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FILED 22 JAN 2018
CLERK OF COURT
JAN 22 2018

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 116 HON. NORM SHAPIRO, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF,
VS.
SERHAT D. GUMRUKCU,
DEFENDANT.

ORIGINAL.
NO. BA452833-01
NO CONTEST PLEA
& SENTENCING
COUNTY JAIL

LOS ANGELES, CALIFORNIA; THURSDAY, JANUARY 25, 2018
A.M. SESSION

UPON THE ABOVE DATE, DEFENDANT SERHAT GUMRUKCU
BEING PRESENT, REPRESENTED BY DONALD RE,
PRIVATELY RETAINED ATTORNEY; THE PEOPLE BEING
REPRESENTED BY NATASHA HOWARD, DEPUTY
ATTORNEY GENERAL FOR THE COUNTY OF LOS ANGELES,
THE FOLLOWING PROCEEDINGS WERE HELD:

(FRANKIANN DALTON, CSR NO. 8616, OFFICIAL REPORTER.)

1 -000-

2 THE COURT: WE'RE GOING TO START WITH A NUMBER
3 THREE MATTER THIS MORNING. I'M JUST LOOKING AT THE
4 DEFENDANT'S NAME. I WANT TO MAKE SURE I PRONOUNCE IT
5 CORRECTLY. I'LL INDICATE THAT MR. DONALD RE IS HERE ON
6 BEHALF OF THE DEFENDANT, AND THE DEPUTY ATTORNEY GENERAL
7 IS?

8 MS. HOWARD: NATASHA HOWARD.

9 THE COURT: MISS HOWARD, GOOD MORNING.

10 MS. HOWARD: GOOD MORNING.

11 THE COURT: NOW, MR. RE, YOUR CLIENT'S FIRST NAME
12 IS SERHAT?

13 MR. RE: SERHAT.

14 THE COURT: AND HIS LAST NAME IS PRONOUNCED?

15 MR. RE: GUMRUKCU.

16 THE COURT: ALL RIGHT. GOOD MORNING, SIR.

17 I UNDERSTAND THAT THERE'S A RESOLUTION TO
18 THIS MATTER.

19 MS. HOWARD: THAT IS CORRECT.

20 THE COURT: ALL RIGHT. I SEE A NOTE HERE ON THE
21 FILE. HERE. LET ME TAKE A LOOK AT IT. ALL RIGHT.
22 THAT'S FINE.

23 MISS HOWARD, USUALLY I ASK THE PROSECUTOR
24 TO TAKE THE PLEA. DO YOU WANT TO GO AHEAD AND DO THAT.

25 MS. HOWARD: I CAN. OR IF THE COURT WOULD RATHER
26 DO THAT, I'M HAPPY TO DO THAT. I HAVE THE D.A. SCRIPT.

27 THE COURT: ALL RIGHT. WELL, MOST OF THE
28 PROSECUTORS DO IT. IT USED TO BE -- PROBABLY MR. RE

1 MIGHT EVEN REMEMBER THIS. IT USED TO BE -- SOME OF THE
2 OLD PROSECUTORS USED TO TELL ME. THIS GOES BACK TO THE
3 FORTIES AND FIFTIES. I WASN'T AROUND THEN -- A PERSON
4 WOULD COME INTO COURT. THE PROSECUTOR WOULD SAY "HOW DO
5 YOU PLEAD?" THEY'D SAY "GUILTY." AND THAT WAS THE END
6 OF IT. THAT'S TRUE.

7 MS. HOWARD: WOW.

8 THE COURT: AND THEN, OF COURSE, MORE REQUIREMENTS
9 UNTIL NOW SO MOST PROSECUTORS DO RELY ON THEIR SHEET
10 BECAUSE YOU DON'T WANT TO LEAVE ANYTHING OUT.

