

BY: Waters, LeeAnn
DEPUTY CLERK

DA CASE NO 2021-00-0047616

attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 1 COUNT(S).

Executed at Victorville, California, on November 02, 2021

 Patton
 Patton
DECLARANT AND COMPLAINANT

Agency: Apple Valley Police Department

Prelim Est.

Defendant
Christopher Michael Aki

Birth Date
2002-02-24

Booking No

CII No.
A39664792

NCIC

**CRIME REPORT****SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT****DR# 182104911****EVENT SUMMARY****OFFENSE**

Statute Code	Degree	Statute Description	
243(D) PC	FELONY	COMMITTED	BATTERY W/SERIOUS BODILY INJ HANDS: FIST: FEET
Assignment Date/Time: 10/30/2021 17:45		Arrival Date/Time: 10/30/2021 18:05	Date/Time Occurrence Started: Sat 10/30/21 17:41
Date/Time Occurrence Ended:		Date/Time Reported: Sat 10/30/21 17:41	Domestic Incident: No
Incident Location: [REDACTED] NANTICOKE RD, APPLE VALLEY, CA, 92307 Rpt. Area: CA0360063			
Jail Location:			
Evidence Collected: Yes			
Brief Description of Incident: 04 ASSAULT (WPN USED OR MAJOR INJ) PART I Disposition: CLEARED BY ARREST			
Total Property Loss: (None)		Seized Drug Value: (None)	Total Gun Loss: (None) Total Vehicle Loss: (None)

VICTIM(S)

Scandora, [REDACTED]

SUSPECT(S)

Name: Aki, Christopher Michael		DOB: 02/24/2002	Age: 19	Transient: NO	
Related Offenses: 243(D) PC				CII: A39664792	
Interviewed: Yes		Arrested: Yes		FBI: 64DKXPJWM	
Sex: Male	Race: Black	Ethnicity: Non-Hispanic	Height: 503	Weight: 130	Hair: Black Eyes: Brown
Phone 1: Phone (760) 987 4752					
SSN: 000 00-0000		License #: Y2018427		Lic State: CA	
Address: [REDACTED] NANTICOKE RD, APPLE VALLEY CA 92307					

CRIMES AGAINST PEOPLE/PROPERTY

Offense: 243(D) PC BATTERY W/SERIOUS BODILY INJ	ANDS: FIST: FEET	Attempted/Committed: COMMITTED
Type: FELONY		
Weapon Used: Personal Weapon (Hands; Feet; Teeth; Etc)		
Hate Crime: None	AB109: No	Gang Related: No



SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 182104911

CRIME REPORT

VICTIM(S)		CONFIDENTIAL					
Name: Scandora, [REDACTED]		DOB: [REDACTED]		Age: 57		Person # 1	
Victim Type: PERSON / INDIVIDUAL (NOT A LAW ENFORCEMENT OFFICER)						Transient: NO	
Address: [REDACTED] NANTICOKE RD, APPLE VALLEY CA 92307							
Related To Offense: 243(D) PC							
Relationship to Offender: AKI, CHRISTOPHER MICHAEL, Mother							
Domestic Violence:				Injuries: Other Major Injury			
Injury Severity: Appeared To Be Seriously Injured							
Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:	
Female	Black	Non Hispanic	507	250	Black	Brown	
Phone 1: Phone (909) [REDACTED] 3900				License #: [REDACTED]		Lic State: CA	

Defense

**CRIME REPORT****SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT****DR# 182104911****NARRATIVE****ASSIGNMENT/ARRIVAL:**

On Saturday, October 30, 2021, I was assigned to work uniform patrol in the Town of Apple Valley. At approximately 1745 hours I was dispatched to a call in reference to a fight at a near by neighbors house. I arrived at [REDACTED] Pioneer Road at approximately 1805 hours.

REPORTING PARTY CONTACT:

I contacted the reporting party, [REDACTED] Guerrero, at her house located at [REDACTED] Pioneer Road. The following is a summary of [REDACTED] statements.

[REDACTED] said her kids were outside and reported what they thought were two girls outside fighting. [REDACTED] was unable to give me specific details but she pointed out the house which was on the next street over from her. The house was located east and south of her house. She said she did not see the altercation, however, her kids saw two individuals on the floor and saw one person hitting and kicking the other person as they were on the floor.

This concluded my interview with [REDACTED]

VICTIM CONTACT:

I pulled up google maps and figured out the location of the incident occurred in the back yard of the residence located at the address at [REDACTED] Nant coke Road. I knocked on the door and made contact with a female later identified as the victim, [REDACTED] Scandora. [REDACTED] had obvious swelling and redness to her face and eyes and appeared to have been crying. the following is a summary of [REDACTED] statements.

[REDACTED] lives at [REDACTED] Nanticoke road with her son, Christopher (Chris) Aki, who was identified as the suspect. Chris was described as an "angry" kid. [REDACTED] though this was because he was short.

[REDACTED] was upset with Chris because he stopped working to be on the same schedule as his girlfriend. [REDACTED] described Chris as co-dependent and lazy. [REDACTED] and Chris were yelling at each other and the verbal argument began to escalate.

[REDACTED] said this was not the first time Chris has been physical with her. [REDACTED] knew Chris was going to get physical with her because he was acting the same way he did the last time he was physical. [REDACTED] said he was being verbal and following her around which is how he acted the other times he was physical with her.

Because Chris was about to get physical with [REDACTED] she went outside to the backyard so Christopher couldn't "corner her." [REDACTED] wanted there to be witnesses if Chris hurt her. [REDACTED] reported a neighbor coming outside. The neighbor came outside and attempted to calm Chris down. [REDACTED] believed the neighbor went inside before the physical altercation occurred.

[REDACTED] pointed to a tree located in her backyard and said this was where she laid down on the ground. [REDACTED] got onto the ground and curled into a fetal position in an attempt to protect herself from Chris. [REDACTED] said Chris was talking to her as if she was one of the boys and called her "Bro"

000003

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

CRIME REPORT

and "Let's go."

█████ laid down on her left side and curled into a fetal position and put her arms up and used her forearms to shield her face. █████ was afraid because she knew Chris was going to hit her.

█████ reported Chris kicking and punching her. She said he was punching her in the back of the head and "knew what he was doing." █████ complained of pain to the left side of her jaw and to her head. █████ was unable to describe if the impacts were specifically from a kick or a punch because she was more concerned with protecting her face which she stated she did a pretty good job at doing.

█████ recalled Chris kicking her one time on the right side of her middle left back. When I observed her back, I saw what appeared to be a shoe imprint on her back at the same spot. The area was swollen and red and █████ complained of it hurting in that area. █████ had multiple injuries including a round area where her skin was broken on the outside of her left eye. █████ suggested this was probably an area where Chris kicked her. █████ recalls being hit approximately five times but does not know if the blows were kicks or punches.

█████ said she had her mother on the phone when the incident occurred, however, she did not witness the incident. █████ recalls yelling to her mother to call the police.

█████ agreed Chris should be punished for his actions because he has gotten away with this on numerous occasions. █████ agreed she would not bail Chris out and said she and her mother kicked Chris out of the residence after the physical altercation occurred. █████ advised Chris would most likely be staying at his girlfriend's house located at █████ Wichita Road. █████ said Chris was planning on going to a Halloween party on Saturday October 30, so he might not be located at his girlfriend's that night.

I advised █████ that I would look for Chris at the location and submit a warrant for Chris's arrest if I were unable to locate him that night. I advised █████ of the charges Chris would be facing and suggested she not speak with Chris in the mean time.

This concluded my interview with █████

SUSPECT CONTACT:

I attempted to make contact with Chris at his girlfriend's house located on Wichita Road on Saturday October 31 at approximately 1830 hours. I knocked on the door multiple times and did not see any lights on or any movement or sound coming from the house.

INJURIES:

█████ had severe swelling on both eyes and cheeks. █████ complained of pain to the left side of her jaw, the back of her head and her middle left back. █████ had an approximately one-inch laceration to the outside of her lower lip and a small laceration on the inside of her lip which were both bleeding. █████ had a laceration on the outside of her left eye. █████ had redness and swelling, the shape of a shoe, on the left side of her back where she recalls Christopher kicking her. █████ had redness and scratches on her forearms where she held her arms up to shield herself. █████ had scrapes on her knees and on the outside of her lower right leg. Angela's right eye was red and



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irritated.

Photographs were taken of all injuries.

VINE CARD/MARCY CARD:

I provided [REDACTED] with a vine and Marcy's card for information on additional resources.

RAMEY WARRANT:

I wrote a Ramey Warrant which was approved and signed by the respectable judge, [REDACTED] Morton. Morton set the bail at \$100,000 for the felony Ramey Warrant for Christopher arrest for PC 243(d) - Battery and Serious Bodily Injury.

SUSPECT CONTACT:

Please refer to Deputy [REDACTED] Kabluyen's report for reference.

MIRANDA WARNING:

Please refer to Deputy [REDACTED] Kabluyen's report for reference

ARREST/TRANSPORT/BOOKING:

Please refer to Deputy [REDACTED] Kabluyen's report for reference.

EVIDENCE:

I recorded all conversations on my department issued belt recorder and took photographs on my department issued camera. All audio recordings and photographs were uploaded to the Command Central Vault Center at the Apple Valley Police Station.

DISPOSITION:

Case cleared by arrest. Forward to District Attorney for review.



CRIME REPORT

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

DR# 182104911

ATTACHMENTS

Type: Date: 11/01/2021 16:34:50

SubType: plain

Filename: AKI CRIM HIST

File Ext: txt Size: 1.5 kb

Type: Date: 11/01/2021 16:34:49

SubType: plain

Filename: AKI ID

File Ext: txt Size: 0.6 kb

Type: Date: 11/01/2021 16:34:50

SubType: plain

Filename: AKI CALL HIST

File Ext: txt Size: 4.5 kb

Defense

**CRIME REPORT****SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT****DR# 182104911**

Supplement # 001

NARRATIVE**ASSIGNMENT/ARRIVAL:**

On 10/31/2021, I was assigned to work uniformed patrol in the Town of Apple Valley. At approximately 2103 hours, I self initiated a warrant service at [REDACTED] Wichita Road. The suspect (Christopher Aki 02/24/2002) was allegedly at the location at had an active warrant for his arrest. I arrived on scene at approximately 2113 hours.

SUSPECT CONTACT: AKI, CHRISTOPHER

I walked up to the front door which was opened. I spoke with an unknown female at the location and asked, her if Christopher Aki was at the location. She told me he was and called him over to the door. I recognized Aki from a prior booking photo and he was placed under arrest. Aki was handcuffed to the rear. The handcuffs were adjusted for proper fit and were double locked. While I was walking Aki to my patrol vehicle he stated, "I know what this is about." Aki was placed into the back seat of my vehicle and seat belted.

TRANSPORTATION:

Aki was transported to the High Desert Detention Center for booking.

MIRANDA WARNING:

While Aki was seated in the back seat of my vehicle I read him his Miranda Warning from my department issued Miranda Warning Card. To question number one Aki answered, "Yes" indicating he understood his rights. To question number Aki answered, "Yes" indicating he was willing to speak to me. The following is a summary of my contact.

I asked, Aki who V1 was to him and he said it was his mother. Aki and V1 got into an argument when he came home on 10/30/2021, at approximately 1700 hours. Aki brought his girlfriend over and his mother got upset and began to yell at him. His girlfriend became upset and left the residence shortly after arriving. Aki and V1 began to argue inside of the residence, V1 walked into the back yard and Aki followed her while still arguing.

I asked, Aki what had happened when they both got outside. Aki stated, "You already know what happened if your asking me." I continued to question Aki and let him tell me about the incident.

Aki and V1 were outside when V1 said something to Aki that infuriated him. Aki told me he "rushed" toward V1 and she laid down on the ground. Aki did not push her down but, immediately began to kick and punch V1 on her torso. V1 was laying on her left side as Aki kicked and punched her multiple times. V1 was screaming from Aki to stop and was yelling for help. Aki told me the assault lasted approximately 45 seconds to one minute. While Aki was kicking V1 she was trying to shield her face and head with her arms. Aki believes he kicked V1 approximately three times with his left foot but, was unsure how many times he actually kicked her. After Aki was done assaulting V1 he left the location and began to walk around the neighborhood. Aki left the location because he knew if the police came he would be arrested. Aki had no further information to provide me and I concluded my interview with him.

AUDIO:

I activated my department issued audio recorder during my contact. My audio was uploaded to the Motorola Vault at the Apple Valley station.

DISPOSITION:

Case cleared by arrest. Attach to original report.

Booking No. 2110370899

Date/Time Booked 10/31/2021 23:22:00

SSN --

DL/ID No. Y2018427

State CALIFORNIA

San Bernardino County Sheriff's Department

ARREST/BOOKING APPLICATION

DR/Case No. 182104911

Arresting Agency SBCSD-18

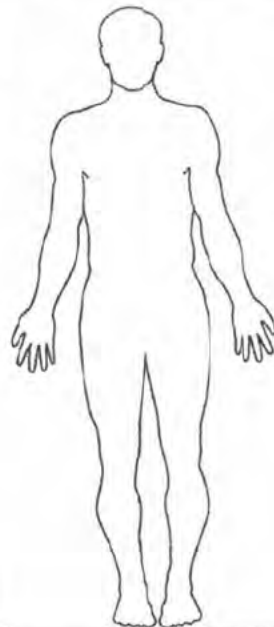
Date of Arrest 10/31/2021

Time of Arrest 21:17

Name: Last AKI		First CHRISTOPHER		Middle MICHAEL		AKA or Maiden Name			
Sex MALE	DOB 02/24/2002	Age 19	HT 5'03	WT 130	Hair BLACK	Eyes BROWN	Race Black	Place of Birth (City/State)	Country of Citizenship
Arrested With								Associated DR#	
Address: No. and Street PIONEER RD		Transient	City Apple Valley		State California		Zip 92307	Phone - Home & Cell (760) 987-4752	
Spouse/Domestic Partner		Home Phone				Cell Phone			
Employer		Employer Address			Employer Phone		Type of Job		
Clothing Description								Veteran? ☐ Yes ☒ No	
Are you out on Bail? ☐ Yes ☒ No OR Released? ☐ Yes ☒ No								Name of Parole or Probation Officer PO's Office/Address PO's Phone	
Place of Arrest PIONEER RD APPLE VALLEY, CA 92307						Location of Vehicle			
License No. of Vehicle		Make		Model		Color			
BOOKING CHARGES									
ARREST TYPE: S = On Site W = Warrant H = Hold C = Citizen O = Other									
Type	Charges	Attempt/Complete	M/F	Definition		Court	Warrant No.	Bail	
S	243(b) PC	COMMITTED	FELONY	BATTERY W/ SERIOUS BODILY INJ - HANDS		VICTORVILLE DISTRICT	RAMEY1021	100,000	
Other Agency Hold (O/C, FUG, INS, Etc.)		Agency/Jurisdiction			Code Section		Warrant No.		
Any Injury or Illnesses? ☐ Yes ☒ No		Any Required Medication? ☐ Yes ☒ No		If Yes to either, explain on Medical Screening/Receiving Form					
Medical Examination Prior to Booking? ☐ Yes ☒ No		Hospital Where Treated		If Yes, Attach Hospital/Clinic Referral					
Fought with Law Enforcement? ☐ Yes ☒ No		Fought with Other than Law Enforcement? ☐ Yes ☒ No		Use of Force ☐ LVNR ☐ Taser ☐ OC ☐ ASP Time Rendered Unconscious? ☐ Yes ☒ No					

Special Instructions and Mandatory Information

Emergency Notification		Refused ☐ Yes ☐
Name/Relationship		Home & Cell Phone
Address		
Name/Relationship		Home & Cell Phone
Address		
Amount of Money		\$
Arresting/Transporting Officer Signature		
Additional Comments		
Arresting Officer J. KABLUYEN		
Transporting Officer J. KABLUYEN		
Agency SBCSD-18		
24 hour Agency or Investigating Officer Contact Phone No. (Required for All Arrests RE: High Profile Release Notification)		
Marsy's Law Notification /Agency		
Agency Contact Time and Date		Who Was Contacted?
		By Whom

TATTOOS/SCARS:
DESCRIPTION (indicates any gang tattoos)

000008

Message From Terminal/Unit: CLETS Operator: CLETS(CLETS)

Originally Sent To: MAPP05

Date/Time Sent: 01-NOV-2021 16:33:44

4GL2LMAPP05.IH

RE: QHY.CA0360063.39664792.MAMMOLI DATE:20211101 TIME:16:33:43

RESTRICTED-DO NOT USE FOR EMPLOYMENT,LICENSING OR CERTIFICATION
PURPOSES

ATTN:MAMMOLITO, INV

DO NOT COLLECT DNA. DNA SAMPLE HAS BEEN RECEIVED,
TYPED, AND UPLOADED INTO THE CAL-DNA DATA BANK.

