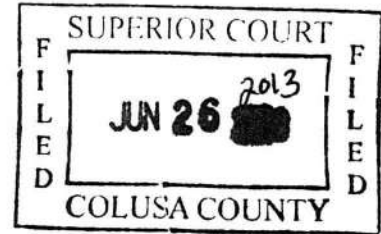


ENDORSED

ENDORSED



1 Thomas A. Johnson, SBN 119203
2 400 Capitol Mall, Suite 1620
3 Sacramento, CA 95814
4 Telephone (916) 442-4022
5 Attorney for Jeffrey Fortis

6 **SUPERIOR COURT OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF COLUSA**

8 PEOPLE OF THE STATE OF CALIFORNIA,)

9 Plaintiff,

10 vs.

11 JEFFREY FORTIS,

12 Defendant.
13

Case No. CR-54044

14 REQUEST AND ORDER TO
15 RELEASE EVIDENCE TO
16 DEFENDANT

17 **REQUEST TO RELEASE EVIDENCE TO DEFENDANT**

18 Defendant, JEFFREY FORTIS, hereby requests release of evidence seized. On
19 June 5, 2013, Defendant was sentenced and the case concluded. Property was seized in
20 this case and Defendant would like to request a return of all his property:

- 21 1. Item # SW-1: Computer – Compaq c500, black
- 22 2. Item #SW-2: Compaq V5000 computer
- 23 3. Item #SW-3: AT&T LG phone, cord attached
- 24 4. Item #SW-4: Apple iPhone, silver
- 25 5. Item #SW-5: AT&T Samsung phone, blue, cord attached to phone
- 26 6. Item #SW-6: Apple iPhone, silver, front screen cracked in lower portion
- 27 7. Item #SW-7: Toshiba computer, PSK2CU-0ND01U, red, in zebra stripped
28 case
8. Item #SW-8: Apple computer, silver, desktop monitor with internal hard
drive, cords attached

- 1 9. Item #SW-9: Acer computer, X1251823, black, power cord attached
2 10. Item #SW-10: Kingston Micro S, black
3 11. Item #SW-11: Apple iPhone, A1332, black and red cover case attached with
4 cord
5 12. Item #SW-12: LG flip phone, black
6 13. Item #SW-13: US Bank indicia in name of Jeffrey Fortis
7 14. Item #SW-14: Seagate Free Agent Desktop, with power cord
8

9 Defendant respectfully requests that the Court grant an order to release these
10 items of personal property to the Defendant from the Yuba County Sheriff's Department
11 and any other items seized not listed above. All the computers and cellular phones
12 seized in this case were forensically examined and were not found to contain evidence
13 of further crimes. *See Exhibit A.* Therefore, Mr. Fortis further requests that the Yuba
14 County Sheriff does not erase the hard drives on the computers and returns the SIM
15 cards from the cellular phones.
16

17 Dated: June 24, 2013

18 Respectfully Submitted,

19 
20 _____

21 Thomas A. Johnson
22 Attorney for Jeffrey Fortis
23
24
25
26
27
28

Exhibit A

Arrest ☐
Crime ☒
Non-Criminal ☐

MARYSVILLE POLICE DEPARTMENT

316 6th Street, Marysville, CA 95901
CA0580100

CASE #
1108-2409

Page 1 of 2

Narrative Report

SE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

08/30/11 14:14 Tuesday

DATE AND TIME REPORTED

08/30/11 14:14

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

Circumstances:

Lt. Barnes from the Yuba County Sheriff's Office asked me to examine several items pursuant to a search warrant out of Colusa County on a case he was investigating for Colusa County.

Investigation:

Lt. Barnes gave me a copy of a Colusa County Search warrant and several items of evidence:

- #1 - Compaq C500 Computer S/N: CND7280YOR
- #2 - Seagate Free Agent External Hard Drive, S/N: 6QF0S6AA
- #3 - Compaq V5000 computer S/N: CND63684J
- 4 - Apple Power Mac Computer S/N: W8947M655PC
- #5 - Acer Netbook S/N: FWDKC-XBYTB-Q

Lt Barnes asked me to concentrate on Compaq C500, the Seagate external drive and the Apple Power Mac. Lt. Barnes asked me to look for evidence of child pornography as well as a list of specific terms related to his investigation. The search terms used were:

Mattison
Matty
Myers
5307019454
530-701-9454
Hottie
Fucking Hottie
Whipped crme
Moon Bend

I used EnCase 6 to acquire a forensically sound image of the hard drive from the Compaq, Seagate and Apple to a storage device attached to my computer. I used a Tableau write blocker to attach the hard drives to my computer to acquire the images. The write blocker

ADMINISTRATION

BY OFFICER K. Conde P138	DATE/TIME 10/26/2011 09:36	APPROVED BY Kevin Conde P138	DATE APPROVED 10/26/11
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Closed

MARYSVILLE POLICE DEPARTMENT316 6th Street, Marysville, CA 95901
CA0580100

CASE #

1108-2409

Page 2 of 2

Arrest ☐
Crime ☒
Non-Criminal ☐**Narrative Report**

VSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

08/30/11 14:14 Tuesday

DATE AND TIME REPORTED

08/30/11 14:14

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

prevents any changes to the original hard drive. I know this because I have personally tested the device.

I then used Encase 6 to do a keyword search of the images for the terms listed above. I then ran a standard keyword search against the images for terms commonly used by individuals searching for child porn.

I exported the results of the keyword searches to a text document and sent it to Lt. Barnes for review. I noted that I did get hits that indicted someone using this computer had searched for items relating to child pornography. However; there were a fairly small number of hits, indicating that this computer was not used consistently to search for or view this type of material. No images of child porn of any kind were found during the search.

attached a copy of the keyword hits to this document.