11 SO LET ME JUST INDICATE TO THE DEFENDANT,
12 SIR, THE ATTORNEY, AGAIN, IS GOING TO ADVISE YOU OF YOUR
13 RIGHTS AND THE CONSEQUENCES OF THIS PLEA. IF THERE'S
14 ANY QUESTIONS ABOUT ANYTHING THAT SHE TELLS YOU OR
15 EXPLAINS TO YOU, YOU CAN CONSULT WITH YOUR ATTORNEY AT
16 ANY TIME. ALL RIGHT, SIR?

17 THE DEFENDANT: YES.

18 THE COURT: SO LISTEN CAREFULLY AND SPEAK UP SO
19 THE REPORTER CAN HEAR YOU.

20 ALL RIGHT. MISS HOWARD, GO AHEAD.

21 MS. HOWARD: SERHAT DANIEL GUMRUKCU, IS THAT YOUR
22 TRUE AND CORRECT NAME?

23 THE DEFENDANT: YES.

24 MS. HOWARD: IS NOVEMBER 15, 1982, YOUR TRUE DATE
25 OF BIRTH?

26 THE DEFENDANT: YES.

27 MS. HOWARD: YOU ARE CHARGED IN FELONY INFORMATION
28 BA452833 WITH A VIOLATION OF PENAL CODE SECTION 459,

1 SECOND-DEGREE COMMERCIAL BURGLARY. DO YOU UNDERSTAND
2 THE CHARGE AGAINST YOU?

3 THE DEFENDANT: YES.

4 MS. HOWARD: TODAY YOU WILL BE PLEADING TO THAT
5 CHARGE. IN EXCHANGE, YOU WILL BE PLACED ON PROBATION
6 FOR FIVE YEARS.

7 DO YOU UNDERSTAND THE TERMS OF THE
8 AGREEMENT?

9 THE DEFENDANT: YES.

10 MS. HOWARD: DO YOU UNDERSTAND THAT THE MAXIMUM
11 SENTENCE YOU COULD RECEIVE IN THIS CASE IS THREE YEARS'
12 STATE PRISON?

13 THE DEFENDANT: YES.

14 MS. HOWARD: BEFORE THE COURT WILL ACCEPT YOUR
15 PLEA, YOU MUST FIRST UNDERSTAND AND GIVE UP CERTAIN
16 CONSTITUTIONAL RIGHTS.

17 YOU HAVE THE RIGHT TO A JURY OR COURT
18 TRIAL. THE RIGHT TO CONFRONT AND CROSS-EXAMINE
19 WITNESSES AGAINST YOU, THE RIGHT TO USE THE SUBPOENA
20 POWER OF THE COURT AT NO COST TO YOU, THE RIGHT TO
21 PRESENT A DEFENSE AND TESTIFY AS PART OF YOUR DEFENSE.
22 HOWEVER, NO ONE COULD FORCE YOU TO TESTIFY. AND YOU
23 ALSO HAVE THE RIGHT TO REMAIN SILENT AND THE RIGHT
24 AGAINST SELF-INCRIMINATION.

25 DO YOU UNDERSTAND AND GIVE UP EACH OF THOSE
26 RIGHTS?

27 THE DEFENDANT: YES.

28 MR. RE: COUNSEL JOINS.

1 MS. HOWARD: BEFORE THE COURT WILL ACCEPT YOUR
2 PLEA, YOU MUST UNDERSTAND THE CONSEQUENCES OF THE PLEA.
3 YOU WILL BE PLACED ON FORMAL PROBATION IN THIS CASE.
4 THE COURT WILL IMPOSE CERTAIN TERMS AND CONDITIONS OF
5 PROBATION; AND IF YOU VIOLATE THOSE TERMS, YOU COULD BE
6 SENTENCED TO PRISON.

7 IF YOU ARE ALREADY ON PROBATION, PAROLE,
8 MANDATORY SUPERVISION, OR POST RELEASE SUPERVISION, YOUR
9 PLEA HERE TODAY WILL CONSTITUTE A VIOLATION AND COULD
10 SUBJECT YOU TO ADDITIONAL TIME.

