

Plea agreement FORGED

FORGERY of a plea agreement

Gassia Apkarian forged this plea agreement.

**COPY**

CASE NO. 11HM11558

PEOPLE vs. Bryan Edward Kaye

1. My true full name is Bryan Edward Kaye

2. I understand that I am pleading ☒ **GUILTY** / ☐ **NOLO CONTENDERE** and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES
1	<u>dismissed</u>			
2	<u>653 m(b)</u>			
3	<u>dismissed</u>			
4	<u>653 m(b)</u>			

**FILED**  
 COUNTY OF ORANGE  
 HARBOR JUSTICE CENTER  
 NEWPORT BEACH FACILITY  
 AUG 20 2012  
 ALAN CARLSON, Clerk of the Court  
 BY: T. Hauck, DEPUTY

1 yr / \$1,000  
1 yr / \$1,000

3. I understand I am also charged with a violation of probation in Case No. \_\_\_\_\_

3. ☒

**RIGHTS AND WAIVERS**

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation:

4. ☒

4a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me free of charge. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.)

☒

4b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right.

4b. ☒

4c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right.

4c. ☒

4d. I have the right to testify on my own behalf, but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right.

4d. ☒

4e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right.

4e. ☒

4f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion.

4f. ☒

5. I understand I have the right to appeal an adverse ruling on a Penal Code section 1538.5 suppression motion. I waive and give up this right.

5. ☒

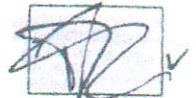
6. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time.

☒



SUPERIOR COURT, COUNTY OF ORA E  
GENERAL MISDEMEANOR GUILTY PLEA JRM

7. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions ☒ as imposed by the court, or ☐ as contained in the attached Sentence Recommendation form.



7a. If the judge does not wish to follow the Prosecutor's sentence recommendation, I may withdraw my plea.



7b. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in 2 above.



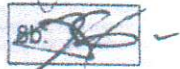
**CONSEQUENCES:**

8. I understand that some possible consequences of my plea and admissions are as follows:

8a. There will be state penalty assessments added to any fines imposed by the court.



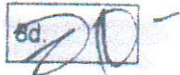
8b. I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine.



8c. I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 probation revocation restitution fine pursuant to Penal Code section 1202.44. The restitution fine will be stayed but will be payable only upon final revocation of probation.



8d. If I am not a citizen of the United States the conviction for the offense(s) charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.



8e. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense.



8f. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment.



8g. ~~There may be additional consequences to my plea, as follows:~~



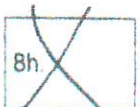
~~☒ I may be required to register as a sex offender as required by Penal Code section 290.~~

~~☒ I may be required to register as a drug offender as required by Health and Safety section 11590.~~

8h. The Department of Motor Vehicles may take action and may suspend my driver's license for specified drug, alcohol offenses and vandalism, including the following:

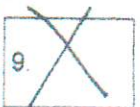
EVERYONE convicted of Penal Code section(s) 594, 594.3, or 594.4 (Vandalism): 1 year suspension.

UNDER 21 years of age – Suspended for 1 year for violation of Penal Code section(s) 647f, 192.5; Health and Safety Code sections involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code section(s) 25658, 25658.5, 25661, 25662; Vehicle Code section(s) 23222, 23224.



9. I understand I have the right to enter my plea before, and be sentenced by, a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge:

\_\_\_\_\_ (enter name of Commissioner or Temporary Judge).





SUPERIOR COURT, COUNTY OF ORANGE  
GENERAL MISDEMEANOR GUILTY PLEAT .M

LEA

10. I offer my plea and admit the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form.
11. I make my plea with a full understanding of all the matters set forth in the charging document and in this form, that I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded ☒ GUILTY / ☐ NOLO CONTENDERE to the charges set forth.

12. I offer the following as a factual basis for my plea: On 4/15/11 + 7/2/11 in O.C., CA I

made repeated telephone calls unlawfully with the  
intent to annoy + harass Martin C. and Diane H.

After Martin committed Fraud + Dena Threatened me with arrest  
over a credit matter - wanted to stop Fraud + threats

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

DATED: 8/20/12 ✓

SIGNED: [Signature] ✓

(Defendant)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: 8/20/12

SIGNED: [Signature]

(Attorney of Record)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the \_\_\_\_\_ language. The defendant stated that (s)he understood the contents of this form and then (s)he initialed and signed the form.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

(Court Interpreter)

FOR THE PEOPLE:

DATED: 8.20.12

SIGNED: Robert Goodkin



Right Thumb Print

\_\_\_\_\_  
(Bailiff's Signature and Badge #)



UPERIOR COURT OF CALIFORNIA, COUNTY OF C E  
MISDEMEANOR SENTENCE RECOMMENDATION

PEOPLE VS Byron Kaye

CASE NUMBER 11HM11558

- ☒ Count(s) 1,3 dismissed on motion of People.  
☒ Count(s) 2,4 sentence suspended.  
☐ Count(s) \_\_\_\_\_ stayed pursuant to PC 654.