FOR INFO (510) 620-3300 OR PC296.PC296@DOJ.CA.GOV.

** PALM PRINTS AVAILABLE AT DOJ FOR PALM PRINTS CONTACT

PALM.PRINT@DOJ.CA.GOV

III CALIFORNIA ONLY SOURCE RECORD

CII/A39664792

DOB/20020224 SEX/M RAC/BLACK

HGT/504 WGT/130 EYE/BRO HAI/BLK POB/CA

NAM/01 AKI,CHRISTOPHE MICHAEL

02 AKI,CHRISTOPHE

FBI/64DKXPJWM

CDL/Y2018427

ARR/DET/CITE: NAM:01 DOB:20020224

20210418 CASO SAN BERNARDINO

CNT:01 #2104370519-361469629

594(A)(1) PC-VANDALISM:DEFACE PROPERTY

COM: ADR-20210418 (14237,NANTICOKE ROAD, , APPLE
VALLEY,CA,92307)

COM: PHOTO AVAILABLE

COM: SCN-998O1080130

ARR/DET/CITE: NAM:01 DOB:20020224

20211031 CASO SAN BERNARDINO

CNT:01 #2110370899-361469629

243(D) PC-BATTERY WITH SERIOUS BODILY INJURY

COM: ADR-20211031 (PIONEER RD, , APPLE VALLEY,CA,92307)

COM: PHOTO AVAILABLE

COM: SCN-998O3050002

* * * END OF MESSAGE * * *

000009

Message From Terminal/Unit: TTMS Operator: TTMS

Requested By: 18P22

Date/Time Sent: 30 OCT 2021 18:06:04

TIB8371/IN

DATE:10-30 21*TIME:18:06*

MATCHED ON:*L/N*F/N* BD

DMV RECORD FOR LAW ENFORCEMENT USE ONLY

DL/NO:Y2018427*B/D:02-24 2002*NAME:AKI CHRISTOPHER MICHAEL*

MAIL ADDR AS OF 09-23-21 [REDACTED] NANTICOKE RD APPLE VALLEY 92307*

IDENTIFYING INFORMATION:

SEX:MALE*HAIR:BROWN*EYES:BRN*HT:5-03*WT:150*

ID CARD MLD:10-04-21*EXPIRES:02-24-27*BATES:LIS*

LICENSE STATUS:

NONE ISSUED*

DEPARTMENTAL ACTIONS:

NONE

CONVICTIONS:

NONE

FAILURES TO APPEAR:

NONE

ACCIDENTS:

NONE

EN

Defense

000010

Detailed History for Police Inc# #AP213030098 As of 11/01/2021 16:27:44

Output for: I2283

Priority:E Type:243D - ASSAULT W/S INJS

Location: [REDACTED] PIONEER RD, APP btwn FOX AVE and GOSHUTE AVE Route Map It

Created: 10/30/2021 17:41:41 DC57 I1343

Entered: 10/30/2021 17:44:25 DC57 I1343

Dispatch: 10/30/2021 17:45:33 DC09 I5139

Enroute: 10/30/2021 17:45:33 DC09 I5139

Onscene: 10/30/2021 18:05:00 DC09 I5139

Control: 10/30/2021 18:05:00 DC09 I5139

Closed: 10/30/2021 18:58:40 MAPP05 I2283

IC: PrimeUnit:18P22 Dispo:RTF Type:243D - ASSAULT W/S INJS

Jur:AP Group:AP Squad Area:AP2 RptDist:AP013

Case #:APR2104911 Detail

17:41:41pdt CREATE I1343/DC57 Location:[REDACTED] PIONEER RD APP Type:242

Phone:909/[REDACTED]6158 Source:WPH2 Group:AP RD:AP013 TypeDesc:ASSAULT J/O

LocDesc:btwn FOX AVE and GOSHUTE AVE Priority:1 Response:1PAT Jur:AP LocType:S

RPCont:Y GeoLong:-117.179367 GeoLat:34.510462

17:44:25 ENTRY Text:BEHIND LOC TO THE LEFT OF LOC IF RP IS LOOKING AT HER FRM
THE STREET // RP WATCHED JUV PUSH THE OLDER FEM ON THE FLOOR // SYS THEY
WERE 415 // NEG WPNS // NEG HBD HS

17:44:25 ALI E911Phne:909/[REDACTED]6158 E911Pilot:909/[REDACTED]1323 E911Add:13609 HITT RD, APP
E911Subs:T-MOBILE USA, INC. E911Srce:WPH2 Tower:TMOB AliLong:-117.179607

AliLatitude:34.51040000 Confidence:90

17:44:25 ALIGEO GeoLong:-117.179607 GeoLat:34.51040000 ClosestAdd:14244 PIONEER
RD ClosestInt:PIONEER RD / FOX AVE InterDesc:489 ft N Area1:AP013

17:44:25 SUBJ S#:1 Race:B Sex:M Age:15-16 Misc:LSW: ONG JERSEY, NIKE SHORTS

17:44:25 SUBJ S#:2 Race:B Sex:F Age:40'S Misc:LSW: ALL BLK

17:44:25 -NPREMS Text:(none)

17:44:42 -SELECT

17:44:49 INFO Inf/Name:GUERRERO [REDACTED] RPCont:Y Text:WHILE FEM WAS DOWN
JUV KICKED HER

17:45:28 NOMORE

17:45:33 DISPER I5139/DC09 18P22 Operator:I2283 OperNames:MAMMOLITO [REDACTED]

17:45:33 -PRIU 18P22

17:45:37 HOLD

17:46:11 *ENRTE I2283/MAPP05 18P22

17:59:36 CLOS I5139/DC09 18P22 Location:[REDACTED] NANTICOKE RD, APP

18:05:00 OK 18P22

000011

18:06:04 RFT 18P22 InvType:SNS Name:AKI,CHRISTOPHER Sex:M DOB:02/24/2002
18:06:04 RFT 18P22 Text:INQUIRY SNS,AKI,CHRISTOPHER,,M,022402,,,,X,X,X,,X,,,,,
18:06:39 LOGM 18P22 Message:032110310106000529 MessageType:HTML
Received:10/30/2021 18:06:05 Text:CNI CHRISTOPHER AKI
18:06:51 LOGM 18P22 Message:032110310106000530 MessageType:Text
Received:10/30/2021 18:06:14 Text:ID CARD CHRISTOPHER AKI
18:08:25 LOGM Message:032110310108000539 MessageType:HTML Received:10/30/2021
18:08:13 Text:CHL TO [REDACTED] NANTICOKE
18:08:28 HOLD
18:22:24 CONTCT 18P22 Contact:20
18:25:50 CHANGE 18P22 Type:242-->243D Priority:1-->E CAS:0054 TypeDesc:ASSAULT J/O-
->ASSAULT W/S INJS
18:25:50 CASE 18P22 Case#:APR2104911
18:36:43 CHGLOC 18P22 Location:[REDACTED] WICHITA RD, APP Text:ENRT FOR SUSCON
18:42:26 ONSCN 18P22
18:47:28 CHGLOC 18P22 Location:19
18:50:32 *ONSCN I2283/MAPP05 18P22
18:57:59 CONTCT I5139/DC09 18P22 Contact:90
18:58:40 *CLEAR I2283/MAPP05 18P22 Dispo:RTF Text:CHRISTOPHER VIOLENTLY
ASSAULTED HIS MOTHER [REDACTED] WHILE IN THER BACK YARD. A VERBAL ARGUEMENT
WAS LIKELY TO TURN PHYSICAL SO [REDACTED] WENT OUTSIDE FOR OTHER PEOPLE TO
SEE/HEAR BECAUSE THIS ISNT THE F RST TIME CHRIS HAS BEEN PHYSICAL WITH HER.
[REDACTED] GOT DOWN ON THE GROUND AND USED HER ARMS TO TRY AND PROTECT
HERSELF FROM CHRIS WHO SHE KNEW WAS GOING TO ATTACK HER. CHRIS KICKED
AND PUNCHED [REDACTED] MULTIPLE TIMES CAUSING REDNESS AND SWELLING TO BOTH
EYES, BLEEDING FROM THE INSIDE AND OUTSIDE OF HER LIP. [REDACTED] WAS KICKED
ONE TIME ON THE LEFT SIDE OF HER BACK RESULTING IN REDNESS ADN SWELLING.
[REDACTED] HAD REDNESS AND SCRAPES TO BOTH ARMS AND TO HER LOWER RIGHT LEG.
I WENT TO CHRIS'S GF'S HOUSE TO MAKE CONTACT AND WAS UNABLE TO MAKE
CONTACT. THERE WERE NO LIGHTS ON OR VEHICLE IN THE DRIVEWAY. ANGI ADVISED
CHRIS WAS PLANNING ON GOING TO A HALLOWEEN PARTY AND WOULD RETURN LATER
TONIGHT. RAMEY WARRANT SUBMITTED FOR ARREST. R-0
18:58:40 -PRIU 18P22
18:58:40 -CLEAR
18:58:40 *CLOSE
[10/31/2021]
21:08:58 XREF E2409/DC10 Service:P Inc#:#AP213040118 Type:WARSER Jur:AP

CONTACT INFO: Inf/Name Phone InfAdd RPCont Language HBD/HS RPArmed
909/[REDACTED]6158 Y
GUERRERO [REDACTED] Y

000012



SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT

DR# 182104911

CRIME REPORT

CONFIDENTIAL

REQUEST TO WITHHOLD VICTIM IDENTIFICATION FROM PUBLIC DISCLOSURE
FOR SEX CRIMES/DOMESTIC VIOLENCE/STALKING

Penal Code section 293(a) and Government Code section 6254(f) apply to Penal Code sections 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9 and 647.6.

Victim Advisal

Pursuant to California Penal Code section 293(a) and California Government Code section 6254(f), you are informed that your name will be a matter of public record unless you request that it not become a matter of public record.

I have been informed of my rights to confidentiality.

Signature
Victim / Parent / Guardian

Victim's Statement

I hereby elect to exercise my right to privacy pursuant to California Government Code section 6254.

☒ I do not elect to exercise my right to privacy, and understand that my name may become a matter of public record and may become available for publication.

Victim # 1	Name Scandora, [REDACTED]	DOB: [REDACTED]	Age: 57			
Address:	[REDACTED] NANTICOKE RD, APPLE VALLEY CA 92307					
Sex:	Race:	Ethnicity:	Height:	Weight:	Hair:	Eyes:
Female	Black	Non Hispanic	5'07"	250	Black	Brown
Phone 1: Phone (909) [REDACTED]	3900	License #: [REDACTED]	Lic State: CA			

Witnessed by (Sheriff's Employee):

Signature: Mammolito, K I2283

Date: 10/30/2021

Notice to employee: If victim(s) exercise their right to remain confidential, do not write their names on the Crime Report. Identify them on the Report as Victim 1, 2, 3, etc. Do not use their name in body of report. Identify them in narrative as Victim 1, 2, 3, etc.

Printed By Software Systems, Trittech on 11/2/2021 6:59:10 AM

000013

RECEIVED BY JO

SAN BERNARDINO COUNTY

COURT NAME

VICTORVILLE DISTRICT

CRIME SUMMARY INFORMATION
PROBABLE CAUSE DECLARATIONBOOKING NO. AND LOCATION
2110370899 HDDC

ARRESTEE (Last, First, Middle)

DOB

AKI, CHRISTOPHER MICHAEL

02/24/2002

ADDRESS (Residence)

PIONEER RD, APPLE VALLEY CA 92307

CHARGE(S)

243(D) PC
COMMITTED,

SUPPL. HOLDS

DATE/TIME OF ARREST

48-HR. EXP. DATE / TIME

10/31/2021 21:17:00

ARRESTING AGENCY

ARRESTING OFFICER(S)

SBCSD-18

J. KABLUYEN

FACTS ESTABLISHING ELEMENTS AND IDENTIFICATION OF DEFENDANT:

☐ SEE ATTACHED REPORTS, INCORPORATED HEREIN BY THIS REFERENCE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY INFORMATION AND BELIEF.

EXECUTED ON

10/31/2021

AT SAN BERNARDINO COUNTY, CALIFORNIA, BY

10/31/2021

ON THE BASIS OF ☐ THE OFFICER'S DECLARATION ☐ REPORT REVIEWED, I HEREBY DETERMINE THAT THERE ☐ IS
☐ IS NOT PROBABLE CAUSE TO BELIEVE ARRESTEE HAS COMMITTED A CRIME.

Date

Time

Signature of Judicial Officer

000014

Detailed History for Police Inc# #AP213030098 As of 1/27/2022 15:35:05

Output for: D3464

Priority: 243D - ASSAULT W/S INJS

Location: PIONEER RD, APP btwn FOX AVE and GOSHUTE AVE

Created:	10/30/2021 17:41:41	DC57	I1343
Entered:	10/30/2021 17:44:25	DC57	I1343
Dispatch:	10/30/2021 17:45:33	DC09	I5139
Enroute:	10/30/2021 17:45:33	DC09	I5139
Onscene:	10/30/2021 18:05:00	DC09	I5139
Control:	10/30/2021 18:05:00	DC09	I5139
Closed:	10/30/2021 18:58:40	MAPP05	I2283

IC: PrimeUnit:18P22 Dispo:RTF Type:243D - ASSAULT W/S INJS

Jur:AP Group:AP Squad Area:AP2 RptDist:AP013

Case #:APR2104911 ☒ Detail

17:41:41pdt CREATE I1343/DC57 Location: PIONEER RD, APP Type:242 Phone:909/6158
Source:WPH Group:AP RD:AP013 TypeDesc:ASSAULT J/O Desc:btwn
FOX AVE and GOSHUTE AVE Priority:1 Response:IPAT Jur:AP LocType:S
RPCont:Y GeoLong:-117.179367 GeoLat:34.510462

17:44:25 ENTRY Text:BEHIND LOC TO THE LEFT OF LOC IF RP IS LOOKING AT HER FRM THE
STREET // RP WATCHED JUV PUSH THE OLDER FEM ON THE FLOOR // SYS
THEY WERE 415 // NEG WPNS // NEG HBD/HS

17:44:25 ALI E911Phne:909/6158 E911Pilot:909/1323 E911Add:13609 HITT
RD, APP E911S T-MOBILE USA, INC. 1Srce:WPH2 Tower:TMOB
AliLong:-117.179607 AliLatitude:34.51040000 Confidence:90

17:44:25 ALIGEO GeoLong:-117.179607 GeoLat:34.51040000 ClosestAdd:14244 PIONEER RD
ClosestInt:PIONEER RD / FOX AVE InterDesc:489 ft N Area:AP013

17:44:25 SUBJ S#:1 Race:B Sex:M Age:15-16 Misc:LSW: ONG JERSEY, NIKE SHORTS

17:44:25 SUBJ S#:2 Race:B Sex:F Age:40'S Misc:LSW: ALL BLK

17:44:25 -NPREMS Text:(none)

17:44:42 -SELECT

17:44:49 INFO Inf/Name:GUERRERO RPTCont:Y Text:WHILE FEM WAS DOWN JUV
KICKED HER

17:45:28 NOMORE

17:45:33 DISPER I5139/DC09 18P22 Operator:I2283 OperNames:MAMMOLITO,

17:45:33 -PRIU

17:45:37 HOLD

17:46:11 *ENRTE I2283/MAPP05 18P22

17:59:36 CLOS I5139/DC09 18P22 Location: NANTICOKE RD, APP

18:05:00 OK 18P22

18:06:04 RFT 18P22 InvType:SNS Name:AKI,CHRISTOPHER Sex:M DOB:02/24/2002

18:06:04 RFT 18P22 Text:INQUIRY SNS,AKI,CHRISTOPHER,,M,022402,,,X,X,X,,
X,.....

18:06:39 LOGM 18P22 Message:032110310106000529 MessageType:HTML

18:06:51 LOGM Received:10/30/2021 18:06:05 Text:CNI CHRISTOPHER AKI
 18P22 Message:032110310106000530 MessageType:Text
 Received:10/30/2021 18:06:14 Text:ID CARD CHRISTOPHER AKI
 18:08:25 LOGM Message:032110310108000539 MessageType:HTML Received:10/30/2021
 18:08:13 Text:CHL TO [REDACTED] NANTICOKE
 18:08:28 HOLD
 18:22:24 CONTACT 18P22 Contact:20
 18:25:50 CHANGE 18P22 Type:242-->243D Priority:1-->E CAS:0054 TypeDesc:ASSAULT
 J/O-->ASSAULT W/S INJS
 18:25:50 CASE 18P22 Case#:APR2104911
 18:36:43 CHGLOC 18P22 Location:[REDACTED] WICHITA RD, APP Text:ENRT FOR SUSCON
 18:42:26 ONSCN 18P22
 18:47:28 CHGLOC 18P22 Location:19
 18:50:32 *ONSCN I2283/MAPP05 18P22
 18:57:59 CONTACT I5139/DC09 18P22 Contact:90
 18:58:40 *CLEAR I2283/MAPP05 18P22 Dispo:RTF Text:CHRISTOPHER VIOLENTLY ASSAULTED HIS MOTHER
 [REDACTED] WHILE IN THIER BACK YARD. A VERBAL ARGUEMENT WAS LIKELY TO
 TURN PHYSICAL SO [REDACTED] WENT OUTSIDE FOR OTHER PEOPLE TO SEE/HEAR
 BECAUSE THIS ISNT THE FIRST TIME CHRIS HAS BEEN PHYSICAL WITH HER.
 [REDACTED] GOT DOWN ON THE GROUND AND USED HER ARMS TO TRY AND PROTECT
 HERSELF FROM CHRIS WHO SHE KNEW WAS GOING TO ATTACK HER. CHRIS
 KICKED AND PUNCHED [REDACTED] MULTIPLE TIMES CAUSING REDNESS AND
 SWELLING TO BOTH EYES, BLEEDING FROM THE INSIDE AND OUTSIDE OF HER
 LIP. [REDACTED] WAS KICKED ONE TIME ON THE LEFT SIDE OF HER BACK
 RESULTING IN REDNESS ADN SWELLING. [REDACTED] HAD REDNESS AND SCRAPES
 TO BOTH ARMS AND TO HER LOWER RIGHT LEG. I WENT TO CHRIS'S GF'S
 HOUSE TO MAKE CONTACT AND WAS UNABLE TO MAKE CONTACT. THERE WERE
 NO LIGHTS ON OR VEHICLE IN THE DRIVEWAY. ANGI ADVISED CHRIS WAS
 PLANNING ON GOING TO A HALLOWEEN PARTY AND WOULD RETURN LATER
 TONIGHT. RAMEY WARRANT SUBMITTED FOR ARREST. R-0
 18:58:40 -PRIU 18P22
 18:58:40 -CLEAR
 18:58:40 *CLOSE
 [10/31/2021]
 21:08:58 XREF E2409/DC10 Service:P Inc#:#AP213040118 Type:WARSER Jur:AP
 [11/06/2021]
 09:31:04 XREF V0744/DC11 Service:P Inc#:#AP213100033 Type:FU Jur:AP
 09:31:07 -NPREMS Text:(none)

CONTACT INFO:

Inf/Name	Phone	InfAdd	RPCont	Language	HBD/HS	RPArmed
	909/[REDACTED]-6158		Y			
GUERRERO [REDACTED]			Y			

FILING COURT DISTRICT: Victorville

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINOARREST WARRANT
Probable Cause Arrest Warrant
"Ramsey Warrant"
Penal Code § 817
ID# 102109011

The People of The State of California: To any California Peace Officer: Proof by Affidavit attached and interpreted Statement of Probable Cause having been made before me by Affiant, Deputy Sheriff [REDACTED] Employee # 12283, I find probable cause pursuant to Penal Code § 817 to believe that the therein described criminal offense(s) was/were committed by the defendant named and described below. Therefore, you are commanded to arrest said person and bring said person before any magistrate in the County of San Bernardino pursuant to Penal Code §§ 821, 825, 826 and 848.

The defendant is to be admitted to bail in the amount of: _____ (\$_____).

☐ Night Service: [If checked] Night service authorization is requested based on Statement of Probable Cause.

PERSON TO BE ARRESTED

Name: CHRISTOPHER MICHAEL AKI

Alias(s): CHRIS

Sex: M Race: BLACK Height: 150 Weight: 503 Hair: BLACK Eyes: BROWN

DOB: 02/24/2002 Age: 19

CDL/ID#: Y2018427 State: CA SS#: _____ CCR#: 639664792

Last known address(es): [REDACTED] WICHITA RD

Vehicle(s): _____

Scars/marks/tattoos: NONE

MC-005

FOR COURT USE ONLY

AT THE OFFICE OF THE DISTRICT ATTORNEY, COUNTY OF SAN DIEGO, CALIFORNIA, the following is the address of the person named in the above captioned case:

[REDACTED]

[REDACTED] N. Mountain View Ave
San Bernardino, Ca

MC-006

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alan Messana SBN 118045 364 N. Mountain View Ave San Bernardino, Ca. Attorney for: Christopher Michael Aki TELEPHONE NO 909-517-8373 FAX NO (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Christopher Michael Aki 760-937-8837		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 14455 Civic Drive MAILING ADDRESS: 14455 Civic Drive CITY AND ZIP CODE: Victorville Ca 92395 BRANCH NAME:		
PLAINTIFF/PETITIONER: People of the state of California Vs DEFENDANT/RESPONDENT: Christopher Michael Aki		
FACSIMILE TRANSMISSION COVER SHEET		CASE NUMBER FVI21003031

TO THE COURT:

1. Please file the following transmitted documents in the order listed below:

Document name

No. of pages

NOTICE OF MOTION TO DISMISS PURSUANT TO P.C.CODE SECTION 995
 Supporting Documents

2. ☐ Processing Instructions consisting of _____ pages are also transmitted.
3. ☐ Fee required ☐ Filing fee ☐ Fax fee (Cal. Rules of Court, rule 10.815)
- a. ☐ Credit card payment I authorize the above fees and any amount imposed by the card issuer or draft purchaser to be charged to the following account:
- ☐ VISA ☐ MASTERCARD Account No. _____ Expiration date: _____
- N/A
- (TYPE OR PRINT NAME OF CARDHOLDER)
- N/A
- (SIGNATURE OF CARDHOLDER)
- b. ☐ Attorney account (Cal. Rules of Court, rule 2.304). Please charge my account no.:

1 Alan C. Messarra, esq. SBN 118045
2 364 Mountain View Ave
3 San Bernardino, California 92415
4 (909)387-8373
5 Attorney for:
6 Christopher Michael Aki, defendant
7 (760)987-8837
8
9

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN BERNARDINO**

12 **PEOPLE OF THE STATE OF CALIFORNIA,**

NO. FVI21003031

13 **Plaintiff,**

14 **vs.**

**NOTICE OF MOTION AND MOTION TO
DISMISS PURSUANT TO PENAL CODE
SECTION 995; MEMORANDUM OF POINTS
AND AUTHORITIES**

15
16
17
18 **Christopher Michael Aki**

Defendant

Date: June 7, 2022
Time: 9:30AM
Dept.: V1
Time Est.:

19
20 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND**
21 **TO THE DISTRICT ATTORNEY FOR SAN BERNARDINO COUNTY**

22 **NOTICE IS HEREBY GIVEN** that on the seventh day of June 2022 at 9:30 AM, in
23 Department of the above-entitled court, the above named defendant will move the court to dismiss all
24 counts pursuant to Penal Code section 995, on the grounds that the evidence presented at the
25 preliminary examination was not sufficient to justify a holding order.

26 It is anticipated this motion will be based upon this notice, the attached Memorandum of Points
27 and Authorities, and attached supporting documents.
28

MEMORANDUM OF POINTS AND AUTHORITIES

ISSUE PRESENTED

The denial of a substantial right at a preliminary hearing results in an unlawful commitment, thus requiring a holding order to be set aside upon a timely 995 motion. Mr. Aki was lied to, and told over and over again the preliminary hearing was continued when actually it was either skipped over or held without his knowledge. High Desert Detention Center willfully, intentionally deprived Mr. Aki his right to preliminary hearing by lying he was COVID quarantined. The supporting documents show Mr. Aki was tested at booking on 10/31/21 result was negative, yet according to the Court they were told the reason Mr. Aki could not be transported was the opposite; he was a covid "MEDICAL" in quarantine. Because of this, Mr. Aki's commitment was unlawful and the order should be set aside.

Mr. Aki was denied a substantial right, namely, the right to be present, the right to be told Preliminary was held, because the committing magistrate purposely applied a subjective standard when analyzing the defense. Because of this, Mr. Aki's commitment was unlawful and the holding order should be set aside. Magistrate had to be aware that preliminary was held without Mr. Aki being present because he waived for defendant on 11/09/21 from the 10th day of 11/17/21 to 12/17/21 and continued date to 11/22/21 based on the jail claiming Mr. Aki was a "MEDICAL" in COVID quarantine until 11/18/21, which coincidentally was just one day past 10th day to hold preliminary. Mr. Aki's jail medical records were not checked. There was no verification that he was in fact covid positive. COVID quarantine was the reason for denial of his right to preliminary hearing on both 11/4/21 and 11/9/21 preliminary hearings.

STATEMENT OF FACTS

FVI21003031

Defendant was Covid tested at the Jail on 10 /3121. With a result of negative however the jail deprived defendant Mr. Aki of his constitutional right to have preliminary hearing by telling the court that he was Covid quarantine when he was in fact not. See attached test results for Covid dated October 31, 2021 which show negative and it also gives information on the procedure of being quarantined if the inmate does test positive. November 2, 2021 defendant was present via jailhouse video not in Victorville District but in the District of Rancho Cucamonga Superior Court which has no jurisdiction over Apple Valley where defendant Mr. Aki resides and was arrested in. The portal minutes also indicate that defendant was present but was not present. He was present via jailhouse video

Mr. Aki Was told by the jail house staff that although he did not wish to sign the waiver advisement of constitutional rights waiver form he had to. He was also told not to fill it out not to choose any rights or check any boxes but only sign and date it which is what he did. The jail staff kept original and gave Mr. Aki the attached yellow copy. See attached for reference

The court set pre-pre-and preliminary dates for November 2, 2021 and November 4, 2021. On November 9, 2021 Judge Christopher Pallone

FVI21003031

1 continued pre pre to November 22, 2021 vacated the preliminary that was set for
2 November 15 of 2021 and waived for the defendant it to December 17, 2021. On
3 November 9 of 2021 upon learning being denied the right to attend and know that
4 the preliminary hearing was held or skipped or whatever, defendant felt he had
5 no other choice but to get bail and bond out. Bail bond posted November 9,
6 2021 although the court shows it posted November 18 conveniently one day past the
7 10th day of November 17, 2021 required to have a preliminary hearing. Defendant was
8 released on November 10, 2021 at 8:30 AM from the High Desert Detention Center,
9 Adelanto, CA. Since his release the defendant Mr. Aki has been lied to, tricked, and not told
10 what stages of the hearings have occurred; not told that the trial was underway, not
11 even told that the judge that presided on November 22, 2021 hearing which was
12 his first appearance in court, by Judge Dwight W. Moore that he's a trial judge and a former
13 deputy district attorney as well.
14
15 The court is aware and public defender is aware that Mr. Aki was never told what stages of the
16 proceedings that they were in. According to court documents the pre-pre-and preliminary
17 hearing have occurred in the sense of just continuances. The pre-pre-& preliminary is held to
18 have a judge determine whether or not there's enough evidence to hold defendant to answer to
19 charges. In that sense that has not occurred. There were two pre-pre hearings November 9, 2021
20 There are notes for one hearing and no notes for the other. Why would there be two pre-pre-on the same
21 day of November 9 of 2021 with one showing notes and not the other?
22
23 Discovery was requested by public defender Alan Messara on December 29, 2021. If there in fact
24 has not been a preliminary hearing to determine if there's enough evidence to
25 hold a defendant to the charges how can you be in discovery? Also the District Attorney
26 did not include the arrest warrant in discovery which is required. That is withholding
27 exculpatory evidence which is against the rules and warrants dismissal as well.
28

FVI21003031

1 Discovery was requested by the public defender on December 29, 2021 which shows
2 the public defender was aware that the judge had gone forward Without
3 defendant's knowledge obviously because the pre-pre-prelim has been continued since
4 the case again. The preliminary hearing is one of the first hearings initially done in the
5 beginning of any felony case. The court and public defenders and the district attorney
6 were all aware that they were proceeding without the defendants knowledge. Mr. Aki
7 has been denied his right to a speedy trial as well as a preliminary hearing in the case.
8 There have been many many continuances which is not allowed to happen in any
9 preliminary hearing. There was no good cause of Covid quarantine to continue the
10 preliminary hearing & pre-pre-hearing because as supporting documents show the
11 defendant Mr. Aki was never positive with Covid and therefore was never quarantined
12 He in fact was released to the dorm on November 5, 2021 just one day after the
13 November 4, 2021 hearing was held and once the Court secured a continuance.
14 There has not been any second arrangement of the defendant, Mr. Aki although he
15 has been obviously held the answer to the charges by looking at the stages of the
16 proceedings that have occurred in this case.

17 How can there be a trial attorney assigned to the case isometime December 2021
18 and as well a trial judge if there has not been any pre-pre or preliminary hearing stating
19 that the defendant is being held to answer for the charges based on enough evidence.
20 The only thing that has occurred according to what the Court documents state id
21 continuances based on The High Desert Detention Center Lies claiming defendant
22 was quarantined when he indeed was never quarantined. Judge Moore is a trial judge.

ARGUMENT OF LAW

1 I. THE MOTION TO DISMISS SHOULD BE GRANTED BECAUSE MR. AKI WAS DENIED
2 A SUBSTANTIAL RIGHT, NAMELY, THE RIGHT TO PRESENT AN
3 AFFIRMATIVE DEFENSE.

4 Where it appears that, during the course of the preliminary examination, the defendant
5 has been denied a substantial right, the commitment is unlawful within the meaning of
6 section 995, and it must be set aside upon timely motion. Jennings v. Superior Court (
7 1967) 66 Cal.2d 867, 874. "Substantial rights within the meaning of section 995 have
8 been held to include the right to counsel, cross- examination and to have the right to a
9 Preliminary hearing, and substantial procedural rights such as the statutory right to
10 complete the hearing in one session and to have a closed hearing. [Citations.]" People v.
11 Pennington (1991) 228 Cal.App.3d 959, 964.
12
13 Not only did the court allow the preliminary hearing to be held without the
14 defendant, Christopher Michael Aki, but they did not even tell the defendant that
15 they held it or skipped it. See attached supporting documents where it was requested
16 time and time again to see the original Advisement of Constitutional Rights Waiver
17 that has to have boxes of rights waived checked off however, my. public Defender,
18 Alan Messarra, sent me a copy closely matching mine except the case number
19 appears to be different looks like it was rewritten and cannot be the original.
20
21 Because the case has moved forward as if there were rights waived, although
22 not voluntarily waived by me because I was not advised of my rights at arraignment.
23
24 Valarie Young is from Rancho Cucamonga District did NOT SIGN THE WAIVER
25 and no boxes checked what was the purpose of the court giving it to me?
26
27
28

FVI21003031

CONCLUSION

1 11/09/21, while still in custody, the court just after the hearing and not allowing me to the hearing
2 the court let me stay locked up they held the preliminary or skipped it and proceeded without me
3 Or even TELLING ME. Surprisingly I was bailed out and the court has still continued lying and
4 deprived me of my rights to the hearing and also lied about which hearing they tricked me into
5 waiving! 11/22/21 Trial Judge Dwight Moore presided. [REDACTED] Stangle public defender told me in
6 December that Alan Messarra is a trial attorney.
7
8 Christopher Michael Aki was arrested without a valid warrant at a third party
9 residence where he was a guest on 10/31/21 by San Bernardino County Sheriff's
10 Department in Apple Valley Ca. Arresting Deputy Klabuyen lied in police report
11 committed perjury knowing there was no valid warrant to arrest Christopher Aki, In
12 an effort to conceal this, The Sheriffs at the High Desert Detention Center, along
13 with the Public Defender and The Court conspired to deprive Mr. Aki of his
14 constitutional right to a preliminary hearing among other violations of law. The jail lied
15 claiming he was under quarantine to keep Mr. Aki from his right to preliminary
16 hearing. The Court clearly is aware of what stage the proceedings are in as well as
17 Christopher's own public defender whom we tried to get off the case but of course Mr. Messarra
18 refused to tell me what the 1/27/22 hearing was for so of course I wasn't prepared for it.
19 This misconduct is outrageous and cost my family \$5000. The only hearings I waived
20 were 3/8/22, and 4/12/22 to look for a private attorney and shouldn't have had to
21 because the public defender Alan Messarra has committed legal malpractice.
22 The supporting documents prove that the District Attorney is trying to convict me
23 without the burden of proving it. I ask the court to do the right thing and commit
24 no further prejudice against me and dismiss this case based on the information
25 respectfully submitted. 7

NOTICE OF MOTION TO DISMISS PURSUANT TO P.C.CODE SECTION 995

FVI21003031

1 See attached portal minutes show all hearings the court continued
2 say preliminary but are actually Trial. Either that or they waived
3 prelim hearing the time that trials are required to be held. Not only
4 was I denied the right to due process, I wss not even told what
5 stage of proceedings. I was not told I was held to answer. I was not
6 arraigned a second time. This is unbelievable.

10 Mr. Messarra refused to file not one motion. Instead he believes he
11 has represented me and my best interests using the waiver I was
12 forced by the jail to sign. Its void because no attorney signed it
13 And no boxes are checked. The waiver of presence is not true. It is
14 waiver if appearance for covid jailhouse vidro but jail uses PRESENCE
15 Big difference between PRESENCE AND APPEARANCE.

19 The Court had gone so far as to continue trying to get a bench warrant issued by
20 claiming the new Judge Driscoll is now in V1 changed from V11. You would have to
21 change their name tags too as well. Why would all that be necessary?

23 I, Christopher Michael Aki, declare under penalty of perjury the above is true
24 to the best of my knowledge



Christopher Michael Aki

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA,	DISTRICT	
	☐ SAN JUAN ☐ FORTY-NINE ☐ JOSHUA TREE ☐ RANCHO CUCAMONCA ☐ SAN BERNARDINO ☒ VENTURA	
AKI, Christopher		FVI21003031
Defendant		CASE NO.

**WAIVER OF PERSONAL PRESENCE
ACKNOWLEDGMENT OF ADVISAL OF CONSTITUTIONAL RIGHTS
VIA TWO-WAY ELECTRONIC AUDIO-VISUAL SYSTEM**

- ☐ The defendant, having been advised of his/her rights to be present at all stages, hereby waives his/her right to be physically present at this hearing and consents to a two-way audiovisual arrangement.
- ☐ Defendant gives his/her true name as _____
- ☐ Defendant was informed of the charge(s) against him/her, his/her right to aid of counsel in every stage of the proceeding.
- ☐ Acknowledgment of Advisal of Constitutional Rights signed, filed, and incorporated herein.
- Defendant in this matter declares that he/she has been advised of the following constitutional rights and also makes the following waivers:
- ☐ a. Right to be tried by a jury
 - ☐ b. The right to confront and to cross-examine all the witnesses against him/her
 - ☐ c. The right at the trial to present evidence in his/her favor and either to testify for him/herself or, if he/she wishes, he/she may remain silent.
 - ☐ d. The right to a speedy and public trial.
 - ☐ e. The right to have witnesses subpoenaed to testify in his/her behalf and to obtain all evidence which might exonerate the defendant.
 - ☐ f. The right to have a qualified lawyer defend him/her at all stages of the proceedings, that said attorney may be of the defendant's own choice or shall be court-appointed if the defendant is unable to afford counsel.
 - ☐ g. The right to a preliminary hearing if charged with a felony within ten (10) days.
 - ☐ h. Defendant also understands that if an attorney is appointed to represent him/her, at the conclusion of the criminal proceedings, the court will, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of the attorney.
- If the court determines that the defendant has such present ability, the court will order the defendant to pay all or part of such costs. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution. PC 967.8
- ☐ i. That defendant understands if he/she is not a citizen, the conviction of the offense for which he/she is charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
 - ☐ j. Defendant agrees that any commissioner may hear his/her case.
 - ☐ k. Defendant further understands that he/she has the right to be sentenced by the judge or commissioner who accepts his/her plea, but agrees that any judge or commissioner may impose sentence in this case.
 - ☐ l. Defendant understands that on a violation of probation, he/she has the right to a formal hearing and have his/her attorney present, or if he/she does not have an attorney, and cannot afford an attorney, the court will appoint an attorney. However, for the purposes of the violation of probation, he/she waives his/her right to an attorney and a formal hearing.

- ☐ Defendant's current address and zip code _____

Date:

11/2/21

Signature of Defendant:

X Christopher Aki

I declare under penalty of perjury that I have read all of the above to the defendant in the _____ language.

Date:

Signature of Interpreter:

I certify under penalty of perjury that I, _____
of all rights referred to above

have advised this defendant.

Date:

Signature of Attorney:

RECEIVED
NOV 03 2021
VENTURA DISTRICT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

STATE OF THE STATE OF CALIFORNIA

Plaintiff

Defendant

☐ BARTON
☐ FONTANA
☐ JOSHUA TREE
☐ RANCHO CUCAMONGA
☐ SAN BERNARDINO
☐ VICTORVILLE

CASE NO.

WAIVER OF PERSONAL PRESENCE
ACKNOWLEDGMENT OF ADVISAL OF CONSTITUTIONAL RIGHTS
VIA TWO-WAY ELECTRONIC AUDIO-VISUAL SYSTEM

Immales Copy

The defendant, having been advised of his/her right to be present at all stages, hereby waives his/her right to be physically present at this hearing and consents to a two-way audiovisual arraignment.

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Defendant was informed of the charge(s) against him/her, his/her rights, or his/her right to aid of counsel in every stage of the proceeding.

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- ☐ b. The right to confront and to cross-examine all the witnesses against him/her;
- ☐ c. The right at the trial to present evidence in his/her favor and either to testify for him/herself or, if he/she wishes, he/she may remain silent;
- ☐ d. The right to a speedy and public trial;
- ☐ e. The right to have witnesses subpoenaed to testify in his/her behalf and to obtain all evidence which might exonerate the defendant;
- ☐ f. The right to have a qualified lawyer defend him/her at all stages of the proceedings; that said attorney may be of the defendant's own choice or shall be court-appointed if the defendant is unable to afford counsel;
- ☐ g. The right to a preliminary hearing if charged with a felony within ten (10) days;
- ☐ h. Defendant also understands that if an attorney is appointed to represent him/her, at the conclusion of the criminal proceedings, the court will, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of the attorney.

If the court determines that the defendant has such present ability, the court will order the defendant to pay all or part of such costs. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution, PC 987.8.

- ☐ i. That defendant understands if he/she is not a citizen, the conviction of the offense for which he/she is charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

- ☐ j. Defendant agrees that any commissioner may hear his/her case.

- ☐ k. Defendant further understands that he/she has the right to be sentenced by the judge or commissioner who accepts his/her plea, but agrees that any judge or commissioner may impose sentence in this case.

- ☐ l. Defendant understands that on a violation of probation, he/she has the right to a formal hearing and have his/her attorney present, or if he/she does not have an attorney, and cannot afford an attorney, the court will appoint an attorney. However, for the purposes of the violation of probation, he/she waives his/her right to an attorney and a formal hearing.

- ☐ Defendant's current address and zip code:

Date

Signature of Defendant

I declare under penalty of perjury that I have read all of the above to the defendant in the _____ language.

Date

Signature of Interpreter

I certify under penalty of perjury that I, _____ have advised this defendant of all rights referred to above.

Date

Signature of Attorney

Justice Partner Por

Supreme Court of California and County of San Bernardino



Justice Partner P

Supreme Court of California and County of San Bernardino

Preliminary
Hearing

11/24/21

10:00 AM

Continued -
Vancouver

Pre-Preliminary
Hearing

11/4/21

9:00 AM

Continued -
Palm Springs
Held

Pre-Preliminary
Hearing

11/9/21

8:00 AM

Held

11/09/21

Pre-Preliminary
Hearing

11/9/21

9:00 AM

Held

11/09/21

Pre-Preliminary
Hearing

11/12/21

10:00 AM

Held

In Custody
Arraignment

11/2/21

9:00 AM

he





From jail



SHANNON D. DICUS, SHERIFF-CORONER

[Handwritten signature]

[Handwritten signature]

From Correctional Health Services

Your COVID-19 test results are **POSITIVE** **NEGATIVE** for coronavirus.

Tested on: 10/31/2021

IF POSITIVE:

Most who test positive have no or mild symptoms. Some have symptoms. Symptoms may include fever, chills, cough, fatigue, loss of smell or taste, nausea/vomiting, diarrhea, body aches or shortness for breath. You can take Tylenol for fever or pain.

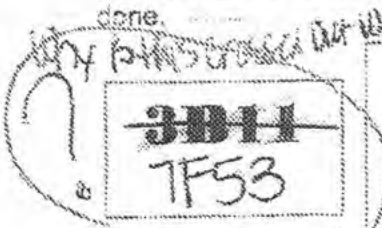
Drink plenty of fluids, especially if you have a fever. Most recover within 2 weeks.

Because you can infect other people even if you don't have symptoms, you will be on medical isolation for up to 14 days from the date of your test. While on medical isolation, you can safely be housed with others who also have COVID-19. Please continue to wear a mask, keep at least six feet from those not known to be infected, and wash your hands frequently.

While you are isolated, nurses will monitor your symptoms and check your vital signs. In that way, we can find out if you need to see a doctor or get further care. Some problems can only be known by checking vital signs. Please let the nurse check yours. Tell any staff member immediately if you have shortness of breath, difficulty breathing, or any other medical emergency.

A medical staff member will determine when your isolation ends, based on the results of the nurse checks and other information. Another test is rarely necessary. Once your medical isolation ends, your COVID-19 is considered resolved. Once your COVID-19 is resolved, you cannot infect other people. You can then be safely housed with others, including those who do not have COVID-19.

It is not known whether you can get re-infected with COVID-19 after you have had it once. You should continue to wear a mask, keep at least six feet from other, wash your hands frequently, and report any symptoms to medical staff. For three months, we will not re-test you for COVID-19 unless you have symptoms, or other circumstances require that a test be done.



BK 2110370899

AKI, CHRISTOPHE MICHAEL

DOB 02/24/2002

why cross of the

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

655 East Third Street • San Bernardino, California 92415-0051 • Post Office Box 569 • San Bernardino, California 92402-0569

1107527

1 Law Offices of the Public Defender
2 Alan Messarra, SBN 118045
3 Deputy Public Defender
4 14455 Civic Drive, Suite 600
5 Victorville, CA 92392
6 Telephone: 760-241-0413
7 Email: amessarra@pdl.sbcounty.gov

8 Attorney for Defendant

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN BERNARDINO
11 VICTORVILLE DISTRICT

12 PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 CHRISTOPHER AKI,

17 Defendant.

Case No.: FV121003031

DEFENDANT'S INFORMAL DISCOVERY

18 TO THE PROSECUTOR AND HIS REPRESENTATIVE:

19 Notice is hereby given that the Defendant in the above-named case is requesting
20 disclosure and production of the following materials and information within 15 days from the
21 date of this request. This request is made pursuant to Penal Code sections 1054, 1054.1, and
22 1054.5(b), Evidence Code section 801 to 805, and the cases of *Irazaga v. Superior Court* (1991)
23 54 Cal.3d 356 and *Brady v. Maryland* (1963) 373 U.S. 83. The prosecutor must also disclose raw
24 interview notes of any prosecution witness taken by the prosecutor or the police. (*Thompson v.*
25 *Superior Court* (1997) 53 Cal. App.4th 480.) Oral interviews of witnesses, whether by third
26 parties such as investigators, or by counsel, must also be disclosed as part of discovery. (*Roland*
27 *v. Superior Court* (2004) 124 Cal.App.4th 154.):

- 28
1. All statements of the defendant whether oral, written, audiotaped or videotaped.
 2. The existence of a felony conviction or misdemeanor conviction of a crime of moral turpitude of any material witness whose credibility is likely to be critical to the outcome of

the trial.