11 YOUR PLEA HERE TODAY WILL ALSO MEAN YOU
12 HAVE BEEN CONVICTED OF A FELONY, AND THIS CONVICTION
13 COULD BE USED TO INCREASE AND ENHANCE ANY PUNISHMENTS
14 YOU RECEIVE ON ANY FUTURE CRIME.

15 IF YOU ARE NOT A CITIZEN OF THE
16 UNITED STATES, YOUR CONVICTION IN THIS CASE WILL RESULT
17 IN YOUR DEPORTATION, EXCLUSION FROM THE UNITED STATES,
18 AND DENIAL OF NATURALIZATION.

19 DO YOU UNDERSTAND?

20 THE DEFENDANT: YES.

21 MS. HOWARD: AS A RESULT OF YOUR PLEA HERE TODAY,
22 YOU CAN NO LONGER POSSESS, OWN, OR USE A FIREARM AS THAT
23 WOULD CONSTITUTE A VIOLATION OF YOUR PROBATION AND COULD
24 BE FILED AGAINST YOU AS A SEPARATE FELONY.

25 PURSUANT TO PENAL CODE 296, THE COURT WILL
26 ORDER YOU TO SUBMIT A DNA SAMPLE AND FINGERPRINTS.

27 IN ADDITION TO THE SENTENCE, THE COURT MAY
28 ALSO IMPOSE FEES AND FINES WHICH RANGE FROM \$280 TO

1 \$1,000.

2 THE COURT: WELL, ACTUALLY, THEY GO FROM \$400 TO
3 10,000.

4 MR. HOWARD: OKAY.

5 THE COURT: IN THIS PARTICULAR CASE, I'LL IMPOSE A
6 \$400 RESTITUTION FINE, A \$40 COURT SECURITY FEE -- THESE
7 ARE STANDARD -- AND A \$30 WE'LL CALL IT GOVERNMENT CODE
8 CRIMINAL CONVICTION ASSESSMENT FINE.

9 AND AS THE ATTORNEY GENERAL MENTIONED TO
10 YOU, IT IS A REQUIREMENT YOU SUPPLY A DNA SAMPLE TO THE
11 SHERIFF'S DEPARTMENT.

12 NOW, THIS CASE, SINCE IT STARTED WITH THE
13 ATTORNEY GENERAL, MR. RE, WAS YOUR CLIENT EVER BOOKED
14 IN, FINGERPRINTED?

15 MR. RE: YES, HE WAS, YOUR HONOR. HE SPENT -- HE
16 WAS TAKEN IN ONE DAY AND WAS RELEASED THE NEXT DAY SO
17 TECHNICALLY HE HAS TWO DAYS' CREDIT.

18 THE COURT: OKAY. THAT'S FINE. USUALLY THE
19 SHERIFF DOES A DNA SAMPLE.

20 DO YOU RECALL THEM SWABBING?

21 THE DEFENDANT: YES.

22 THE COURT: OKAY. SO THE 296 REQUIREMENT HAS BEEN
23 COMPLIED WITH.

24 MR. RE: THANK YOU, YOUR HONOR.

25 THE COURT: OKAY. GO AHEAD.

26 MR. RE: AND ONE THING THAT COUNSEL SAID, THIS
27 WOULD RESULT IN DEPORTATION OR EXCLUSION. IT MAY RESULT
28 IN DEPORTATION OR EXCLUSION, THAT'S CORRECT.

1 THE COURT: WELL, THE PROSECUTOR MUST PHRASE THAT
2 AS "WILL." IT USED TO BE WHERE THE PROSECUTORS WOULD
3 TELL THEM "MAY." BOTH ARE TRUE, BUT THE PROSECUTORS
4 HAVE TO BE ON THE SAFE SIDE. AND SO IF YOU LOOK AT
5 1016.5, I THINK, OF THE PENAL CODE WHICH LAYS OUT THE
6 ADMONITION, THE PROPER LANGUAGE IS "WILL."

