURCE RECORD  
CII/**REDACTED**  
DOB/**REDACTED** SEX/M RAC/HISPANIC  
HGT/601 WGT/190 EYE/BRO HAI/BLK POB/XX  
NAM/01 VALENCIA, TARSICIO BARRAGAN

FBI/**REDACTED**

MDS/  
\* \* \* \*

ARR/DET/CITE: NAM:01 DOB:**REDACTED**  
20120103 CASO SACRAMENTO

CNT:01 #09623985-4395221  
273.5 PC-INFILCT CORPORAL INJ ON SPOUSE/COHAB  
DISPO:PROS REL-DET ONLY-LACK OF SUFF EVID  
ARR AGY #0000725585  
COM: SCN-V20F0030057  
COM: DCN-P0104080151234000107  
\* \* \* END OF MESSAGE \* \* \*