3. Any exculpatory evidence.
4. All audio recorded statements of witnesses.
5. All color photographs and videos in this case.

Date: December 28, 2021

Respectfully submitted,

Law Offices of the Public Defender

ALAN C. MESSARRA
Deputy Public Defender
Attorney for Defendant

San Bernardino

92408

FROM

TO

Name: Natalie Tapia

Phone: 3381

Fax:

9093823965

E-mail: NTapia@inlandrc.org

Sent: 5/23/22

at: 3:27:43 PM

13 page(s) (including cover)

Subject: Vasquez, Report (PD)

Comments:

FILING COURT DISTRICT: Victorville

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO

ARREST WARRANT Probable Cause Arrest Warrant "Ramsey Warrant" Penal Code § 817 DN #: 182104911



The People of The State of California: To any California Peace Officer: Proof by Affidavit attached and incorporated Statement of Probable Cause having been made before me by Affiant, Deputy Sheriff [REDACTED] Mammoth Employee # 12283, I find probable cause pursuant to Penal Code § 817 to believe that the therein described criminal offense(s) was/were committed by the defendant named and described below. Therefore, you are commanded to arrest said person and bring said person before any magistrate in the County of San Bernardino pursuant to Penal Code §§ 821, 825, 826 and 846.

The defendant is to be admitted to bail in the amount of: _____ (\$_____).

☐ Night Service: [If checked] Night service authorization is requested based on Statement of Probable Cause.

PERSON TO BE ARRESTED

Name: CHRISTOPHER MICHAEL AGI

Alias(s): CHRIS

Sex: M Race: BLACK Height: 150 Weight: 503 Hair: BLACK Eyes: BROWN

DOB: 02/24/2001 Age: 19

CDL/ID #: Y2018472 State: CA SSN: _____ CCR#: A39664792

Last known address(es): [REDACTED] NICHTA RD

Vehicle(s): _____

Scars/marks/tattoos: NONE

* Issued pursuant to People vs. Ramsey (1976) 16CR253, 127CR629; People vs. Case (1988) 185CA38826, 164CR562; also see People vs. Bunker (1989) 49c3d1845, June 1989; also Penal Code 817(a) (1) When a declaration of probable cause is made by a peace officer of this state, in accordance with subdivision (b) or (c), the magistrate, if, and only if, is satisfied from the declaration that there exists probable cause that the offense described in the declaration has been committed and that the defendant described therein has committed the offense, shall issue a warrant of probable cause for the arrest of the defendant.

Warrant ID: 90037194

Page 1 of 1

6-Felony/Or Misd

VWSN 21-3478

FILING COURT DISTRICT: Victorville

Superior Court of California ♦ County of San Bernardino
Statement of Probable Cause

♦ AFFIDAVIT ♦

Affiant, [REDACTED] Mammalian, a Deputy Sheriff for the San Bernardino County Sheriff's Department swears under oath that the facts stated in the Affidavit and the attached and incorporated Statement of Probable Cause are true and based thereon has probable cause to believe and does believe that the person described above has committed the following criminal offense(s): List Crime(s) & Classification (Victimization / Felony)

PC 243(D)

Christopher Alti lives with his mother Angela at 14237 Mantecito Road. Christopher and Angela were in a verbal argument. Christopher became increasingly upset and started following Angela who went outside in hopes that her neighbors would hear or see what she knew Christopher was going to do next. Angela knew Christopher was going to hit her because he has acted in a similar manner which led to a physical altercation in the past.

Angela went outside and got into a fetal position on her left side, in the ground in the dirt to protect herself. Angela used her forearms to shield and protect her face as Christopher kicked and punched Angela multiple times as she laid in the dirt. Angela had severe swelling on both eyes and cheeks. Angela complained of pain to the left side of her jaw. Angela had an approximately one-inch laceration to the outside of her lower lip and a small laceration on the inside of her lip which were both bleeding. Angela had a laceration on the outside of her left eye. Angela had redness and swelling on the left side of her back where she recalls Christopher kicking her. Angela had redness and scratches on her forearms where she held her arms up to shield herself.

Angela was unable to tell me how many times and where Christopher punched and kicked her. She recalls being hit approximately five times but because she was shielding her face, she was unable to tell me if that contact was made with his foot or his fists, but she knows he was kicking and

+17609878837

PAG

1101 1. 2. 3.

FILING COURT DISTRICT: Victoria

JAN 14 2022

FILING COURT DISTRICT: Victoria

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO

ARREST WARRANT Probable Cause Arrest Warrant

"Quincy Warrant"
Penal Code § 817
DR#: 182104911

The People of The State of California To any California Peace Officer Proof by Affidavit attached and incorporated Statement of Probable Cause having been made before me by Affiant, Deputy Sheriff [REDACTED] Municipalities Employee # 12283, I find probable cause pursuant to Penal Code § 817 to believe that the therein described criminal offense(s) was/were committed by the defendant named and described below. Therefore, you are commanded to arrest said person and bring said person before any magistrate in the County of San Bernardino pursuant to Penal Code §§ 821, 825, 826 and 940.

The defendant is to be admitted to bail in the amount of: _____ (\$ _____).

☐ Night Service: [If checked] Night service authorization is requested based on Statement of Probable Cause.

PERSON TO BE ARRESTED

Name: ORLANDER, MICHAEL AG
Alias(es): CFIS
Sex: M Race: BLACK Height: 150 Weight: 170 Hair: BLACK Eyes: BROWN
DOB: 03/24/2002 Age: 19
CDL/ID#: Y2018477 State: CA SS#: _____ CHUP: A39564702
Last known address(es): 15459 MICHELITA RD
Vehicle(s): _____
Scars/markings/features: NONE

* Issued pursuant to People vs. Ramsey (1978) 18CA333, 127CR525; People vs. Case (1980) 105CA38826, 144CR527; also see People vs. Stuber (1989) 49CA1645, June 1989; also Penal Code 817(a) (1) When a declaration of probable cause is made by a peace officer of this state, in accordance with subdivision (b) or (c), the magistrate, M, and only M, is satisfied from the declaration that there exists probable cause that the offense mentioned, M, and only M, is satisfied from the declaration that there exists probable cause that the offense mentioned in this declaration has been committed and that the defendant described therein has committed the offense, shall issue a warrant of probable cause for the arrest of the defendant.

Ad Signature

Warrant ID: 00037104

Page 1 of 1

C. Felony/Or Misd.

WSN 21-2478

FILING COURT DISTRICT Victoria

Superior Court of California ♦ County of San Bernardino
Statement of Probable Cause

♦ AFFIDAVIT ♦

Defendant, [REDACTED] Manuvelin, a Deputy Sheriff for the San Bernardino County Sheriff's Department swears under oath that the facts stated in the Affidavit and the attached and incorporated Statement of Probable Cause are true and based thereon find probable cause to believe and *does believe* that the person described above has committed the following criminal offense(s): List Crime(s) & Classification (Misdemeanor / Felony)

PC 243(b)

Christopher Aki lives with his mother Angela at 14237 Mantecada Road. Christopher and Angela were in a verbal argument. Christopher became increasingly upset and started following Angela *in the front yard* outside in hopes that her neighbors would hear of see what she knew Christopher was going to do next. Angela knew Christopher was going to hit her because he has acted in a similar manner which led to a physical altercation in the past.

Angela went outside and got into a fetal position on her left side, in the ground in the dirt to protect herself. Angela used her forearms to shield and protect her face as Christopher kicked and punched Angela multiple times as she laid in the dirt. Angela had severe swelling on both eyes and cheeks. Angela complained of pain to the left side of her jaw. Angela had an approximately one-inch laceration on the outside of her lower lip and a small laceration on the inside of her lip which were both bleeding. Angela had a laceration on the outside of her left eye. Angela had redness and swelling on the left side of her back where she recalls Christopher kicking her. Angela had redness and scratches on her forearms where she held her arms up to shield herself.

Angela was unable to tell me how many times and where Christopher punched and kicked her. She recalls being hit approximately five times but because she was shielding her face, she was unsure if the contact was made with his foot or his fists, but she knows he was kicking and punching.

I swear that the above is true and correct.

Signature of Affiant

The affiant in support of this arrest warrant is *sworn to and subscribed before* me this 1st day of Month, Year at Time ☐ am ☐ pm.

Oath administered orally over the telephone ☐ Yes ☐ No

Therefore, I find probable cause to the issuance of this arrest warrant and do so issue it.

Judge of the Superior Court, Choose an item. District

(Signature)

(Print name)

ARREST WARRANT AND AFFIDAVIT

Page 2 of 2

Warrant ID: 000077

Page 2

VVSW 21-3478

County of San Bernardino, State of California.

The people of the State of California to any peace officer of the STATE: Plead by declaration under penalty of perjury having been made this day to me by the affiant in the attached declaration of probable cause, I find that there is probable cause to believe that a crime has been committed by the defendant named and described in the affidavit.

Therefore, you are commanded to arrest the defendant named in the affidavit and to bring the defendant before any magistrate in County pursuant to Sections 821, 825, 826, and 846 of the Penal Code.

Defendant is arrested to bail in the amount of \$100000.00.

Date issued: 08/04/2021 10:22

Hotels Sealing Approved: NO

Night Service Approved: NO

Exculpatory evidence of
judges signature not on
warrant. This is third page
for warrant NOTES

0609, V1

7/20
V1

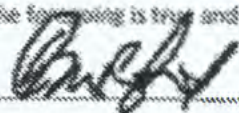
ATTORNEY FOR PARTY WITHOUT AN ATTORNEY (Plaintiff, Defendant, or Other Party) (Filing Office) Alan Messera 5884 118045 255 E. Mountain View Ave San Bernardino, Ca. E-MAIL ADDRESS: alan.messera@pd.sbcounty.gov ATTORNEY'S FIRM (Name): CHRISTOPHER MICHAEL AKI		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO 14455 Civic Drive 14455 Civic Drive Victorville Ca 92388 760-941-0413		
PLAINTIFF(S)/PETITIONER(S) People of the state of California Vs		
DEFENDANT(S)/RESPONSENTER(S) Christopher Michael Aki		TRIAL Judge David Driscoll
IN THE MATTER OF:		DEPT: V1
PEREMPTORY CHALLENGE		CASE NUMBER: FVI21003031

Christopher Michael Aki is ☒ a party ☐ an attorney for a party in the above entitled case and declares that TRIAL Judge David Driscoll, the judicial officer to whom this case is assigned, is prejudiced against the party or the party's attorney or interests of the party or the party's attorney such that the said party or parties believe(s) that a fair and impartial trial or hearing cannot be had before this judicial officer.

WHEREFORE, pursuant to the provision of the Code of Civ. Proc. §170.6, I respectfully request that this court issue its order reassigning said case to another judicial officer for further proceedings.

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

Date: June 8, 2022



Signature

The Court finds that the Affidavit was/was not () filed timely.
 Judicial Officer's Initials

Judge Driscoll prejudiced me on 6/7/22 by setting a prelim already held and has a trial!
Discovery exchanged 12/29/21 ORDER

- ☐ GRANTED - The Court finds the challenge is filed timely and the party's/attorney's above statement meets the requirements of Code of Civ. Proc. §170.6(a)(2).
- ☐ DENIED -

IT IS SO ORDERED.

Date: _____

Supervising Judicial Officer

Date: _____ Case is reassigned to Judge/Commissioner _____

SHORT TITLE: The People of The State of California
vs Christopher Michael Aki

CASE NUMBER:

FVI21003031

6/7/22 HEARING TRIAL COURT JUDGE

STRUCK 2 MOTIONS THAT COULD SHOW DEFENDANT HAS BEEN PREJUDICED AND CIVIL RIGHTS VIOLATIONS

PUBLIC DEFENDER APPEARED FOR ALAN MESSARPA REQUESTED TO SET PRELIM FOR 6/9/22

DOES A TRIAL COURT SET PRELIM DATES?

HOW DOES A TRIAL COURT SET PRELIM DATES FOR CASE WITH PRELIM ALREADY DONE?

IS IT LEGAL FOR A COURT NOT TELL DEFENDANT HE IS STANDING IN A TRIAL COURT, IN FRONT OF A TRIAL JUDGE, APPEARING WITH A TRIAL ATTORNEY

DEFENDANT STILL BEING PREJUDICED NOT ALLOWED TO GO TO PRELIM, HAVE A PRELIM OR AT LEAST BE TOLD IT WAS HELD!

COURT SET PRELIM 6/9/22 AFTER THROWING OUT MOTIONS WITHOUT HEARING THEM!

WHAT OFFENSE ATTORNEY FINDS MOTIONS NOT A DEFENSE?? WHAT DEFENSE ATTORNEY WANTS MOTIONS THROWN OUT?

A PL. JUDGE/DEFENDER WHO WANTS THEM THROWN OUT IS ONE WHO HAS LOST TRACK OF THE EMAILS OF LIES STATING TO ME THE STAGES OF PROCEEDINGS

OUR PHONES HAVE BEEN AND ARE STILL BEING TAPPED AND WE KNOW WHO BUT WAITING TO FILE SUIT

ALL OF THE VIOLATIONS OF RIGHTS

AM BY SHERIFFS 6/11/22 WITH COURT, DA, MY OWN PD ARE WORKING TOGETHER AS A TEAM TO RAILROAD ME BECAUSE SHERIFF HAD NO WARRANT SEARCH WARRANT OR PROB CAUSE DECIDED ALL ON THEIR OWN TO ME OUT OF HOUSE WHERE WAS A GUEST.

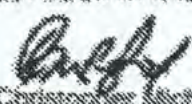
JUST BECAUSE COURT THROWS OUT MOTIONS DOES NOT MEAN THEY LOSE LEGAL GROUND AS A DEFENSE

THE COURT, ALAN MESSARPA AND PUBLIC DEFENDER WHO STOOD IN FOR ALAN WHO JUST HAPPENED TO BE SICK 6/7/22, VIOLATED MY RIGHT TO A SPEEDY TRIAL BY THROWING OUT THE MOTIONS WITHOUT ADVISING THE COURT DISCOVERY HAD BEEN EXCHANGED 6 MONTHS AGO

IT IS ANOTHER VIOLATION OF MY RIGHTS TO A TRIAL BY THROWING OUT THESE MOTIONS IN AN EFFORT VIOLATIONS TO PC 859b.

ALAN MESSARPA IS WORKING ON DA SIDE. IF NOT THEN ANSWER US ALAN AGAIN FOR MANY MANY TIMES WHAT HAVE YOU DONE SPECIFICALLY TO DEFEND ME?

GET OFF THE CASE ALAN. PRELIM HAS BEEN DONE WITHOUT ME OR MY KNOWLEDGE DISMISSAL PURSUANT PC 859b.


Christopher Michael Aki

(Required for verified pleading) The facts on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 1

SHORT TITLE:	The People of The State of California vs Christopher Michael Aki	Case number:	FVI21003031
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WE ATTEMPTED TO SEE THE CASE FILE AND CLERK BROUGHT
US FOLDER WITH 4 PIECES OF PAPER.

AGAIN DISCOVERY WAS EXCHANGED 12/29/21. HOW IF NO
PRELIM???? THAT MEANS THE COURT, THE DA HAVE
HELD ME TO ANSWER, WITHOUT A SECOND ARRAIGNMENT
AND JUST TREATED ME LIKE GUM UNDER THEIR SHOE.
AND NOT EVEN TOLD ME.

HIGH DESERT DETENTION CENTER HANDS OUT
AN ADVERTISEMENT OF CONSTITUTIONAL RIGHTS
AND FORCED TO SIGN IT ONLY DO NOT
COMPLETE IT. COPY GIVEN TO ME. I PROTESTED NO!!
I DONT WANT TO WAIVE.

ALAN MESSARRA GAVE US COPY OF ORIGINAL FORM WITH
NO BOXES CHOSEN OF RIGHTS WAIVED. THEN THEIR
PURPOSE TO DO THE FORM WAS?????!

WHAT KIND OF COURT ALLOWS DEFENSE TO ASSIST DA IN
PROSECUTION WITHOUT PROOF?

THE ADVISEMENT OF CONSTITUTIONAL WAIVER FORM IS FRAUDULENT. NO
OTHER COUNTY FORM IS LIKE SAN BERNARDINO COUNTY

THIS COURT IS CORRUPT



Christopher Michael Aki

(Required for verified pleadings) The facts on this page stated on information and belief are (specify item numbers, not line numbers)

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 2

66:09 VI

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

JUN 07 2022

Alan Messarra SHN 118045
364 N. Mountain View Ave
San Bernardino 92415
909-389-8373
Alan.messarra@pd.sbcounty.gov

BY A. Mendoza
A. MENDOZA, DEPUTY

Attorney for defendant: Christopher Michael Aki

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

FVI21003031

The People of the State of California
Plaintiff,

vs.

Christopher Michael Aki
Defendant(s)

NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT PC 1382
DEFENDANT NOT BROUGHT TO TRIAL
DATE: June 7, 2022
TIME: 9:30 am
JUDGE: David Driscoll
DEPT: V1 or V11
EST TIME:

MEMORANDUM OF POINTS AND AUTHORITIES

Come now, the defendant Christopher Michael Aki providing notice to the court,
public defender, and prosecutor this is a notice of motion and motion to
dismiss pursuant PC 1382 Lack of speedy trial. Supporting documents attached.

SCANNED

SCANNED

FVI21003031

1 On October 31, 2021, defendant, Christopher Michael Aki was unlawfully arrested
2 by the San Bernardino County Sheriff's Department by Apple Valley station. This
3 unlawful arrest occurred at a third-party residence where Mr. Aki was a guest at
4 the time. At no time did he ever live at [REDACTED] Wichita Rd. in Apple Valley
5 California. At no time did he ever live at 15469 Wichita Rd. in Apple Valley Ca.
6 Mr. Aki, was taken to the High Desert Detention Center in Adelanto California on
7 October 31, 2021, by San Bernardino County Sheriff's. He was booked, Covid
8 tested, but not given the test result until he was bailed out November 9, 2021.
9 Those test results were negative for Covid, However arraignment was held o
10 November 2, 2021 by a port that has no jurisdiction over the town of
11 Apple Valley, which is where defendant resides and was arrested. Nonetheless
12 Judge Arthur Benner, II, presided over the arraignment Superior Court of
13 California, in Rancho Cucamonga
14 At no time did he ever live at [REDACTED] Wichita Rd. in Apple Valley California. Mr.
15 Aki, was taken to the High Desert Detention Center in Adelanto California on
16 October 31, 2021, by San Bernardino County Sheriff's. He waswas booked,
17 Covid tested, but not given the test result until he was bailed out November 9,
18 2021. The test result was negative for Covid, the arraignment was held on
19 November 2, 2021 by a Court that has no jurisdiction over the town of Apple
20 Valley, which is where defendant resides and was arrested. Nonetheless, Judge
21 Arthur Benner, II, presided over the arraignment at Superior Court of California
22
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NOTICE OF MOTION AND
MOTION TO DISMISS
PURSUANT PC 1382-page 2

FVI21003031

1 in Rancho Cucamonga California. This arrangement was not only out of
2 jurisdiction but it was done without a court reporter or any recording device
3 whatsoever. Bail was set for \$50,000 and defendant was remanded into custody
4 where he remained until the hearing for the pre- preliminary on November 2 2021
5 with a preliminary on November 4, 2021. Since the beginning of this case, there
6 have been nothing but continuances for preliminary and pre-prehearings. See
7 attached portal minutes indicating that. There are also no explanations/reason for
8 the defense requesting continuances for a preliminary and pre-prehearing from
9 11/4/2021 to 3/08/2022, with exception of defendants requests on 3/8/22 and
10 4/12/22, to seek a private attorney to do the job his public defender was told not
11 to do by the Court from what has occurred in the stages of how case progressed.
12 The defendant to date has not been brought to trial. Pursuant penal code 977 (B) (1)
13 Anyone charged with a felony has a right to be brought to trial within 60 days of
14 arrangement. See the attached portal minute indicating there's no mention of any
15 whatsoever from the date indicated above. The only occurrences in the case that the
16 defendant has been told and made to believe is that the preliminary and pre pre
17 have not been held to date . today today is June 7, 2022.

18 Another very very important point to mention here is that arraignment on
19 November 2, 2021 be a jail house video from High Desert Detention Center to the
20 Rancho Cucamonga Superior Court, defendant was handed a two-part form called
21 Advertisement of Constitutional Waiver of Rights.
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NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT PC 1382
RIGHT TO TRIAL-PAGE 3

FVI21003031

1 This form is handed to the defendant while in custody at the jail house video done on
2 November 2, 2021. A custodyspecialist who is also a sheriff who works for the High
3 Desert Detention Center told defendant he must sign and date but do not complete
4 the waiver form. The form lists their constitutional rights as well as the advisement of
5 the VOLUNTARY waiver to have the arraignment held via video remotely.
6
7 After extensive research about this waiver form on other court websites, in different
8 counties, it was discovered that there are no other forms like this one in that
9 there are no constitutional right to waive on the other county forms. Basically it
10 only indicates exactly what it is supposed to be about and that is a waiver a
11 presence. A waiver appearance and presence are two different things. Appearance
12 refers to one hearing And presence refers to multiple hearing in speaking about court
13 cases.
14
15 See the attached copy of waiver of presence form other counties and attached copy
16 from San Bernardino county court advisement of waiver of rights. will see the
17 difference. The requirement under PC 1382 is that a defendant has right to
18 speedy trial for felonies within 60 days. This case started off with unlawful acts committed
19 from the Sheriff's Department, the jail personnel, the Court, the public defender, and the
20 prosecutor. To add insult to injury, the defense counsel is the only party that requested
21 continuances preliminary and pre-pre-indefinitely throughout the entire case thats
22 lasted for seven months. After seven months, they expect us to believe that they did not
23 even have anything other than the arraignment and a preliminary.

NOTICE OF MOTION PURSUANT
TO PC1382 RIGHT TO SPEEDY
TRIAL-PAGE 4

FVI21003031

1 Pursuant PC 1382 PC 1382 states that:

2 "The court, unless good cause to the contrary is shown, shall order the action to be
3 dismissed in the following cases. . . In a felony case, when a defendant is not
4 brought to trial within 60 days of the defendant's arraignment...[or] when a
5 defendant in a misdemeanor or infraction case is not brought to trial within 30 days
6 after he or she is arraigned or enters his or her plea, whichever occurs later..."
7

8
9
10 ARGUMENT

11 The Court did not accept defendant's not guilty plea. See portal minutes that
12 states defendant pleads not guilty. It is supposed to read the Court enters
13 defendant's plea of not guilty, which means the Court somewhere down the line
14 planned to convince him to change his plea. The Court has committed the
15 following acts that prejudiced defendant:
16

17
18 1. The defendant's own public defender did not represent defendant's best interests
19 in this case by allowing the court and not advising defendant of the status of the
20 proceedings that have occurred. This is proven by looking at the portal minutes for
21 every hearing that have occurred which include the fact that discovery was
22 exchanged on December 29, 2021 without the defendant knowledge not until
23 sometime in January 2022. See attached email from public defender, Alan Messarra which
24 states that on January 27, 2022 after the defendant asked what was the purpose of that
25 hearing he replied to set prelim hearing date within the current 60 day waiver.
26
27
28

CASE FVI21003031

CONCLUSION

3. Defendant was never arraigned second time.
4. Discovery has been exchanged although the preliminary supposedly has not happened according to defend^Wits own public defender, the court.
5. Defendant was m^Wto believe the only hearings that have occurred and have been ~~waiting I've been at the prelim~~ ^{perum's CA} however according to court documentation this is not true. Only a trial could be waived 60 days. A preliminary is only waived 10 days and these are time frames outside of the extension timeframe due to Covid per Chief Justice executive orders
6. The defendant has i've been told he has been held to answer.
7. Obviously if discovery has been exchanged we have to assume that he should've been held to answer and then the information has been filed. The defendant has not been advised that either. ^{OK Pre OK}
8. November 22, 2021 ~~there~~ ^{prehearing} Judge Dwight Moore presided. Defendant was never told he is a trial ^{OK Judge}
10. Defendant has never been told of any trial date set. Now 7 months in the case.
11. Defendant was never told that Dwight Moore is in fact a trial judge as well as Judge David Driscoll who is currently assigned to this hearing June 7, 2022 and June 9, 2022, for pre-pre-and preliminary hearings.

I declare under penalty of perjury to be true

NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT TO PC 1382
RIGHT TO SPEEDY TRIAL b

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA,	Plaintiff	DISTRICT	11-04
Aki, Christopher	Defendant	☐ BARSTON ☐ FONTANA ☐ JOSHUA TREE ☐ RANCHO CUCAMONGA ☒ SAN BERNARDINO ☐ UPLAND	FV121003631
			CASE NO.

**WAIVER OF PERSONAL PRESENCE
ACKNOWLEDGMENT OF ADVISAL OF CONSTITUTIONAL RIGHTS
VIA TWO-WAY ELECTRONIC AUDIO-VISUAL SYSTEM**

- ☐ The defendant, having been advised of his/her right to be present at all stages, hereby waives his/her right to be physically present at the hearing and consents to a two-way audiovisual arrangement.
- Defendant gives his/her true name as _____
- ☐ Defendant was informed of the charge(s) against his/her, his/her rights, of his/her right to aid of counsel in every stage of the proceeding.
- ☐ Acknowledgment of Advisal of Constitutional Rights signed, filed, and incorporated herein.
- Defendant in this matter declares that he/she has been advised of the following constitutional rights and also makes the following waivers:
- ☐ a. Right to be tried by a jury.
 - ☐ b. The right to confront and to cross-examine all the witnesses against his/her.
 - ☐ c. The right at the trial to present evidence in his/her favor and either to testify for him/herself or, if he/she wishes, he/she may remain silent.
 - ☐ d. The right to a speedy and public trial.
 - ☐ e. The right to have witnesses subpoenaed to testify in his/her behalf and to obtain all evidence which might exonerate the defendant.
 - ☐ f. The right to have a qualified lawyer defend his/her at all stages of the proceedings, that said attorney may be of the defendant's own choice or shall be court-appointed if the defendant is unable to afford counsel.
 - ☐ g. The right to a preliminary hearing if charged with a felony within ten (10) days.
 - ☐ h. Defendant also understands that if an attorney is appointed to represent his/her, at the conclusion of the criminal proceedings, the court will, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of the attorney.
- If the court determines that the defendant has such present ability, the court will order the defendant to pay all or part of such costs. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution, PC 367.8.
- ☐ i. That defendant understands if he/she is not a citizen, the conviction of the offense for which he/she is charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- ☐ j. Defendant agrees that any commissioner may hear his/her case.
- ☐ k. Defendant further understands that he/she has the right to be sentenced by the judge or commissioner who accepts his/her plea, but agrees that any judge or commissioner may impose sentence in this case.
- ☐ l. Defendant understands that on a violation of probation, he/she has the right to a formal hearing and have his/her attorney present, or if he/she does not have an attorney, and cannot afford an attorney, the court will appoint an attorney. However, for the purposes of the violation of probation, he/she waives his/her right to an attorney and a formal hearing.

☐ Defendant's current address and zip code: _____

Date: 11/2/21

Signature of Defendant: X [Signature]

I declare under penalty of perjury that I have read all of the above to the defendant in the _____ language.

Date: _____

Signature of Interpreter: _____

I certify under penalty of perjury that I, _____
of all rights referred to above.

have advised the defendant.

Date: _____

Signature of Attorney: _____

RECEIVED
NOV 03 2021
VICTORVILLE DISTRICT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

THE STATE OF CALIFORNIA

Plaintiff

Defendant

☐ RANDOLPH
☐ FONTANA
☐ JOSHUA TREE
☐ RANCHED CUCAMONGA
☐ SAN BERNARDINO
☐ VICTORVILLE

Defendant

CASE NO.

WAIVER OF PERSONAL PRESENCE
 ACKNOWLEDGMENT OF ADVISAL OF CONSTITUTIONAL RIGHTS
 VIA TWO-WAY ELECTRONIC AUDIO-VISUAL SYSTEM

The defendant, having been advised of his/her right to be present at all stages, hereby waives his/her right to be physically present at this hearing and consents to a two-way audiovisual arrangement.

Defendant gives his/her true name as:

Defendant was informed of the charge(s) against him/her, his/her rights, of his/her right to aid of counsel in every stage of the proceeding.

Acknowledgment of Advisal of Constitutional Rights signed, filed, and incorporated herein.

Defendant in this matter declares that he/she has been advised of the following constitutional rights and also makes the following waivers:

- ☐ a. Right to be tried by a jury;
- ☐ b. The right to confront and to cross-examine all the witnesses against him/her;
- ☐ c. The right at the trial to present evidence in his/her favor and either to testify for him/herself or, if he/she wishes, he/she may remain silent;
- ☐ d. The right to a speedy and public trial;
- ☐ e. The right to have witnesses subpoenaed to testify in his/her behalf and to obtain all evidence which might exonerate the defendant;
- ☐ f. The right to have a qualified lawyer defend him/her at all stages of the proceedings; that said attorney may be of the defendant's own choice or that be court-appointed if the defendant is unable to afford counsel;
- ☐ g. The right to a preliminary hearing charged with a felony within ten (10) days;
- ☐ h. Defendant also understands that an attorney is appointed to represent him/her, at the conclusion of the criminal proceedings, the court will, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of the attorney.
- ☐ i. If the court determines that the defendant has such present ability, the court will order the defendant to pay all or part of such costs. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution, PC 987.8.
- ☐ j. That defendant understands if he/she is not a citizen, the conviction of the offense for which he/she is charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- ☐ k. Defendant agrees that any commissioner may hear his/her case.
- ☐ l. Defendant further understands that he/she has the right to be sentenced by the judge or commissioner who accepts his/her plea, but agrees that any judge or commissioner may impose sentence in this case.
- ☐ m. Defendant understands that on a violation of probation, he/she has the right to a formal hearing and have his/her attorney present, or if he/she does not have an attorney, and cannot afford an attorney, the court will appoint an attorney. However, for the purposes of the violation of probation, he/she waives his/her right to an attorney and a formal hearing.

Defendant's current address and zip code

no address!

1 Law Offices of the Public Defender
2 Alan Messina, SBN 118045
3 Deputy Public Defender
4 14455 Civic Drive, Suite 600
5 Victorville, CA 92392
6 Telephone: 760-241-0413
7 Email: amessarra@pd.sbcounty.gov

8 Attorney for Defendant

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN BERNARDINO
11 VICTORVILLE DISTRICT

12 PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 CHRISTOPHER AKI,

17 Defendant.

Case No.: FVI21003031

DEFENDANT'S INFORMAL DISCOVERY

18 TO THE PROSECUTOR AND HIS REPRESENTATIVE:

19 Notice is hereby given that the Defendant in the above-named case is requesting
20 disclosure and production of the following materials and information within 15 days from the
21 date of this request. This request is made pursuant to Penal Code sections 1054, 1054.1, and
22 1054.5(b), Evidence Code section 801 to 805, and the cases of *Iazoga v. Superior Court* (1991)
23 54 Cal.3d 356 and *Brady v. Maryland* (1963) 373 U.S. 83. The prosecutor must also disclose raw
24 interview notes of any prosecution witness taken by the prosecutor or the police. (*Thompson v.*
25 *Superior Court* (1997) 53 Cal. App.4th 480.) Oral interviews of witnesses, whether by third
26 parties such as investigators, or by counsel, must also be disclosed as part of discovery. (*Roland*
27 *v. Superior Court* (2004) 124 Cal.App.4th 154.):

- 28
1. All statements of the defendant whether oral, written, audiotaped or videotaped.
 2. The existence of a felony conviction or misdemeanor conviction of a crime of moral turpitude of any material witness whose credibility is likely to be critical to the outcome of

the trial.

3. Any exculpatory evidence.

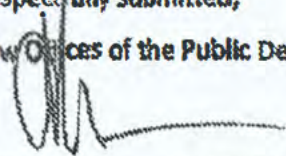
4. All audio recorded statements of witnesses.

5. All color photographs and videos in this case.

Date: December 29, 2021

Respectfully submitted,

Law Offices of the Public Defender



ALAN C. MESSARRA
Deputy Public Defender
Attorney for Defendant

ment - FVI21003031



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Rancho Cucamonga District
8303 Haven Avenue
Rancho Cucamonga, CA 91730
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003031

Date: 11/2/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Videos - Victorville

Date: 11/2/2021

Time: 1:30 PM

In Custody Arraignment

Charges: PC245(a)(4)-F

Commissioner: Arthur Benner II
Judicial Assistant: Marisol Mendez
Court Reporter: Not Reported or Recorded
Bailiff: S. Waddy

Appearances

Public Defender Valeria Young present
Defendant present in custody

Attorney Information

Public Defender Appointed

Proceedings

Defendant Arraigned on Complaint

Defendant Advised of Rights

Plea Information

Defendant pleads Not Guilty as to Count 001. PC245(a)(4)-F; Assault by Means of Force Likely to Produce GB

Hearings

Pre-Preliminary Hearing set for 11/4/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

No time waiver taken

Custody Status

Case Custody - In Custody

Minute Order Complete



SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92382
www.sb-court.org

MINUTE ORDER

Case Number: FV121003031

Date: 11/4/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/4/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Pallone

Judicial Assistant: Shirley J. Juregul

Court Reporter: Tracy Naele

Bailiff: S. Tono

* MINUTES UPDATED BY SHERYL ANDRADE

Appearances

District Attorney JACK LU present

Public Defender ANGELA STANGLE present

* Defendant not present - not transported

Proceedings

DEFENDANT IS A MEDICAL NO SHOW IN QUARANTINE

* Court orders 11/09/2021 Preliminary Hearing hearing Vacated

Judge Pallone with reset hearing
Lied Det. released to dorms next day 11/5/21

Hearings

* Pre-Preliminary Hearing set for 11/9/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

* Preliminary Hearing set for 11/15/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

10th Day: 11/17/2021

No time waiver taken

Custody Status

Cass Custody - In Custody

== Minute Order Complete ==



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FV121003031

Date: 11/9/2021

Case Title: People of the State of California vs. Christopher Michael Alm

Department V7 - Victorville

Date: 11/9/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Pellaro
Judicial Assistant: Josephine Ruit
Court Reporter: Tracy Nestle
Bailiff: S. Torno

Appearances

District Attorney Sean Daugherty present
Public Defender Angela Stangle present
Defendant not present in custody not transported - quarantined through 11/18/2021.

Proceedings

Court orders 11/15/2021 Preliminary Hearing hearing vacated.
Defense counsel's oral request to set new dates is GRANTED.

Hearings

Pre-Preliminary Hearing set for 11/22/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Preliminary Hearing set for 11/24/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

Time runs: 12/17/2021 Pursuant to Emergency Order (imposed)
Court finds good cause to continue



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003031

Date: 11/22/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/22/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Dwight W Moser
Judicial Assistant: Michelle Carrillo
Court Reporter: Jacqueline Cummings
Bailiff: S. Torio

Appearances

District Attorney Sean Dougherty present
Public Defender Angela Stangis present
Defendant present

Proceedings

Continued at Defense request

Hearings

Dispo / Reset set for 1/27/2022 at 10:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

Defendant waives time for Preliminary Hearing to: 3/30/2022

Custody Status

Cash Custody - Own Recognizance

== Minute Order Complete ==



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003031

Date: 1/27/2022

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 1/27/2022

Time: 8:30 AM

Dispo / Resol

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S Pallone
Judicial Assistant: Michelle Carrillo
Court Reporter: Michelle Swai
Bailiff: S Torno

Appearances

District Attorney Charles Tsuci present
Public Defender Alan Messarra present
Defendant present

Proceedings

Filed in Courtroom:
Defendant's Motion to Compel
Defendant requesting Marsden Hearing.
11:20 am

Courtroom closed to the Public. Defendant, DPO Messarra, DPO Stangle, DPO Supervisor Shoup and Court Staff Present.
Marsden motion heard

Defense Motion MARSDEN HEARING is Denied.

Findings stated on the record by the Court.

11:37 pm - Motion ended. Court orders transcript not to be transcribed unless ordered by the court.
Courtroom opened to the public.
All parties and court staff are now present.

Counsel advised the court he has received Discovery and requests Motion to Compel to be taken off calendar.

Dates reset within current time

Hearings

Pre-Preliminary Hearing set for 3/8/2022 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Preliminary Hearing set for 3/10/2022 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

Time waiver previously given for: 3/28/2022

Custody Status

Case Custody - Bail Bond

== Minute Order Complete ==



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003631

Date: 3/8/2022

Case Title: People of the State of California vs. Christopher Michael Ali

Department V7 - Victorville

Date: 3/8/2022

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S Padgett
Judicial Assistant: Michelle Cardillo
Court Reporter: Tracy Nesbitt
Bailiff: D Tuma

Appearances

District Attorney Charles Tamm present
Public Defender Alan Messarra present
Defendant present

Proceedings

Continued of Defense request so defendant can seek private counsel.
Court orders 03/10/2022 Preliminary Hearing hearing vacated.

Hearings

Dispo / Remit set for 4/12/2022 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.
AND CONFIRMATION OF COUNSEL

Waivers

Defendant waives time for Preliminary Hearing to: 5/12/2022 (30 days beyond 04/12/22)

Custody Status



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Chris Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI2100301

Date: 4/12/2022

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 4/12/2022

Time: 8:30 AM

Dispo / Resol

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Paltrow
Judicial Assistant: Michelle Cordis
Court Reporter: Tracy Nordin
Bailiff: R Torres

Appearances

District Attorney Jack Liu present
Public Defender Alan Mansana present
Defendant present

Proceedings

Defendant requesting additional time to hire private counsel. People request dates set

Hearings

Pre-Preliminary Hearing set for 5/7/2022 at 8:30 AM in Department V7 - Victorville
~~RECEIVED/NOTIFICATION OF COURSE~~

Preliminary Hearing set for 6/9/2022 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

Defendant waives time for Preliminary Hearing to: 7/5/2022 (30 days beyond 06/09/22)

Custody Status

Open Probation - Held Bond

... and now since you're back to ignoring my emails as you have now.

If I don't get the copy of the waiver they FILLED OUT and FORCED ME TO SIGN, I will move to file complaints with the State Bar. How can you represent me and you ignore my emails half the time and I've never met you, discussed the case with you, you've never advised me of the best option or anything. You haven't even been present at one hearing to date. I anticipate receiving the waiver original NO REDACTED copy before end of business tomorrow 1/13/22. Thank you

Christopher M. Aki

On Thursday, January 6, 2022, 4:14 PM, Messarra, Alan <Alan.Messarra@sbcounty.gov> wrote:

✓ Christopher, you didn't waive any of your constitutional rights at the video arraignment. Do you have a copy of your discovery? If not, please let me know, and I'll email you a redacted copy.

Alan Messarra
Deputy Public Defender
San Bernardino County
14455 Civic Drive, Suite 600
Victorville, CA 92392
Office: 760-241-0413
Fax: 760-243-8706
Mobile: 626-734-9603

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On Jan 6, 2022 14:49, Christopher Aki <chrisaki24@yahoo.com> wrote:

FV121003631

Protect defendants Public Defender
Committing Legal malpractice -
look at date & reply regarding
discovery? Now if no prelim?
Prove that I was Not present
at arraignment - see 1/2/21
portal minutes.

next
2 pages

Alan Messarra insisted on staying
Case at Marsden motion 1/21/22 after
complaining he wasn't representing def's
best interests. This email prior to
Marsden on 1/27/22 Jan 22, & 1/21/22
& since being on case mr messarra
clearly is committing a violation of
ABA Standard.

Example Riverside Form Waiver

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

☐ BANNING 311 E. Ramsey St., Banning, CA 92220
☐ BLYTHE 265 N. Broadway, Blythe, CA 92225
☐ INDIO 46-200 Oasis St., Indio, CA 92201

☐ RIVERSIDE 4100 Main St., Riverside, CA 92501
☐ MURRIETA 30755-D Auld Rd., Ste. 1226, Murrieta, CA 92563

RI-CR006

PEOPLE OF THE STATE OF CALIFORNIA

FOR COURT USE ONLY

DEFENDANT:

example only
 For VV FV121003031

CASE NUMBER

WAIVER OF DEFENDANT'S PERSONAL PRESENCE (977(c) Penal Code)

The undersigned defendant, having been advised of his right to be present at all stages of the proceedings, including but not limited to presentation of and arguments on questions of law, and to be confronted by and cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause, including when the case is set for trial, when a continuance is ordered, and following is heard, when a motion for reduction of bail or for a personal recognizance release is heard, when a motion to reduce sentence is heard, and when questions of law are presented to or considered by the court. The undersigned defendant hereby requests the court to proceed during every absence of his which the court may permit pursuant to this waiver, and hereby agrees that his interest will be deemed represented at all times by the presence of his attorney the same as if the defendant himself were personally present in court, and further agrees that notice of his attorney that his presence in court on a particular day at a particular time is required will be deemed notice to him of the requirement of his appearance at said time and place.

(DATE)

(DEFENDANT'S SIGNATURE)

(ADDRESS)

(CITY, STATE, ZIP)

APPROVED:

(DATE)

(ATTORNEY FOR DEFENDANT)

WAIVER ACCEPTED & ORDERED FILED:

(JUDGE OF THE SUPERIOR COURT)

MC-005

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Allen Meadows SBN 118045 354 N. Mountain View Ave San Bernardino, Ca. 909-387-8373 Attorney for Christopher Michael Als TELEPHONE NO. 909-387-8373 FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name) <u>scrandora24@yahoo.com</u>		FOR COURT USE ONLY RECEIVED JUN 07 2022 VICTORVILLE DISTRICT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS 14455 Civic Drive MAILING ADDRESS 14455 Civic Drive CITY AND ZIP CODE Victorville Ca 92385 BRANCH NAME: Victorville District		
PLAINTIFF/PETITIONER: The People of The State of California DEFENDANT/RESPONDENT: vs Christopher Michael Als		CASE NUMBER FVI21003031
FACSIMILE TRANSMISSION COVER SHEET		

TO THE COURT:

1. Please file the following transmitted documents in the order listed below:

Document name

No. of pages

NOTICE OF MOTION TO DISMISS PURSUANT TO P.C. 1362

Additional
SUPPORTING DOCS

2B CA
22

2. ☐ Processing instructions consisting of _____ pages are also transmitted.
3. ☐ Fee required ☐ Filing fee ☐ Fax fee (Cal. Rules of Court, rule 10.815)
- a. ☐ Credit card payment I authorize the above fees and any amount imposed by the card issuer or draft purchaser to be charged to the following account:
- ☐ VISA ☐ MASTERCARD Account No.: _____ Expiration date: _____
- N/A
- (TYPE OR PRINT NAME OF CARDHOLDER)
- N/A
- (SIGNATURE OF CARDHOLDER)
- b. ☐ Attorney account (Cal. Rules of Court, rule 2.304). Please charge my account no.:

MC-005

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Alan Messera SBN 118045 334 N. Mountain View Ave San Bernardino, Ca. 909-387-8373 Attorney for Christopher Michael Ali TELEPHONE NO: 909-387-8373 FAX NO: (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name) scandora24@yahoo.com		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS 14455 Civic Drive MAILING ADDRESS 14455 Civic Drive CITY AND ZIP CODE Victorville Ca 92385 BRANCH NAME: Victorville District		
PLAINTIFF/PETITIONER: The People of The State of California DEFENDANT/RESPONDENT: vs Christopher Michael Ali		
FACSIMILE TRANSMISSION COVER SHEET		CASE NUMBER: FVI21003031

TO THE COURT:

1. Please file the following transmitted documents in the order listed below

Document nameNo. of pages

NOTICE OF MOTION TO DISMISS PURSUANT TO P.C.1382

SUPPORTING DOCS

- 2.
- ☐
- Processing instructions consisting of _____ pages are also transmitted.

- 3.
- ☐
- Fee required
- ☐
- Filing fee
- ☐
- Fax fee (Cal. Rules of Court, rule 10.815)

- a.
- ☐
- Credit card payment I authorize the above fees and any amount imposed by the card issuer or draft purchaser to be charged to the following account:

☐ VISA ☐ MASTERCARD Account No.:

Expiration date:

N/A

(TYPE OR PRINT NAME OF CARDHOLDER)

N/A

(SIGNATURE OF CARDHOLDER)

- b.
- ☐
- Attorney account (Cal. Rules of Court, rule 2.304). Please charge my account no.:

SCANNED

Alan Messarra SBN 118045
364 N. Mountain View Ave
San Bernardino 92415
909-390-8373
Alan.messarra@pd.sbcounty.gov

Attorney for defendant: Christopher Michael Aki

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

FVI21003031

The People of the State of California
Plaintiff,

vs.

Christopher Michael Aki
Defendant(s)

NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT PC 1382
DEFENDANT NOT BROUGHT TO TRIAL
DATE: June 7, 2022
TIME: 9:30 am
JUDGE: David Driscoll
DEPT: VI or VII
EST TIME:

MEMORANDUM OF POINTS AND AUTHORITIES

Come now, the defendant Christopher Michael Aki providing notice to the court, public defender, and prosecutor this is a notice of motion and motion to dismiss pursuant PC 1382 Lack of speedy trial. Supporting documents attached.