7 NOW, THAT DOESN'T MEAN IT'S GOING TO
8 HAPPEN. IF YOU'RE A CITIZEN OF THE UNITED STATES, BORN
9 IN THE UNITED STATES, THERE'S NO PROBLEM. THE
10 PROSECUTOR HAS TO ADVISE EVERYBODY AND DOES IT IN THE
11 STANDARD FASHION. ON THE OTHER HAND, IF YOU'RE NOT A
12 CITIZEN, THIS WILL RESULT IN THE IMMIGRATION
13 CONSEQUENCES. NOW, IF IT ACTUALLY DOES, I DON'T KNOW.
14 THAT'S SOMETHING WE DON'T HANDLE HERE.

15 MR. RE: THANK YOU. I APPRECIATE THE COURT GIVING
16 THAT.

17 THE COURT: OKAY. GO AHEAD, MISS HOWARD.

18 MS. HOWARD: DO YOU UNDERSTAND THE CONSEQUENCES OF
19 THE PLEA?

20 THE DEFENDANT: YES.

21 MS. HOWARD: ARE YOU PLEADING FREELY AND
22 VOLUNTARILY?

23 THE DEFENDANT: YES.

24 MS. HOWARD: HAS ANYONE MADE ANY THREATS OR
25 PROMISES TO YOU OR ANYONE CLOSE TO YOU IN ORDER TO GET
26 YOU TO PLEAD?

27 THE DEFENDANT: NO.

28 MS. HOWARD: DOES THE COURT WISH TO INQUIRE

1 FURTHER?

2 THE COURT: ALL RIGHT. I WAS PAYING ATTENTION,
3 BUT I WANT TO MAKE SURE. DID YOU TAKE THE JURY WAIVER,
4 CONFRONT AND CROSS-EXAMINATION, AND THE RIGHT AGAINST
5 SELF-INCRIMINATION?

6 MS. HOWARD: YES.

7 THE COURT: ALL RIGHT. THEN I HAVE NO INQUIRY.
8 YOU MAY TAKE THE PLEA.

9 MS. HOWARD: SERHAT GUMRUKCU, IN FELONY
10 INFORMATION BA452833, TO COUNT 7, A VIOLATION OF PENAL
11 CODE SECTION 459, A FELONY, HOW DO YOU PLEAD?

12 MR. RE: SO THE COURT IS AWARE, HE WILL BE
13 PLEADING NO CONTEST UNDER PEOPLE VERSUS WEST.

14 THE COURT: YES. THAT'S WHAT'S SET OUT HERE IN --
15 I BELIEVE THIS WAS PREPARED BY THE ATTORNEY GENERAL,
16 THIS DOCUMENT.

17 MS. HOWARD: NO. IT WAS PREPARED BY THE DEFENSE,
18 BUT THE PEOPLE DO CONCUR.

19 THE COURT: OKAY. YES. WHAT YOUR ATTORNEY SAID
20 IS ABSOLUTELY TRUE.

21 THE DEFENDANT: YES.

22 THE COURT: OKAY. GO AHEAD.

23 THE DEFENDANT: NO CONTEST.

24 MS. HOWARD: DO YOU UNDERSTAND YOUR PLEA OF NO
25 CONTEST WILL BE TREATED THE SAME AS A GUILTY PLEA BY THE
26 COURT?

27 THE DEFENDANT: YES.

28 MS. HOWARD: COUNSEL, DO YOU JOIN IN THE WAIVERS,

1 CONCUR IN THE PLEA, AND STEPULATE TO A FACTUAL BASIS FOR
2 THE PLEA BASED ON THE ARREST REPORTS AND TRANSCRIPTS?

3 THE DEFENDANT: I DO.

4 MS. HOWARD: PEOPLE JOIN.

5 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

6 SIR, THE COURT ACCEPTS YOUR PLEA, FINDS A
7 FACTUAL BASIS FOR IT, AND FURTHER THE WAIVERS WERE
8 KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY ENTERED INTO
9 AS WAS THE PLEA.

10 MR. RE, YOU WAIVE ARRAIGNMENT FOR JUDGMENT?

11 MR. RE: YES, YOUR HONOR.

12 THE COURT: ANY LEGAL CAUSE WHY SENTENCE SHOULD
13 NOT NOW BE PRONOUNCED?

14 MR. RE: NO, YOUR HONOR. SUBMIT IT.

15 THE COURT: SIR, I'M GOING TO GO AHEAD AND
16 SENTENCE YOU IN ACCORDANCE WITH THE AGREEMENT YOU
17 REACHED WITH THE ATTORNEY GENERAL IN SETTLEMENT OF THIS
18 MATTER.

19 PROCEEDINGS WILL BE SUSPENDED. YOU'LL BE
20 PLACED ON FELONY FORMAL PROBATION FOR A PERIOD OF FIVE
21 YEARS.

22 MR. RE, YOUR CLIENT HAS CREDITS OF WHAT,
23 ONE DAY?

24 MR. RE: I THINK IT'S TECHNICALLY TWO, BECAUSE
25 IT'S ACTUALLY TWO SEPARATE DAYS BECAUSE HE CAME IN
26 BEFORE MIDNIGHT AND WENT OUT AFTER MIDNIGHT. I THINK
27 THEY ACTUALLY COUNT THAT AS TWO.

28 THE COURT: THAT'S FINE. DON'T WORRY.

1 THE COURT IS GOING TO -- AS A CONDITION OF
2 PROBATION IS GOING TO IMPOSE TWO DAYS TO BE SERVED IN
3 CUSTODY, AND IS GOING TO CREDIT YOU TWO DAYS SO THERE'S
4 NO FURTHER TIME.

5 NOW, I WILL TELL YOU -- I SAY THIS AT THE
6 END, BUT I'M GOING TO ORDER YOU TO REPORT TO THE
7 PROBATION DEPARTMENT ON THE THIRD FLOOR, ROOM 516 OF
8 THIS BUILDING AND CHECK IN WITH THEM, AND THEN THEY'LL
9 PROBABLY SEND YOU TO ONE OF THEIR AREA OFFICES. OKAY.

10 THE FINES AND FEES -- THE PERIOD OF YOUR
11 PROBATION WILL BE FIVE YEARS.

12 THE FINES AND FEES ASSOCIATED WITH THIS
13 MATTER:

14 PURSUANT TO 1203.4 OF THE PENAL CODE,
15 THERE'S A \$400 RESTITUTION FINE YOU PAY THAT THROUGH THE
16 PROBATION DEPARTMENT.

17 PURSUANT TO 1465.8(A)(1) THERE'S A \$40
18 COURT SECURITY FEE.

19 PURSUANT TO 70373 OF THE GOVERNMENT CODE
20 THERE'S A \$30 CRIMINAL CONVICTION FINE OR COURT
21 INSTRUCTION FINE.

22 AND AS WE SPOKE ABOUT EARLIER, PURSUANT TO
23 296 AND 296.1 OF THE PENAL CODE, YOU'RE REQUIRED TO GIVE
24 DNA SAMPLES TO THE SHERIFF WHICH YOU'VE ALREADY DONE. I
25 DON'T KNOW IF THERE'S FURTHER ANYTHING SUGGESTED BY THE
26 PARTIES.

27 YOU'RE TO SEEK AND MAINTAIN TRAINING,
28 SCHOOLING, OR EMPLOYMENT AS APPROVED BY THE PROBATION

1 DEPARTMENT. YOU MUST KEEP THE PROBATION DEPARTMENT
2 ADVISED OF WHERE YOU'RE LIVING AT ALL TIMES. IF YOU
3 SHOULD MOVE OR CHANGE ADDRESSES, YOU HAVE TO LET THEM
4 KNOW.