Recommendations:

To Lt. Barnes for review.

ADMINISTRATION

BY OFFICER K. Conde P138	DATE/TIME 10/26/2011 09:36	APPROVED BY Kevin Conde P138	DATE AP 10/26/11
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Closed

COPY



I asked Jeff about his allegation that Mattison is lying and asked what reason Rylee, Blake, and others would have to get Jeff in trouble. Jeff speculated they were only getting the information that Mattison is telling them.

I talked to Jeff again about when Mattison kissed him and he confirmed their lips touched briefly. He said he thought Mattison may have actually "Head butted" him. I then asked Jeff about the allegation that he inserted his finger into Mattison's vagina and he said that is "Fucking absurd." Jeff said he was not asked about that in a previous interview and doesn't know when that information was made up. I told him it was my understanding that he and Mattison had agreed not to discuss that portion of their contact because it would threaten Jeff's career. Jeff said he had been ordered not to contact Mattison and called the allegation "Ridiculous." I asked Jeff if there had been any other form of touching between he and Mattison and he said not besides the time she had hugged him as previously indicated.

I asked Jeff about his relationship with Jodi and if Jeff had asked Jodi to lie about the nature of their relation or delete his contact information from her phone. Jeff said he did not. I asked why Jodi would lie to me and Jeff said that when he last spoke to Jodi she told him she would do everything she could to ruin his life. Jeff described Jodi as vindictive and said she reacts emotionally to things. I asked if Jodi would eventually calm down and he said she would. Jeff also said he did not ask her to lie and that he did not talk to Jodi about the investigation because he could not trust her. She knew it involved Mattison and text messaging but nothing more.

I then reviewed Jeff's statement with him in summary. Jeff told me he did not pay attention to the indicators that Mattison might be interested in him and he is struggling with the details because it was so long ago. I asked Jeff if he recalled asking Mattison to meet him in Sacramento at training and he said he did not. I asked Jeff if he ever offered to buy Mattison alcohol and he said he did not. He did say that when he met Mattison and Blake on Moon Bend Rd. that Blake had asked Jeff to buy him some alcohol. Jeff declined but offered to give them a ride if they ever needed one.

I offered Jeff an opportunity to expand on anything we had discussed and he had no further information to provide. I released the computer belonging to Jeff's wife back to him and had him sign a field property receipt. I concluded the interview and escorted Jeff from the office.

08-30-11 at 1414 hours.

I contacted Marysville Police Officer Kevin Conde and requested he complete a forensic analysis of SW-1, SW-2, SW-8, SW-9, and SW-14. These items were turned over to Officer Conde at that time. He requested I provide him a list of words key could search for as a point of reference when reviewing the files. I provided him the following words and numbers:

Mattison

Matty

Myers

5307019454

530-701-9454

COPY



YUBA COUNTY SHERIFF'S DEPARTMENT

Case Number: 11-2854

page 31 of 33

Hottie
Fucking Hottie
Whipped creme
Moon Bend.

Officer Conde told me he would contact me when his analysis was complete.

09-20-2011 at 0745 hours

I received an e-mail from Jeff with an attachment containing his phone records from the period of 06-01-11 through 07-01-11. The file was in PDF format and I placed the file on a CD-R. The file had previously been sent on 07-31-11 but was not received for an unknown reason. I printed the face page of the e-mail Jeff had sent and it is attached to this report.

10-26-11 at 1310 hours.

I contacted Marysville Police Officer Conde and he returned SW-1, SW-2, SW-8, SW-9, and SW-14 to me. These items were later booked into evidence. Office Conde also provided a report of his finding from the above items of evidence (Refer to MPD report # 1108-2409). A copy of the report is attached and the original was later booked into evidence. I reviewed the report and made the following observations: There is a text hit on the word "Moon Bend" on four separate occasions. Each hit was last accessed in December of 2010 and lists a preview of Steidlmyer and Sons Farms. The report also lists various unallocated clusters that Officer Conde verbally identified to me as belonging to child pornography web sites. His report indicates "There were a fairly small number of hits, indicating that this computer was not used consistently to search for or view this type of material. No images of child porn of any kind were found during the search."

10-26-11 at 1405 hours.

I received an e-mail from Chief Investigator Dave Markss of Colusa County and he provided contact information for 360 networks. The point of contact is listed as "Joe" with a phone number of 406-496-6522.

11-03-11 at 1050 hours.

I called 360 Networks-Syniverse and made contact Joani O'Neil. She verified the number of 530-206-7459 as one associated with her company and requested a court order be faxed to (406) 496-6584. The court order will be forwarded to 360 Network's legal department for assistance.

11-30-11 at 1354 hours.

I had previously asked CSO Mervine to use her computer to digitally examine Jeff's phone records and specifically search for the number 530-701-9454, which is Mattison's number. CSO Mervine used Adobe Reader to search the documents. Mattison's number appeared 610 times on Jeff's phone records, which covers the period of 06-01-11 through 07-01-11. CSO Mervine was not able to print the search results or get the desired number to highlight in the document.

COPY



12-08-11 at 1030 hours.

I responded to Colusa County and met with the Honorable Judge Elisabeth Olivera. She reviewed and signed the search warrant return for the original warrant dated 08-12-11. She then reviewed and signed a court order for subscriber information and user records on the number 530-206-7459. Both documents were filed with the courts in Colusa County.

12-13-11 at 1114 hours.

I faxed a copy of the court order to Joani O'Neal at 360 Networks-Syniverse as per her previous request.

01-04-12 at 0840 hours.

I called and left a message for Joani O'Neil of 360 Networks-Syniverse. I requested she call me back and provide some updated information for this investigation.

01-04-12 at 1030 hours.

I spoke to Joani O'Neil of 360 Networks-Syniverse. She said she never received my original fax and asked that I resend it to her. I resubmitted the request at this time.

01-04-12 at 1222 hours.

I received a response from 360 Networks-Syniverse regarding the court order. The document indicates that 360 Networks does not have information on file relating to users. The number noted in the court order was assigned by 360 Networks to RNK Telecom in Dedham MA.

01-12-12 at 0930 hours.

I spoke to Mike Tenore from RNK Telecom. He stated that it is common for companies to buy large chains of numbers. He looked up the number of 530-206-7459 and told me that the originating company for this number is located in Canada and that that company would actually possess the subscriber information. Tenore said he could not release the name of the company in Canada without a court order. He said the court order could be directed to RNK Telecom and faxed to (781) 297-9836. Tenore provided a contact number of (781) 613-6119.

03-02-12 at 1135 hours.

I met with the Honorable Judge Jeffrey A. Thompson and provided him with both a search warrant and a court order requesting subscriber information from RNK Telecom for the number 530-206-7459. Judge Thompson authorized the issuance of my search warrant and the court order.

03-02-12 at 1323 hours

I called and left a message for Mike Tenore advising that I had obtained a search warrant and court order for the subscriber information previously discussed. I advised I was faxing the order and asked that Tenore look for it and contact me with any questions or concerns.

COPY

**08-12-11 at 0930 hours.**

I met with Chief Investigator Dave Markss from the Colusa County District Attorney's Office. He was in possession of a search warrant I had authored and previously e-mailed to his office for review. He escorted me to meet the Honorable Judge Jeffrey A. Thompson who authorized the issuance of my search warrant for the person and property of Jeffrey Fortis.

08-16-11 at 1350 hours.

I responded with Detectives Moore and Hodge, along with Colusa County Investigator Peggy Mitchell, to 747 Egret Dr. in Williams to serve the search warrant. I met with Jeff at the front of his residence and provided him a copy of the search warrant and explained the reason for my contact. Jeff had his personal cell phone in his shorts pocket and he turned the phone over to me at my request. The residence was cleared and Jeff was home alone. I asked Jeff if he wanted to speak to me about the allegations against him and he said he is being represented and would need to speak with his attorney. I provided Jeff with my business card. Jeff was escorted to the backyard at his request where Investigator Mitchell stood by with him. The residence was searched and fourteen items were seized as evidence in all. Twelve of the items seized were located in a room at the N/W corner of the residence, which appeared to be a home office. There was one cell phone located in the middle bedroom on the east side of the residence, which appeared to be a gun cleaning room.

The following item was taken from Jeff's person upon contact:

- Apple brand iPhone, later labeled as SW-11

The following items were seized from the home office:

- A Compaq brand laptop, later labeled as SW-1
- A Compaq brand laptop, later labeled as SW-2
- An AT&T brand LG phone, later labeled as SW-3
- An Apple iPhone, later labeled as SW-4
- AT&T Samsung phone, later labeled as SW-5
- An Apple brand iPhone, later labeled as SW-6
- Toshiba brand laptop, later labeled as SQW-7
- Apple brand desktop computer, later labeled as SW-8
- Acer brand laptop, later labeled as SW-9
- Kingston brand memory card, later labeled as SW-10
- US Bank account statement in the name of Jeffrey Fortis, later labeled as SW-13
- Seagate brand external hard drive, later labeled as SW-14

The following item was taken from the middle bedroom on the east side of the residence:

- LG brand flip phone, later labeled as SW-12

I asked Jeff if he could provide me his service provider information for his phones and he said he would prefer not to until he speaks to his attorney. He said there are no statements because he pays his accounts



on line. I provided Jeff with a temporary property receipt for the items that were being taken from his residence and we cleared the scene.

While returning to the sheriff's department, I received a call from a female who verbally identified herself as Jessica Fortis. She explained the Toshiba laptop belongs to her and she needs it for school. I told her I would request this item be searched as quickly as possible so that I could attempt to have it returned to her.

08-17-11 at 1015 hours.

I contacted Sergeant Duncan of the Yuba County Sheriff's Department who is certified for forensic analysis of cell phones and computer equipment. I provided him Items SW-3, SW-4, SW-5, SW-6, SW-7, SW-11, and SW-12 for analysis. I then called and spoke to Jessica Fortis and she provided the password for item SW-7. I provided this information to Sergeant Duncan

08-17-11 at 1043 hours.

I examined the card labeled as SW-10 and there did not appear to be any information on the card. Items SW-10 and SW-13 were booked into evidence. I retained items SW-1, SW-2, SW-8, SW-9, and SW-14 in a secured location within the investigation's unit for analysis.

08-17-11 at 1235 hours.

I contacted Dispatcher Nash and provided her the numbers of 530-206-7459, 530-426-2835, 530-867-2835, and she did a records check through an on-line service to obtain subscriber information for those three numbers.

The number 530-206-7459 comes back to 360 Networks-Syniverse and lists the original telephone company as "O1 Communications Inc. -Ca." The original telephone company type is listed as "Competitive Local Exchange Carrier (CLEC)."

The number 530-426-2835 comes back to bandwith.com Wireless - Syniverse and lists the original telephone company as "Cost Plus Communications Lic- Ca."

The number 530-867-2835 lists a caller ID as Fortis Jeff and the current telephone company is listed as "New Cingular Wireless Pcs Lic." The original telephone company type is listed as "Wireless Carrier."

08-17-11 at 1249 hours.

I spoke to Sergeant Duncan and he advised he conducted a forensic search of SW-7 and there was nothing of evidentiary value on the computer.

08-17-11 at 1320 hours.

I checked on line in an attempt to locate carrier information for the three cell phone numbers, 530-206-7459, 530-426-2835, and 530-867-2835. I found that 360 Networks - Syniverse and Bandwith.com Wireless - Syniverse are subsidiaries of Verizon. New Cingular Wireless is a subsidiary of AT&T.



I called the law enforcement contact number for Verizon in Bedminster NJ and spoke to the operator. I provided the numbers associated with Verizon and the operator told me there is no record that those numbers are through Verizon. The operator suggested I contact the noted original telephone companies for assistance. I used a Google search to locate contact information for O1 Communications Inc. and noted an address in El Dorado Hills CA. I called and spoke to the operator and provided the same phone number. She advised this number is not affiliated with their company and she was showing no records. I had Sergeant Anderson run an on line search using a program he had and no record could be found for the number 530-206-7459. I did a Google search for Cost Plus Communications Lic- CA and located history but no direct contact information for the company.

I then called the law enforcement contact number for AT&T in West Palm Beach FL and spoke to the operator. I provided her the number of 530-867-2835 and the operator advised this number is a valid cell phone number. The operator advised a preservation letter was not necessary; I would just have to supply a court order for phone records. She further advised the content of any text messages are not saved, only the number of texts made during a certain time period.

08-25-11 at 1010 hours.

I met with the Honorable Judge Jeffrey Thompson and he authorized the release of evidence item SW-7 that was seized under court order on 08-16-11.

08-29-11 at 1533 hours.

I reviewed the forensic findings from Sergeant Duncan relating to SW-3, SW-5, SW-6, and SW-11. He provided a CD-R with documentation for each item of evidence. I printed copies of the contents for each CD-R. The actual phones that were examined were placed into evidence.

The report for SW-3 shows that "Phone and SIM card has been wiped. Some identifier information was extracted but all personal data has been removed, possibly by service provider."

The report of SW-5 shows that "SIM card dumped separately of phone and in combination. Flash micro card was not installed." The report lists numerous text messages but they are dated in 2009. There does not appear to be anything of any evidentiary value in the report.

The report of SW-6 shows that "Physical extraction done locating numerous files left behind and included in the master report file." The report lists numerous files dated 08-22-11. There does not appear to be anything of any evidentiary value in the report.

The report for SW-11 shows that "Deleted SMS messages and contacts recovered." The CD's containing the recovered data was labeled as SW-3a, SW-5a, SW-6a, and SW-11a. These items were later placed into evidence.

COPY

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF COLUSA

ENDORSED

ENDORSED

SUPERIOR COURT

FILED

MAY 25 2012

COLUSA COUNTY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

JEFFREY PETER FORTIS,

Defendant.

CASE NO.

CR 54044

FELONY COMPLAINT

COUNT I

The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a **felony**, to wit: A violation of Section **289(h)** of the California Penal Code, **SEXUAL PENETRATION**, in that on or between the 3rd day of June, 2011 through June 15, 2011, in the County of Colusa, State of California, he, Jeffrey Peter Fortis, did participated in an act of sexual penetration with M. M., who at that time was under the age of eighteen years.

COUNT II

The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a **misdemeanor**, to wit: A violation of Section **647.6(a)** of the California Penal Code, **CHILD MOLESTING**, in that on or between the 3rd day of June, 2011 through June 15, 2011, in the County of Colusa, State of California, he, Jeffrey Peter Fortis, did unlawfully annoy and molest a child, M. M., under the age of eighteen years.

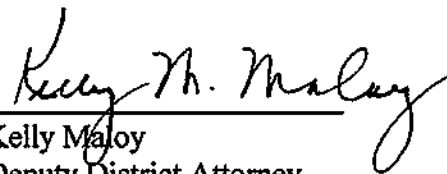
NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime.

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3.

Said complainant therefore prays that the defendant be dealt with according to law.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of May, 2012, at Colusa, California.

JOHN R. POYNER
DISTRICT ATTORNEY



Kelly Maloy
Deputy District Attorney

ENDORSED



JOHN R. POYNER, District Attorney
State Bar Number 87540
346 Fifth Street, Suite 101
Colusa, CA 95932
(530) 458-0545

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF COLUSA

-oOo-

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

JEFFREY PETER FORTIS,

Defendant.

CASE NO. CR54044

INFORMATION

COUNT I

The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a **felony**, to wit: A violation of Section **289(h)** of the California Penal Code, **SEXUAL PENETRATION**, in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County of Colusa, State of California, he, Jeffrey Peter Fortis, did participated in an act of sexual penetration with M. M., who at that time was under the age of eighteen years.

COUNT II

The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a **misdemeanor**, to wit: A violation of Section **647.6(a)** of the California Penal Code, **CHILD MOLESTING**, in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County of Colusa, State of California, he, Jeffrey Peter Fortis, did unlawfully annoy and molest a child, Mattison Kathleen Myers, under the age of eighteen years.

NOTICE: Conviction of this offense will require you to register pursuant to Penal Code

1 Section 290. Willful failure to register is a crime.

2 **PENALTIES**

3 Count I - 16 months, 2 years or 3 years

4 Count II - 1 year

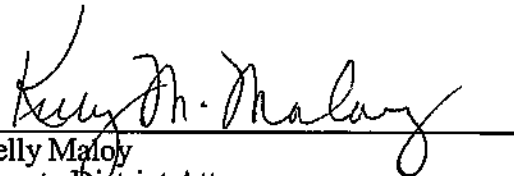
5 Restitution Fine Fund - \$200 minimum, \$10,000 maximum.

6 Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense
7 counsel provide discovery to the People as required by Penal Code §1054.3.

8 Dated: October 3, 2012

John R. Poyner
District Attorney

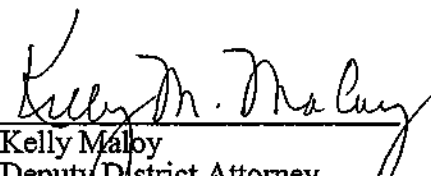
11 by:

10 
12 Kelly Maloy
Deputy District Attorney

13 Presented and filed by the District Attorney in the Superior Court of Colusa County, State
14 of California, and made a record thereof this 3rd day of October, 2012.

15 John R. Poyner
16 District Attorney

17
18 by:

18 
19 Kelly Maloy
20 Deputy District Attorney

Norbert Jaworski
Court Executive Officer

21 by:

22 
23 Court Clerk

COLUSA COUNTY SUPERIOR COURT
STATE OF CALIFORNIA

TELEPHONE
(530) 458-5149

☐ JUDGE ELIZABETH U. OLIVERA
☒ JUDGE JEFFREY A. THOMPSON

☐ Judge Assigned

THE PEOPLE

VS. Jeffrey Peter Fortis, Defendant.

Case No. CR54044

Date 4-3-13

☐ Present with Interpreter

NOTICE, SENTENCE, COMMITMENT FORM

Attorney Johnson

NEXT COURT APPEARANCE DATE 6-5-13 TIME: 8:30 (A.M./P.M.)

CHARGES: 289(h), 647.6(a), 647(a), 647(a) PC

FOR:

☐ Obtain attorney/Entry of plea.

☐ Pretrial Conference & Trial Setting.

☐ Preliminary Examination.

☐ Jury Trial at 8:30 a.m. on _____

☐ Special Orders: _____

☐ TRC-Defendant must be present.

☐ Court Trial.

☒ Sentencing.

☐ Probation/Diversion Review.

☒ Report from probation.

Pre-sentence Report

As to Counts 3 & 4

☐ Arraignment.

☐ Probation Violation Hearing.

☐ Admit or deny VOP/VOD/VOC.

☐ Traffic School Certificate.

☐ Pay Traffic School fees or appear.

☐ Other _____

Counts 1, 2 & 3 dismissed

☐ Special condition(s) of release: ☐ Contact Attorney's Office by 5:00 p.m. today; make appointment and keep all appointments.

☒ Report to Probation Department upon leaving the courtroom; make appointment and keep all appointments.

☐ Other special condition(s) of release: _____

CONDITIONAL SENTENCE:
CONSECUTIVE 24 HOURS

CUSTODIAL STATUS PENDING FURTHER HEARING

☐ Remanded to custody of Sheriff until next appearance.

JAIL FOR

☐ Remain at liberty on bail. ☒ Released on O.R. ☒ With previously ordered conditions. ☐ Bail \$ _____

REPORTING LATE

☐ Report to Colusa County Jail; to be booked and released at _____

- OR -

SENTENCE ☐ MODIFIED ☐ STAY LIFTED ☐ IN ABSENTIA

CONSECUTIVE 48 HOURS
FOR REPORTING
WITH ANY ALCOHOL
IN SYSTEM

☐ _____ days jail; execution stayed. ☐ Imposition of Sentence Suspended.

☐ Pay fine of \$ _____, includes fees and penalty assessments.

☐ Pay restitution fine of \$ _____, ☐ \$ _____ suspended. ☐ To be discharged by completion of Hours/Jail.

☐ Pay \$ _____ transaction fee for dismissal of Count(s) _____

☐ Payable to the Court ☐ at the rate of \$ _____ per month commencing _____ . You shall pay a fee for installment payments.

☐ forthwith ☐ by _____ Total fine becomes due if any default in payments.

☐ It is further order of this court that if the defendant defaults on payment, the defendant can be imprisoned in the county jail of Colusa County until the fine is satisfied by service of a term of one day's imprisonment for each \$50.00 of the fine remaining unpaid.

☐ Complete _____ days/hours of A.W.P. Report to Probation Department immediately and pay fees as directed.

☐ Jail: Serve _____ hours/days in jail, with credit for _____ hours/days served. ☐ To be served on consecutive weekends.

☐ Stay granted. Defendant ordered to surrender to Sheriff commencing _____ at _____ A.M./P.M.

☐ Sentence to be served consecutively/concurrent with _____

☐ Special terms: _____

I certify the foregoing is a true copy of the judgment rendered on the above date by the above named Judge.

By B. C. C.
Clerk

NOTICE: Upon satisfactory completion of probation/sentence, you may petition this court to have your conviction set aside pursuant to the provisions of Penal Code § 1203.4/1203.4a.

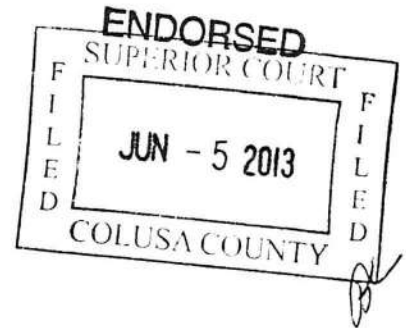
TO THE SHERIFF: The foregoing copy of judgment in the above entitled action is your authority for the execution thereon.

AGREEMENT TO APPEAR: Defendant, in consideration of being released on his own recognizance agrees: To appear at all times and places as ordered by any court or magistrate. That he will not depart this State without leave of the Court. That he waives extradition if he fails to appear and is apprehended outside of the State of California. That any Court of competent jurisdiction may revoke this order of release and either return him to custody or require that he give bail or other assurance for his appearance. That if he fails to appear when required to do so by the Court he has been informed and understands that he may be charged with the crime of a violation of PC Section 1320 if as a misdemeanor punishable by a fine not to exceed \$1000 and/or 6 months county jail and if as a felony punishable by a fine not exceeding \$10,000 and/or by imprisonment in state prison.

Witnessed by _____ Executed on _____ By _____ Defendant

Physical & Mailing Address

ENDORSED



1 JOHN R. POYNER, District Attorney
2 State Bar Number 87540
3 346 Fifth Street, Suite 101
4 Colusa, CA 95932
5 (530) 458-0545

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF COLUSA**

10 **-oOo-**

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 vs.)

14 JEFFREY PETER FORTIS,)

15 Defendant.)

CASE NO. CR54044

FIRST AMENDED
INFORMATION

16 **COUNT I**

17 The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a **felony**,
18 to wit: A violation of Section **289(h)** of the California Penal Code, **SEXUAL PENETRATION**,
19 in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County of Colusa, State
20 of California, he, Jeffrey Peter Fortis, did participated in an act of sexual penetration with M. M.,
21 who at that time was under the age of eighteen years.

22 **COUNT II**

23 The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a
24 **misdemeanor**, to wit: A violation of Section **647.6(a)** of the California Penal Code, **CHILD**
25 **MOLESTING**, in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County
26 of Colusa, State of California, he, Jeffrey Peter Fortis, did unlawfully annoy and molest a child, M.
27 M., under the age of eighteen years.

28 ///

1 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
2 Section 290. Willful failure to register is a crime.

3 **COUNT III**

4 The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a
5 **misdemeanor**, to wit: A violation of Section 647(a) of the California Penal Code, **LEWD**
6 **CONDUCT**, in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County of
7 Colusa, State of California, he, Jeffrey Peter Fortis, did unlawfully solicit another, M. M., a child,
8 to engage in lewd or dissolute conduct in a public place or in a place open to the public or exposed
9 to public view.

10 **COUNT IV**

11 The District Attorney of the County of Colusa hereby accuses Jeffrey Peter Fortis of a
12 **misdemeanor**, to wit: A violation of Section 647(a) of the California Penal Code, **LEWD**
13 **CONDUCT**, in that on or about the 3rd day of June, 2011 through June 15, 2011, in the County of
14 Colusa, State of California, he, Jeffrey Peter Fortis, did unlawfully solicit another, M. M., a child,
15 to engage in lewd or dissolute conduct in a public place or in a place open to the public or exposed
16 to public view.

17 **PENALTIES**

18 Count I - 16 months, 2 years or 3 years

19 Count II - 1 year

20 Count III - 6 months

21 Count IV - 6 months

22 Restitution Fine Fund - \$200 minimum, \$10,000 maximum.

23 Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense
24 counsel provide discovery to the People as required by Penal Code §1054.3.

25 ///

26 ///

27 ///

28 ///

1 Dated: April 3, 2013

John R. Poyner
District Attorney

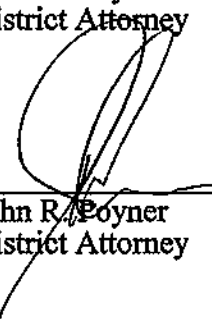
2
3
4 by:


John R. Poyner
District Attorney

5
6 Presented and filed by the District Attorney in the Superior Court of Colusa County, State
7 of California, and made a record thereof this 3rd day of April, 2013.
8

9 John R. Poyner
District Attorney

10
11 by:

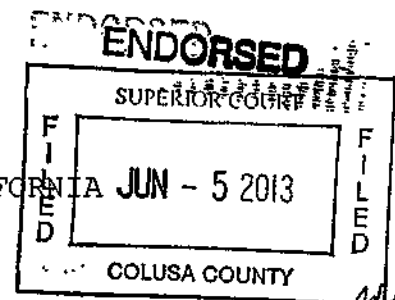

John R. Poyner
District Attorney

Norbert Jaworski
Court Executive Officer

12
13
14 by:


Court Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE
COUNTY OF COLUSA



THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
-vs-)
JEFFREY PETER FORTIS,)
Defendant.)

CASE NO: CR54044

ORDER OF PROBATION

The above defendant having entered a plea of Guilty to two (2) violations of California Penal Code Section 647(a), a misdemeanor; imposition of sentence is suspended and the defendant is placed on probation, under the supervision of the Colusa County Probation Officer, for a period of 36 months, under the following conditions:

1. You shall report monthly in writing on forms provided by the Probation Department on or before the tenth day of each month, and you shall report in person as directed by the probation officer.
2. You shall keep the probation officer advised of your residence and mailing address at all times and immediately notify the probation officer of any change with in 48 hours.
3. You shall seek and attempt to maintain meaningful full-time employment and keep the probation officer advised of your employer's name and address.
4. You shall obey all laws and lawful orders of the probation officer.
5. You shall not leave the State of California without the prior approval of the probation officer.
6. You shall submit to search and seizure at any time of the day or night, with or without a search warrant, by any probation officer or other peace officer, with or without cause.
7. You shall not knowingly associate socially with any person known by you to be on probation, mandatory supervision, post release community supervision and/or parole or be present at anytime at any place, public or private, as designated by the probation officer.
8. You shall not knowingly associate with users of marijuana, illegal drugs or narcotics nor be present in places where narcotics and/or illegal drugs are present.
9. You shall cooperate fully with any form of rehabilitation or counseling as directed by the probation officer. You shall not discontinue counseling without the express written permission of the probation officer.

10. You shall pay the following:

- a. \$960.00 fine including penalty assessments as follows: \$200.00 base fine; \$200.00 pursuant to California Penal Code Section 1464; \$140.00 pursuant to California Government Code Section 76000; \$100.00 pursuant to Government Code Section 70372; \$20.00 pursuant to Government Code Section 76104.6; \$80.00 pursuant to Government Code Section 76104.7; \$40.00 pursuant to Government Code Section 76000.5; \$40.00 pursuant to Penal Code Section 1465.7; \$80.00 pursuant to Penal Code Section 1465.8 and \$60.00 pursuant to Government Code Section 70373.
- b. \$200.00 to the Victim's Restitution Fund and an Administration Fee of \$20.00 for a total of \$120.00 (Penal Code Section 1202.4(b)).
- c. \$200.00 Probation Revocation Restitution Fine, and Administrative Fee of \$20.00 for a total of \$120.00; (Penal Code Section 1202.44), stayed pending the successful completion of probation.
- d. \$252.00 Probation Urinalysis Testing Fee (Penal Code Section 1203.1b(a)).
- e. \$350.00 for preparation of the Probation Officer's Report (Penal Code Section 1203.1b(a)).
- f. \$220.00 fee for each separate Probation Officer's Supplemental Report, stayed pending the successful completion of probation (Penal Code Section 1203.1b(a)).
- g. \$25.00 per month Supervision Fee (Penal Code Section 1203.1b(a)).
- h. \$110.00 Transfer Fee stayed pending transfer to County of residence (Penal Code Section 1203.9).

11. You shall serve a term in the Colusa County Jail or other approved California correctional facility of 90 days in Count III, and 90 days in Count IV, for a total of 180 days with credit for 1 actual days and 0 days pursuant to California Penal Code Section 4019, heretofore served commencing June 14, 2013. The Work Release Program/GPS Program is authorized.

12. You shall perform 30 days in the Alternative Work Program and pay a \$35.00 interview fee and a \$90.00 Program fee for a total of \$125.00 as directed by the probation officer.

13. You shall provide two specimens of blood, a saliva sample, right thumbprints, and a full palm print impression of each hand for law enforcement analysis, pursuant Section 296(a)(1) of the California Penal Code.

14. You shall have no contact, directly or indirectly, or through a third party, with VICTIM, or her parents Brady M and Jamie M. You shall not annoy harass molest attack or strike or sexually batter VICTIM.

15. You shall not be present on any real property inhabited by the VICTIM, at any time for any reason.

16. The Court reserves jurisdiction over restitution.

17. You shall disclose all e-mail accounts, all internet account and any other means of access to any computer or computer network, all passwords and access codes. You shall consent to the search of such e-mail and internet accounts at any time and for the seizure of any information associated with pornographic material without a search warrant or probable cause.

18. You shall not possess any software and/or hardware designed for the purpose of encrypting or decrypting computer files.

19. You shall not associate with any minor under the age of 18 without an adult being present who has been approved by the probation officer. Do not knowingly communicate, either in writing or electronically with any minor under the age of 18 without prior approval of the probation officer.

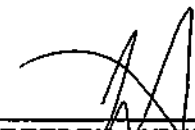
20. You shall not knowingly engage in volunteer work involving minors without the permission of the probation officer or Court.

Ordered and signed in open court this 5th day of June, 2013.



JEFFREY A. THOMPSON, Judge

I understand the terms and conditions of probation. I accept probation under these Conditions and acknowledge that acceptance by signing this Order the 5th day of June, 2013.



JEFFREY PETER FORTIS

SORT: M

COLUSA COUNTY COURTS
MINUTES - MISC.
HON. JEFFREY A. THOMPSON

PAGE: 1

Reporter: RON BRITT

Clerk: BRENDA CULL

Bailiff: CECI GARCIA

For: 6/05/2013 Wednesday Dept: DE2

12. 8:30 AM Case: CR54044 [S] PEOPLE

v FORTIS

Type: CHILD MOLEST

Date Filed: 05/25/12 Degree: F

Event: SENTENCING

REPORT FROM PROBATION

DEFNDT: FORTIS, JEFFREY PETER

ATTY: JOHNSON, THOMAS A.

DOB: 09/25/84

Custody: N(C O/R)

Charges----- Doc Pri Dgr Plea & Date

Ct 1: 289(h) PC INF F
SEXUAL PENETRATION

DISP: 04/03/13 DISMISSED

Ct 2: 647.6(a) PC INF A
CHILD MOLESTING

DISP: 04/03/13 DISMISSED

Ct 3: 647(a) PC INF A G 04/03/13
LEWD CONDUCT

DISP: 04/03/13 CONVICTED ON PLEA OF GUILTY

Ct 4: 647(a) PC INF A G 04/03/13
LEWD CONDUCT

DISP: 04/03/13 CONVICTED ON PLEA OF GUILTY

=====CR99
PRESENT IN COURT: ☒ PEOPLE: by Special
☒ Defendant: ☐ Pro per ☐ In custody ☐ Not present
☒ with/ by counsel Kristy Kellogg ☐ w/interpreter
☒ DPO Steven Pelzer for Thomas Johnson

BENCH WARRANT: ☐ O/R revoked ☐ Bail forfeited ☐ Bond forfeited
☐ Probation summarily revoked ☐ OSC ordered
☐ Bench warrant ordered. Bail set at \$ _____
☐ Held to _____ at _____ am/pm

PLEA:

☐ ON MOTION OF THE DDA, Complaint/Petition amended to: _____
☐ DA's Motion to Reduce Pursuant to
Section 23103.5 VC filed.
☐ Reading of amendment, advisement of rights and arraignment waived.
☐ Court has received, read and considered the Probation Officer's report.
☐ Defendant pleads NOT GUILTY to Count(s) _____
☐ Prior conviction(s) denied. ☐ Enhancement(s) denied.
TIME ☐ is ☐ is not waived. ☐ 10/60 day rules personally waived.
☐ Right to trial by jury personally waived

☐ Defendant pleads ☐ GUILTY ☐ NO CONTEST to Count(s) _____
☐ Prior conviction(s) admitted ☐ Enhancement(s) admitted
☐ On motion of DDA/Court, Count(s) _____ ordered dismissed
☐ _____ prior(s) stricken ☐ Enhancement(s) stricken

For: 6/05/2013 Wednesday Dept: DE2

12. 8:30 AM Case: CR54044 [S] PEOPLE v FORTIS

☐ Defendant shows proof of correction. ☐ Count(s) _____
ordered dismissed w/proof. ☐ Defendant ordered to pay _____ transacti
fee ☐ forthwith ☐ to the Court by _____

☐ Defendant ADMITS a violation of probation.
☐ On motion of DDA/Court, allegation(s) of violating condition(s) _____
☐ stricken ☐ off-calendar
☐ Defendant DENIES a violation of probation. ☐ Time and notice waived.
☐ Probation Hearing submitted on the plea in Case No. _____
and the Court takes judicial notice of same at request of DDA.
☐ Court finds defendant in violation of probation. ☐ Probation revoked.
☐ Court finds that a violation of probation has not occurred.

☐ Defendant advised of, understood, and knowingly and voluntarily waived
all of the following rights: the privilege against self-incrimination;
the right to ☐ jury/court trial ☐ probation violation hearing; the
right to confrontation and cross-examination of the prosecution's
witnesses; the right to present a defense and subpoena witnesses at no
cost. After questioning the defendant, the Court determined that
he/she understood the nature of the charge, the elements of the offense
the pleas available thereto, the possible defenses thereto and possible
range of penalties and other consequences of the plea/admission,
including the effect of the admission of any prior conviction or
enhancement. Consequences given: Section ☐ 1016.5 PC ☐ 1203.2 PC
☐ 3056 PC ☐ 12021(c)(1) PC ☐ 13202.5 VC ☐ 23593(a) VC
The Court finds a factual basis for entry of plea/admission ☐ by
stipulation. ☐ See Waivers on file.

☐ Matter referred to Probation for preparation of a ☐ pre-sentence
report ☐ supplemental report ☐ diversion report ☐ bail
reduction-O/R report.
☐ Report to be returned to Court and counsel on or before _____
☐ Formal arraignment waived. ☐ Time for sentencing waived.

Statement by Victims Father

SENTENCING:

☐ Defendant sentenced to _____ days jail; sentence imposed with execution
stayed ☐ for the period of probation ☐ pending timely payment of
fine/surrender to jail.

☒ Imposition of sentence suspended.

☒ Defendant admitted to ☒ FORMAL ☐ SUMMARY Probation for a period of
36 ☐ years ☒ months on the conditions set forth in the order
on file. *Defendant is to have no contact with victim for
10 years pursuant to 136,2(1)(1) PC*

☐ Probation terminated. ☐ Stay lifted.
☐ Probation reinstated ☐ Probation modified ☐ on conditions set forth
in the order on file.

For: 6/05/2013 Wednesday Dept: DE2

12. 8:30 AM Case: CR54044 [S] PEOPLE v FORTIS

- ☐ Defendant to serve _____ ☐ hours ☐ days ☐ months in jail with credit for _____ ☐ hours ☐ days ☐ months actually served.
☐ Sentence to be served ☐ consecutively ☐ concurrently with _____
- ☐ Stay of execution granted until _____ at _____ am/pm
☐ Sentence to be served on consecutive weekends ☐ Pay \$47/night for incarceration.
- ☐ Defendant to pay a fine of \$ _____
☐ Defendant to pay a restitution fine of \$ _____
☐ to be discharged upon completion of AWP/jail
- ☐ Defendant to pay a \$40 court operations assessment.
☐ Payable to the Court ☐ forthwith ☐ by _____
☐ at the rate of \$ _____ per month commencing _____
- ☐ Defendant to complete _____ days/hours AWP. Report to Probation Department forthwith and pay fees as directed.
☐ _____

CALENDAR:

- ☐ Matter continued for _____
on _____ at _____ am/pm

CUSTODY STATUS:

- ☐ Motion for ☐ O/R ☐ Bail reduction is ☐ GRANTED ☐ DENIED
☐ with/without objection
- ☐ Defendant is ☐ released ☐ continued on ☐ Bail/Bond ☐ O/R
☐ with conditions _____
- ☐ SPECIAL CONDITIONS OF RELEASE: Contact Attorney's Office by 5:00 pm today; make and keep all appointments. ☐ Report to Probation Dept upon leaving the courtroom; make and keep all appointments.
- ☐ DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF ☐ without bail.
☐ Bail is ☐ set at ☐ reduced to \$ _____
- ☐ IT IS THE FURTHER ORDER OF THIS COURT THAT IF THE DEFENDANT DEFAULTS ON PAYMENT, THE DEFENDANT CAN BE IMPRISONED IN THE COUNTY JAIL OF COLUSA COUNTY UNTIL THE FINE IS SATISFIED, FOR A TERM OF ONE DAY'S IMPRISONMENT FOR EACH \$50.00 OF THE FINE REMAINING UNPAID.

☐ _____

☐ MISCELLANEOUS:

Sort: M

COLUSA COUNTY COURTS
MINUTES - MISC.
HON. JEFFREY A. THOMPSON

PAGE: 4

For: 6/05/2013 Wednesday Dept: DE2

12. 8:30 AM Case: CR54044 [S] PEOPLE v FORTIS
