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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

OCT 01 2019

Sherri R. Carter, Executive Officer/Clerk  
By: Jessica Castellanos, Deputy

5 Attorneys for Plaintiff  
6 PEOPLE OF THE STATE OF CALIFORNIA

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**  
9 **CLARA SHORTRIDGE FOLTZ COURTHOUSE**

10 PEOPLE OF THE STATE OF  
11 CALIFORNIA,

12 Plaintiff,

13 V.

14 DEFENDANTS 1 THROUGH 1,077,888

PEOPLE'S REQUEST TO DISMISS  
INFRACTIONS PURSUANT TO PENAL  
CODE § 1385 and SUSPEND FEES AND  
FINES PURSUANT TO CAL. RULES OF  
COURT RULE 4.335

Date: October 1, 2019

Time: 8:30 a.m.

Dept.: 100

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17 TO THE HONORABLE SAM OHTA, the People of the State of California submit the  
18 following motion to dismiss the attached pre-conviction citations listed in Exhibit 1 and to  
19 suspend the fines and fees for the attached post-conviction citations listed in Exhibit 2, pursuant to  
20 Penal Code section 1385, in the interest of justice and pursuant to Cal. Rules of Court, rule 4.335.  
21 The People request this order be stayed for 90 days to allow the court time to process the citations  
22 and suspensions.

23 **I.**  
**INTRODUCTION**

24 This court has jurisdiction and authority to dismiss the attached citations pursuant to Penal  
25 Code section 1385. Penal Code section 1385(a) states:

26 "The judge or magistrate may, either of his or her own motion or upon the application of  
27 the prosecuting attorney, and in furtherance of justice, order an action be dismissed.  
The reasons for the dismissal shall be stated orally on the record. The court shall also set  
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**III.**  
**SUSPENSION OF THE FINES AND FEES FOR THE ATTACHED INFRACTIONS IS**  
**APPROPRIATE PURSUANT TO C.R.C. 4.335**

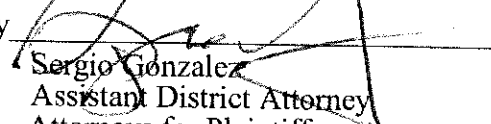
In 2017, the Judicial Council of California adopted three California Rules of Court to standardize procedures for defendants incapable of paying infraction fines, fees, and civil assessments. (See Cal. Rules of Court, rules 4.106, 4.107, and 4.335.) Pursuant to Cal. Rules of Court, rule 4.335(c)(4)(C) the court has discretion to suspend fines for infraction cases that have been adjudicated and remain unpaid, whether or not a defendant demonstrates an inability to pay. Additionally, in September 2018, the court created a written ability to pay petition, which informs defendants of their right to seek an ability to pay determination at any time between the issuance of a ticket and its complete payment. (See *Mata Alvarado et a. v. Superior Court of California* (L.A. Super. Ct., Sept. 25, 2018) Case No. FSC050284, Settlement Agreement at pp.\*7-9.)

**IV.**  
**CONCLUSION**

Dismissal of a criminal prosecution “in furtherance of justice,” as authorized by Penal Code section 1385, and the suspension of fines and fees of post-conviction citations are “an exercise of judicial discretion in view of the constitutional rights of the defendant and the interests of society; it involves a balancing of many factors, including the weighing of the evidence indicative of guilt or innocence and the nature of the crime involved.” *People v. Fretwell* (1970) 8 Cal. App. 3d Supp. 37, 41. For the reasons stated above, the People request this Court to exercise its judicial discretion and dismiss the attached infractions listed in Exhibit 1 pursuant to Penal Code section 1385 and suspend the fines and fees of post-conviction citations listed in Exhibit 2 pursuant to Cal. Rules of Court rule 4.335.

Respectfully submitted,  
Jackie Lacey, District Attorney

Dated: September 30, 2019

By   
Sergio Gonzalez  
Assistant District Attorney  
Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA