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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

DEPARTMENT S-11 HONORABLE CHERYL C. KERSEY, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Plaintiff,)
) Case No.
 -vs-) FSB-1502254
)
)
 KOAN LAY, HOWARD TAN,)
)
 SREY HENG AND GERARDO GARCIA,)
)
 Defendants.)
)

REPORTER'S TRANSCRIPT: ORAL PROCEEDINGS

BEFORE HONORABLE CHERYL C. KERSEY, JUDGE

SAN BERNARDINO, CALIFORNIA

OCTOBER 28, 2015

APPEARANCES:

For the People: MICHAEL A. RAMOS
District Attorney
BY: MALLORY MILLER, Deputy
247 West Third Street
San Bernardino, CA 92415

For the Defendant: PHYLLIS MORRIS-GREEN
(GARCIA) Public Defender
BY: LEE SONNENBERG, Deputy
364 North Mountain View Avenue
San Bernardino, CA 92415

For the Defendant: MICHAEL ARTAN,
(LAY) Attorney at Law

For the Defendant: GLEN JONAS
(TAN) Attorney at Law

For the Defendant: JOHN PAUL SERRAO
(HENG) Attorney at Law

Reported by: Maureen Bernard, C-10158
Official Reporter

1 SAN BERNARDINO, CALIFORNIA; WEDNESDAY, OCTOBER 28, 2015
2 DEPARTMENT S-11 HONORABLE CHERYL C. KERSEY, JUDGE
3 MORNING SESSION

4 APPEARANCES:

5 The Defendant, Koan Lay, is present
6 with his counsel, MICHAEL ARTAN,
7 Attorney at Law; the Defendant,
8 Howard Tan, is present with his
9 counsel, GLEN JONAS, Attorney at
10 Law; the Defendant, Srey Heng,
11 is present with his counsel,
12 JOHN PAUL SERRAO, Attorney at Law;
13 the Defendant, Gerardo Garcia, is
14 not present, represented by his
15 counsel, LEE SONNENBERG, Deputy
16 Public Defender; MALLORY MILLER,
17 Deputy District Attorney, representing
18 the People of the State of California.

19 -oOo-
20 (Maureen E. Bernard, CSR,
21 Official Reporter, C-10158.)

22 THE COURT: The Court is then on the record on the
23 defendants Lay, Hang, Garcia and Tan.

24 MS. MILLER: Mallory Miller for the People.

25 MR. ARTAN: Michael Artan for Mr. Lay.

26 MR. JONAS: Glen Jonas for Mr. Tan.

27 MR. SERRAO: John Paul Serrao on behalf of Ms. Heng,
28 who's present in custody with the interpreter.

1 MR. SONNENBERG: Lee Sonnenberg on behalf of
2 Mr. Garcia, whose presence is waived. He's currently in
3 custody under quarantine.

4 THE COURT: Interpreter?

5 THE INTERPRETER: Paulina Laurent. Thai certified
6 interpreter. KHMER. My badge and certification is on file.
7 My badge number is 301695.

8 THE COURT: Thank you. The matter is set today for
9 preliminary hearing, I believe. The Court has reviewed
10 motions filed by Mr. Artan and also Mr. Driscoll. That's
11 D-r-i-s-c-o-l-l.

12 MR. JONAS: Jonas, your Honor.

13 THE COURT: Oh, I'm sorry. That's your partner?

14 MR. JONAS: That's correct.

15 THE COURT: People? I have no response.

16 MS. MILLER: That is correct, your Honor. The People
17 do not have a legal position to oppose defenses' motions.
18 The People submit on the paperwork that defense has filed and
19 submit to the Court's ruling.

20 THE COURT: The motions are a 1538.5. So I take it,
21 Mr. Serrao and Mr. Sonnenberg, you are joining in these
22 motions?

23 MR. SERRAO: Yes.

24 MR. SONNENBERG: Yes.

25 THE COURT: The Court's reviewed the motions. They
26 appear well-taken. The Court will grant the motions pursuant
27 to 1538.5. The evidence will be excluded. And further
28 motion?

1 MS. MILLER: Yes, your Honor. The People are unable to
2 proceed with prosecution on the four defendants based on the
3 granting of the motion to exclude. The People, therefore,
4 move to dismiss against these four defendants.

5 THE COURT: I take it there's no objections?

6 MR. JONAS: No objection, your Honor.

7 MR. SERRAO: No.

8 MR. SONNENBERG: No.

9 MR. ARTAN: No objection, your Honor.

10 THE COURT: The cases for Mr. Lay, Mr. Heng, Mr. Garcia
11 and Howard Tan are dismissed.

12 MR. JONAS: Thank you, your Honor.

13 THE COURT: The defendants will all be released. And
14 your client, Mr. Sonnenberg, the paperwork will go through,
15 and he will be released from the jail.

16 MR. SONNENBERG: Thank you.

17 (The above-entitled proceedings were concluded.)
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

DEPARTMENT S-11 HONORABLE CHERYL C. KERSEY, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,)	
)	Case No.
Plaintiff,)	FSB-1502254
)	Reporter's
)	Certificate
)	
-vs-)	
)	
KOAN LAY, HOWARD TAN,)	
SREY HENG AND GERARDO GARCIA)	
)	
Defendants.)	
_____)	

STATE OF CALIFORNIA)	
)	ss.
COUNTY OF SAN BERNARDINO)	

I, MAUREEN BERNARD, CSR #10158, Official Reporter for the Rancho Cucamonga Superior Court, County of San Bernardino, State of California, do hereby certify, to the best of my knowledge and belief, that the foregoing pages 1 through 3 comprise a full, true and correct computer-aided transcript of the proceedings taken in the above-entitled cause held on October 28, 2015, dated this 29th day of November, 2015 at San Bernardino, California.

Maureen Bernard, Official Reporter
CSR NO. 10158