**TERMS**

- ☒ Imposition ☐ Execution of sentence is suspended. 3 years  
☐ Formal ☒ Informal PROBATION as to Count(s) 2,4  
☒ Violate no laws ☒ Obey all orders and rules of Court, Probation Department & Jail.  
☒ Submit to search and seizure.  
☐ Consume no alcoholic beverages and do not be present in any establishment where alcohol is primary item of sale.  
☐ Do not drive with a measurable amount of alcohol in blood system.  
☐ Submit to a chemical test of blood on demand of any peace officer or probation officer.  
☐ Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.  
☐ Cooperate with Probation Department in any plan for counseling or treatment.  
☐ Seek training, schooling, employment and maintain residence as approved by the Probation Department.  
☐ Do not associate with anyone disapproved of by your probation officer.  
☐ Do not own, use or possess any type of dangerous or deadly weapon. ☐ Term of 10 years.  
☐ Court orders weapon destroyed.  
☐ Do not drive without a valid driver's license in your possession.  
☐ Do not drive without valid insurance.  
☒ Use TRUE NAME and Date of Birth at all times.  
☐ Carry valid government issued identification card at all times.  
☐ Provide the Court with your current address, telephone number, employer's name, address and telephone number. Immediately notify the Court of any changes.  
☒ Disclose probation terms upon request of Probation or Law Enforcement Officer.

**FINES AND FEES**

- ☐ Pay a fine of \$ \_\_\_\_\_ + Penalty Assessment on count \_\_\_\_\_.  
☐ Pay a fine of \$ \_\_\_\_\_ + Penalty Assessment on count \_\_\_\_\_.  
☐ Commit on fine(s) on count(s) \_\_\_\_\_ for \_\_\_\_\_ days.  
☐ Pay \$ \_\_\_\_\_ Court Costs on count(s) \_\_\_\_\_.  
☐ Pay \$50 Alcohol Abuse Education Fee. (VC 23645)  
☐ Pay \$37 Testing Fee. (PC 1463.14)  
☐ Pay \$100 Alcohol Assessment Fee. (VC 23649)  
☐ Pay \$50 Lab fee. (PC 1463.14/HS 11372.5)  
☐ Pay \$ \_\_\_\_\_ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (PC 1203.097)  
☐ Pay \$ \_\_\_\_\_ Domestic Violence Prevention Fund. (PC 1203.097(a)(5))

**THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:**

- ☒ Pay \$ 100 State Restitution Fine (minimum of \$100.00) on count(s) \_\_\_\_\_. (PC 1202.4(b)(1))  
☒ Pay \$ 100 Probation Revocation Restitution Fine (minimum of \$100.00). Restitution fine stayed. Effective upon final revocation of probation. (PC 1202.44)  
☒ Pay the following fees:  
• Criminal Conviction Assessment Fee(s) \$30/misdemeanor; \$35/infractor (per convicted count). (GC 70373(a)(1))  
• \$40.00 Court Operations Fee (per convicted count) (PC 1465.8)  
• Additional fees as required by law  
☐ \$10 Local Crime Prevention Fund (PC 1202.5)  
☐ Booking fees in the amount of \$ \_\_\_\_\_  
☐ Pay costs of formal probation as directed by Probation Officer.  
☐ Fines/Fees to be paid forthwith.  
☐ Fines/Fees to be paid through Court Collections ☐ forthwith ☐ by \_\_\_\_\_.  
☐ Fines/Fees to be paid through Probation.

Additional program fees may be applicable and paid through the program.

**JAIL**

- ☐ Serve \_\_\_\_\_ days Orange County Jail on Count \_\_\_\_\_.  
☐ Serve \_\_\_\_\_ days Orange County Jail on Count \_\_\_\_\_.  
☐ Jail to be served through the City of \_\_\_\_\_.  
☐ Credit for \_\_\_\_\_ actual + \_\_\_\_\_ = total \_\_\_\_\_.  
☐ Work release denied ☐ Electronic Confinement denied  
☐ County Work Program denied  
☐ JAIL STAYED to \_\_\_\_\_ at \_\_\_\_\_ am/pm. Report to ☐ Theo Lacy ☐ Orange County Jail-Intake Release Center.  
☐ May be released to an authorized representative of the \_\_\_\_\_ program to serve remainder of jail sentence.  
☐ Serve \_\_\_\_\_ weekends at \_\_\_\_\_ Jail (no good time or work time to be applied to original sentence).  
☐ Sentence(s) to run consecutive / concurrent to each other / any other sentence / Case No: \_\_\_\_\_.  
☐ Jail stayed to \_\_\_\_\_ pending successful completion of  
☐ Probation ☐ Community Service ☐ Cal Trans  
☐ Cal Trans/Physical Labor by \_\_\_\_\_.  
☐ Receive day for day credit. If program not completed, full jail sentence to be imposed with no credit for time served.  
☐ To be served in State Prison concurrently.  
☐ Book and release and show proof by \_\_\_\_\_.

**COMMUNITY SERVICE / OTHER PROGRAMS**

- ☒ Complete 20 hours ☒ days of ☐ Comm. Service  
☒ Cal Trans ☐ Cal Trans/Physical Labor  
☐ in lieu of fines ☐ in lieu of jail  
☐ Complete Graffiti Removal as to count(s) \_\_\_\_\_  
☒ Proof of completion due to the Clerk's Office by 2/20/13



SUPERIOR COURT OF CALIFORNIA, COUNTY OF C J E  
MISDEMEANOR SENTENCE RECOMMENDAT.

PEOPLE VS \_\_\_\_\_

CASE NUMBER \_\_\_\_\_

**ALCOHOL & DRUG/PROGRAMS/DRIVERS LICENSE**

Complete 1<sup>st</sup> Offender Program:

- ☐ 3 month program ☐ 6 month ☐ 9 month  
☐ Complete Multiple Offender – 18 month  
☐ 12 hour program
- ☐ Attend MADD Victim Impact Panel. Proof of completion due to the Clerk's Office by \_\_\_\_\_.
- ☐ Attend and complete \_\_\_\_\_ self help and/or Alcoholics Anonymous meetings ☐ self help and/or Narcotics Anonymous meetings ☐ per day ☐ per week ☐ per month. Proof due by \_\_\_\_\_.
- ☐ Court designates defendant a Habitual Offender. (VC 13350(b))
- ☐ Driving privilege suspended for 1 year pursuant to:  
☐ VC 13202 (Vehicle conviction related to controlled substances)  
☐ VC 13202.5 (Alcohol / Drugs under the age of 21)  
☐ VC 13202.6 (Vandalism)
- ☐ Complete Youthful Alcohol & Drug Deterrence Program and show proof to the Clerk's Office by \_\_\_\_\_.
- ☐ Install Ignition Interlock Device on vehicles owned and/or operated by defendant for \_\_\_\_\_ months ☐ years (up to 3 years maximum).
- ☐ Enroll and complete PC 1210 program. Proof of enrollment due by \_\_\_\_\_. Refer to PC 1210 Addendum
- ☐ Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:  
☐ HS 11590 (narcotics offense)  
☐ PC 186.30 (gang related offense)  
☐ PC 457.1 (arson offense) – Lifetime registration  
☐ PC 290 (sex offense) – Lifetime registration
- ☐ Submit to AIDS testing. Proof due to Department \_\_\_\_\_ by \_\_\_\_\_.
- ☐ Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by \_\_\_\_\_.

**DOMESTIC VIOLENCE**

- ☐ Complete Batterers' Treatment Program. (52 weeks active participation required)  
☐ Alcohol/Drug Component  
☐ Total abstinence from alcohol and drugs  
☐ Test alcohol and drugs (blood or urine only)  
☐ Parenting component
- ☐ One year Child Abuser's Program.
- ☐ Health Care Agency Perinatal Program.
- ☐ Other program(s) \_\_\_\_\_ weeks  
☐ months ☐ years active participation required.
- ☐ Proof of enrollment due to the Judicial Assistant, located in the Clerk's Office, by \_\_\_\_\_.

I have read, I understand, and I accept these terms and conditions of probation.

Date: 8/20/12

Defendant's Signature: \_\_\_\_\_

Defense Counsel Signature: \_\_\_\_\_

**DOMESTIC VIOLENCE, continued**

- ☐ Comply with Court protective order.
- ☐ Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.
- RESTITUTION**
- ☐ Make Restitution in the amount of \$ \_\_\_\_\_ or as determined through ☐ Victim Witness ☐ Probation, with interest at the rate of 10% ☐ from the date of sentencing ☐ from the date of loss.
- ☐ Pay \$ \_\_\_\_\_ to Victim Witness Emergency Fund by \_\_\_\_\_. (PC 1203.1(j))
- ☐ Pay cost of counseling to the victim and/or children in the amount of \$ \_\_\_\_\_.
- ☐ Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
- ☐ Complete and return Statement of Assets form by \_\_\_\_\_.

**ADDITIONAL TERMS & CONDITIONS**

- ☐ Have no contact with \_\_\_\_\_.
- ☐ Stay \_\_\_\_\_ miles ☐ yards away from \_\_\_\_\_.
- ☐ Obey all rules of Court ordered program. Do not leave the program without Court approval.
- ☐ Probation to ☐ terminate ☐ be modified to Informal status upon \_\_\_\_\_.

**ADDENDUMS**

- ☐ PC 1210 with Disclosure ☐ Gang ☐ Graffiti

**DEFERRED ENTRY OF JUDGMENT (PC1000)**

- ☐ All checked terms and conditions will be imposed, if terminated from the PC1000 Program.

**REPORT** ☐ forthwith ☐ by stay date to:

- ☐ Collections ☐ Clerk's Office ☐ Judicial Assistant  
☐ OneOC ☐ Alcohol Liaison ☐ Probation  
☐ District Attorney ☐ Victim Witness ☐ \_\_\_\_\_

**OTHER** ☒ obey protective order

**NOTICE TO DEFENDANT:** After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code Section 1203.4. This notice does not apply to any protective orders.

D.A. / C.A. Signature: Robert Goodkin

Awards for Orange County Super Visor Andrew Do, and County Supervisors Todd Spitzer, Shawn Nelson, Michelle Steele, and Lisa Bartlett