5 YOU'RE TO BE SUBJECT TO SEARCH AND SEIZURE
6 AT ANY TIME OF THE DAY OR NIGHT BY ANY PROBATION OFFICER
7 OR OTHER PEACE OFFICER WITH OR WITHOUT A WARRANT OR
8 PROBABLE CAUSE.

9 AND, FURTHER, THIS CONVICTION PRECLUDES YOU
10 FROM OWNING, USING, OR POSSESSING A FIREARM. OKAY.

11 AGAIN, YOU'RE TO OBEY ALL LAWS, ORDERS,
12 RULES, AND REGULATIONS OF THE PROBATION DEPARTMENT AND
13 OF THE COURT.

14 AND SINCE YOU'RE NOT IN CUSTODY, YOU SHOULD
15 PROBABLY STOP ON THE THIRD FLOOR, ROOM 516, CHECK IN
16 WITH THE PROBATION DEPARTMENT. I USUALLY GIVE PEOPLE
17 TWO DAYS OR 48 HOURS TO REPORT. SO MAYBE MR. RE AND YOU
18 CAN CHECK IN THERE AT LEAST.

19 THERE ARE REMAINING COUNTS AND ALLEGATIONS,
20 I BELIEVE. THOSE WILL BE DISMISSED PURSUANT TO THE PLEA
21 AGREEMENT.

22 IS THERE ANYTHING FURTHER FROM THE ATTORNEY
23 GENERAL?

24 MS. HOWARD: NO, YOUR HONOR.

25 THE COURT: MR. RE.

26 MR. RE: NO, YOUR HONOR. THANK YOU FOR YOUR
27 CONSIDERATION. IT'S ALWAYS A PLEASURE.

28 THE COURT: IT'S ALWAYS A PLEASURE TO SEE YOU, AND

1 IT'S ALWAYS OF A PLEASURE TO SEE A REPRESENTATIVE FROM
2 THE ATTORNEY GENERAL'S OFFICE.

3 THE CLERK: THERE WAS AN INDICATION OF
4 RESTITUTION.

5 MS. HOWARD: OH, I DO APOLOGIZE. JUST SO THAT THE
6 RECORD IS CLEAR, THERE WAS RESTITUTION OWED TO VICTIMS
7 IN THIS CASE; HOWEVER, ALL OF THE RESTITUTION HAS BEEN
8 PAID IN FULL.

9 THE COURT: ALL RIGHT. VERY GOOD.

10 MR. RE: THANK YOU VERY MUCH, YOUR HONOR.

11 THE COURT: ALL RIGHT. THANK YOU, FOLKS. GOOD
12 LUCK.

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14 (THE PROCEEDINGS CONCLUDED.)

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT 116

HON. NORM SHAPIRO, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 PLAINTIFF,)

7 VS.)

8 SERHAT D. GUMRUKCU,)

9 DEFENDANT.)

NO. BA452833-01

REPORTER'S
CERTIFICATE

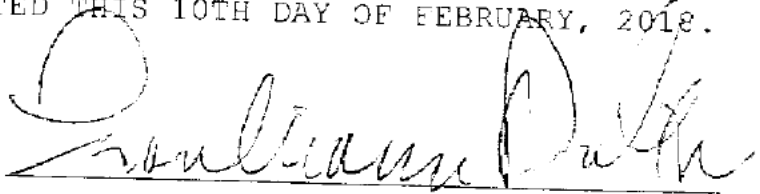
10
11 COUNTY OF LOS ANGELES)

12 STATE OF CALIFORNIA)

SS.

13
14 I, FRANKIANN DALTON, OFFICIAL REPORTER OF THE
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
16 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
17 FOREGOING PAGES, 1 THROUGH 12, COMPRISE A FULL, TRUE,
18 AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE
19 MATTER OF THE ABOVE-ENTITLED CAUSE HELD ON THURSDAY,
20 JANUARY 25, 2018.

21
22 DATED THIS 10TH DAY OF FEBRUARY, 2018.

23
24 

25
26 FRANKIANN DALTON
CSR NO. 8616, OFFICIAL REPORTER
27
28