FVI21003031

On October 31, 2021, defendant, Christopher Michael Aki was unlawfully arrested by the San Bernardino County Sheriff's Department by Apple Valley station. This unlawful arrest occurred at a third-party residence where Mr. Aki was a guest at the time. At no time did he ever live at 15469 Wichita Rd. in Apple Valley California. At no time did he ever live at [REDACTED] Wichita Rd. in Apple Valley Ca. Mr. Aki, was taken to the High Desert Detention Center in Adelanto California on October 31, 2021, by San Bernardino County Sheriff's. He was booked, Covid tested, but not given the test result until he was bailed out November 9, 2021. Those test results were negative for Covid, However arraignment was held on November 2, 2021 by a port that has no jurisdiction over the town of Apple Valley, which is where defendant resides and was arrested. Nonetheless Judge Arthur Benner, II, presided over the arraignment Superior Court of California, in Rancho Cucamonga. At no time did he ever live at [REDACTED] Wichita Rd. in Apple Valley California. Mr. Aki, was taken to the High Desert Detention Center in Adelanto California on October 31, 2021, by San Bernardino County Sheriff's. He was booked, Covid tested, but not given the test result until he was bailed out November 9, 2021. The test result was negative for Covid, the arraignment was held on November 2, 2021 by a Court that has no jurisdiction over the town of Apple Valley, which is where defendant resides and was arrested. Nonetheless, Judge Arthur Benner, II, presided over the arraignment at Superior Court of California

NOTICE OF MOTION AND
MOTION TO DISMISS
PURSUANT PC 1382-page 2

FVI21003031

1 in Rancho Cucamonga California. This arrangement was not only out of
2 jurisdiction but it was done without a court reporter or any recording device
3 whatsoever. Bail was set for \$50,000 and defendant was remanded into custody
4 where he remained until the hearing for the pre- preliminary on November 2 2021
5 with a preliminary on November 4, 2021. Since the beginning of this case, there
6 have been nothing but continuances for preliminary and pre-prehearings. See
7 attached portal minutes indicating that. There are also no explanations/reason for
8 the defense requesting continuances for a preliminary and pre-prehearing from
9 11/4/2021 to 3/08/2022, with exception of defendants requests on 3/8/22 and
10 4/12/22, to seek a private attorney to do the job his public defender was told not
11 to do by the Court from what has occurred in the stages of how case progressed.
12 The defendant to date has not been brought to trial. Pursuant penal code 977 (B) (1)
13 Anyone charged with a felony has a right to be brought to trial within 60 days of
14 arraignment. See the attached portal minute indicating there's no mention of any
15 whatsoever from the date indicated above. The only occurrences in the case that the
16 defendant has been told and made to believe is that the preliminary and pre pre
17 have not been held to date . today today is June 7, 2022.
18 Another very very important point to mention here is that arraignment on
19 November 2, 2021 be a jail house video from High Desert Detention Center to the
20 Rancho Cucamonga Superior Court, defendant was handed a two-part form called
21 Advertisement of Constitutional Waiver of Rights.
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NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT PC 1382
RIGHT TO TRIAL-PAGE 3

FVI21003031

1 This form is handed to the defendant while in custody at the jail house video done on
2 November 2, 2021. A custodyspecialist who is also a sheriff who works for the High
3 Desert Detention Center told defendant he must sign and date but do not complete
4 the waiver form. The form lists their constitutional rights as well as the advisement of
5 the VOLUNTARY waiver to have the arraignment held via video remotely.
6

7
8 After extensive research about this waiver form on other court websites, in different
9 counties, it was discovered that there are no other forms like this one in that
10 there are no constitutional right to waive on the other county forms. Basically it
11 only indicates exactly what it is supposed to be about and that is a waiver a
12 presence. A waiver appearance and presence are two different things. Appearance
13 refers to one hearing And presence refers to multiple hearing in speaking about court
14 cases.
15

16
17 See the attached copy of waiver of presence form other counties and attached copy
18 from San Bernardino county court advisement of waiver of rights. will see the
19 difference. The requirement under PC 1382 is that a defendant has right to
20 speedy trial for felonies within 60 days. This case started off with unlawful acts committed
21 from the Sheriff's Department, the jail personnel, the Court, the public defender, and the
22 prosecutor. To add insult to injury, the defense counsel is the only party that requested
23 continuances preliminary and pre-pre-indefinitely throughout the entire case thats
24 lasted for seven months. After seven months, they expect us to believe that they did not
25 even have anything other than the arraignment and a preliminary.
26
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NOTICE OF MOTION PURSUANT
TO PC1382 RIGHT TO SPEEDY
TRIAL-PAGE 4

FVI21003031

1 Pursuant PC 1382 PC 1382 states that:

2 "The court, unless good cause to the contrary is shown, shall order the action to be
3 dismissed in the following cases... In a felony case, when a defendant is not
4 brought to trial within 60 days of the defendant's arraignment...[or] when a
5 defendant in a misdemeanor or infraction case is not brought to trial within 30 days
6 after he or she is arraigned or enters his or her plea, whichever occurs later..."
7
8
9

10 ARGUMENT

11 The Court did not accept defendant's not guilty plea. See portal minutes that
12 states defendant pleads not guilty. It is supposed to read the Court enters
13 defendant's plea of not guilty, which means the Court somewhere down the line
14 planned to convince him to change his plea. The Court has committed the
15 following acts that prejudiced defendant:
16
17

18 1. The defendant's own public defender did not represent defendant's best interests
19 in this case by allowing the court and not advising defendant of the status of the
20 proceedings that have occurred. This is proven by looking at the portal minutes for
21 every hearing that have occurred which include the fact that discovery was
22 exchanged on December 29, 2021 without the defendant knowledge not until
23 sometime in January 2022. See attached email from public defender, Alan Messarra which
24 states that on January 27, 2022 after the defendant asked what was the purpose of that
25 hearing he replied to set prelim hearing date within the current 60 day waiver.
26
27
28

CASE FVI21003031

CONCLUSION

3. Defendant was never arraigned second time.

4. Discovery has been exchanged although the preliminary supposedly has not happened according to defend its own public defender, the court.

5. Defendant was me to believe the only hearings that have occurred and have been waiting I've been at the prelim however according to court documentation this is not true. Only a trial could be waived. 60 days. A preliminary is only waived 10 days and these are time frames outside of the extension timeframe due to Covid per Chief Justice executive orders

6. The defendant has i've been told he has been held to answer.

7. Obviously if discovery has been exchanged we have to assume that he should've been held to answer and then the information has been filed. The defendant has not been advised that either.

8. November 22, 2021 three prehearing judge Dwight

Moore presided. Defendant was never told he is a trial date.

10. Defendant has never been told of any trial date set. Now 7 months in the case.

11. Defendant was never told that Dwight Moore is in fact a trial judge as well as Judge David Driscoll who is currently assigned to this hearing June 7, 2022 and June 9, 2022, for pre-pre and preliminary hearings.

I declare under penalty of perjury to be true
NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT TO PC 1382
RIGHT TO SPEEDY TRIAL 6

1 Law Offices of the Public Defender
2 Alan Messarra, SBN 118045
3 Deputy Public Defender
4 14455 Civic Drive, Suite 600
5 Victorville, CA 92392
6 Telephone: 760-241-0413
7 Email: amessarra@nd.sbcounty.gov

8 Attorney for Defendant

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN BERNARDINO
11 VICTORVILLE DISTRICT

12 PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 CHRISTOPHER AKI,

17 Defendant.

Case No.: FVI21003031

DEFENDANT'S INFORMAL DISCOVERY

18 TO THE PROSECUTOR AND HIS REPRESENTATIVE:

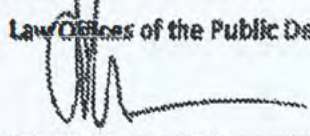
19 Notice is hereby given that the Defendant in the above-named case is requesting
20 disclosure and production of the following materials and information within 15 days from the
date of this request. This request is made pursuant to Penal Code sections 1054, 1054.1, and
1054.5(h), Evidence Code section 801 to 805, and the cases of *Lazaga v. Superior Court* (1991)

the trial.

- 3. Any exculpatory evidence.
- 4. All audio recorded statements of witnesses.
- 5. All color photographs and videos in this case.

Date: December 29, 2021

Respectfully submitted,
Law Offices of the Public Defender



ALAN C. MESSARRA
Deputy Public Defender
Attorney for Defendant

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ent - FVI21003031 -



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Rancho Cucamonga District
8383 Haven Avenue
Rancho Cucamonga, CA 91730
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003031

Date: 11/2/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Videos - Victorville

Date: 11/2/2021

Time: 1:30 PM

In Custody Arraignment

Charges: PC245(A)(4)-F

Commissioner: Arthur Benner II
Judicial Assistant: Marisol Mendez
Court Reporter: Not Reported or Recorded
Bail: S Waddy

Appearances

Public Defender Valerie Young present
Defendant present in custody

Attorney Information

Public Defender Appointed

Proceedings

Defendant Arraigned on Complaint

Defendant Advised of Rights

Plea Information

Defendant pleads Not Guilty as to Count 001: PC245(a)(4)-F; Assault by Means of Force Likely to Produce GBH

Hearings

Pre-Preliminary Hearing set for 11/4/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

No fine waiver taken.

Custody Status

Case Custody - In Custody

*** Minute Order Complete ***

Document - FVI21003031 -



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FVI21003031

Date: 11/4/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/4/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Pallone

Judicial Assistant: Shirley Jauregui

Court Reporter: Tracy Neidle

Bailiff: S. Toms

MINUTES UPDATED BY SHERYL ANDRADE

Appearances

District Attorney JACK LIU present

Public Defender ANGELA STANGLE present

Defendant not present - not transported

Proceedings

DEFENDANT IS A MEDICAL NO SHOW IN QUARANTINE
Court orders 11/09/2021 Preliminary Hearing hearing Vacated.

Hearings

Pre-Preliminary Hearing set for 11/15/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear. ✓

Preliminary Hearing set for 11/15/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear. ✓

Waivers

10th Day: 11/17/2021

Also Set for BAIL/O.R. hearing

PH: 11/09

100: 11/17

Preliminary Hearing set for 11/9/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

10th Day: 11/17/2021

Custody Status

Bail Setting \$50,000.00

Defendant remanded into custody

Disjunct Attorney Notified

Public Defender Notified

== Minute Order Complete ==



SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

MINUTE ORDER

Case Number: FV121003031

Date: 11/4/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/4/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Parsons

Judicial Assistant: Shirley Jauregui

Court Reporter: Tracy Nestle

Bailiff: S Tomo

* MINUTES UPDATED BY SHERYL ANDRADE

Appearances

District Attorney JACK LIU present

Public Defender ANGELA STANGLE present

* Defendant not present - not transported

Proceedings

DEFENDANT IS A MEDICAL NO SHOW IN QUARANTINE

* Court orders 11/09/2021 Preliminary Hearing hearing Vacated.

Lied Def. released to dorms next day 11/5/21

Hearings

* Pre-Preliminary Hearing set for 11/9/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

* Preliminary Hearing set for 11/15/2021 at 8:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

10th Day: 11/17/2021

No time waiver taken

Custody Status

Case Custody - In Custody

== Minute Order Complete ==

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92382
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FV121003031

Date: 11/22/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/22/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Dwight W Moore
Judicial Assistant: Michelle Carrillo
Court Reporter: Jacqueline Cummings
Bailiff: S Torres

Appearances

District Attorney Sean Daugherty present
Public Defender Angela Searles present
Defendant present

Proceedings

Continued at Defense request

Hearings

Dispo / Reset set for 1/27/2022 at 10:30 AM in Department V7 - Victorville
Defendant ordered to appear.

Waivers

Defendant waives time for Preliminary Hearing to: 3/30/2022

Custody Status

Case Custody - Own Recognizance

** Minute Order Complete **

Dura un

me. One has since gone back to ignoring my emails as you have now.

If I don't get the copy of the waiver they FILLED OUT and FORCED ME TO SIGN, I will move to file complaints with the State Bar. How can you represent me and you ignore my emails half the time and I've never met you, discussed the case with you, you've never advised me of the best option or anything. You haven't even been present at one hearing to date. I anticipate receiving the waiver original NO REDACTED copy before end of business tomorrow 1/13/22. Thank you

Christopher M. Aki

On Thursday, January 6, 2022, 4:14 PM, Messarra, Alan <Alan.Messarra@abcounty.gov> wrote:

✓ Christopher, you didn't waive any of your constitutional rights at the video arraignment. Do you have a copy of your discovery? If not, please let me know, and I'll email you a redacted copy.

Alan Messarra
Deputy Public Defender
San Bernardino County
14455 Civic Drive, Suite 600
Victorville, CA 92392
Office: 760-241-0413
Fax: 760-243-8766
Mobile: 626-734-9603

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On Jan 6, 2022 14:49, Christopher Aki <chrisaki24@yahoo.com> wrote:

FVI21003031

Proff defendants Public Defender
Committing Legal malpractice.
Look at date of reply regarding
discovery? How if no reply?
Proff that I was NOT present
at arraignment - see 1/2/21
portal minutes.

next
2 pages

Alan Messarra insisted on staying
Case out Marsden motion 1/21/22 after
complaining he wasn't representing def's
best interests. This email prior to
Marsden on 1/21/22. Jan 22, + 1/21/22
+ Since being on case Mr Messarra
clearly is committing a violation of
ABA Standard.



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
Victorville District
14455 Civic Drive, Suite 200
Victorville, CA 92392
www.sb-court.org

PORTAL MINUTE ORDER

Case Number: FV121003031

Date: 11/9/2021

Case Title: People of the State of California vs. Christopher Michael Aki

Department V7 - Victorville

Date: 11/9/2021

Time: 8:30 AM

Pre-Preliminary Hearing

Charges: PC245(A)(4)-F

Judicial Officer: Christopher S. Pallone

Judicial Assistant: Josephine Ruiz

Court Reporter: Tracy Neale

Bailiff: S. Toms

Appearances

District Attorney Sean Daugherty present

Public Defender Angela Stangle present

Defendant not present in custody not transported - quarantined through 11/15/2021.

Proceedings

Court orders 11/15/2021 Preliminary Hearing hearing Vacated.

Defense counsel's oral request to set new dates is GRANTED.

Hearings

Pre-Preliminary Hearing set for 11/22/2021 at 8:30 AM in Department V7 - Victorville

Defendant ordered to appear.

Preliminary Hearing set for 11/24/2021 at 8:30 AM in Department V7 - Victorville

Defendant ordered to appear.

Waivers

Time min: 12/17/2021 Pursuant to Emergency Order (imposed)

Court finds good cause to continue

FOR COURT USE ONLY	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Attn: Messina SEM 118046 355 N. Mountain View Ave San Bernardino, Ca. 009-387-8378 Attorney for Christopher Michael Ali TELEPHONE NO. 909-387-8373 FAX NO. (Optional) E-MAIL ADDRESS (Optional): Attorney for Ali: escandora24@yahoo.com	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS 14455 Civic Drive MAILING ADDRESS 14455 Civic Drive CITY AND ZIP CODE Victorville Ca 92305 BRANCH NAME: Victorville District	
PLAINTIFF/PETITIONER: The People of The State of California DEFENDANT/RESPONDENT: vs Christopher Michael Ali	
FACSIMILE TRANSMISSION COVER SHEET	
CASE NUMBER: FV121003031	

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Attorney for defendant: Christopher Michael Aki

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

FVI21003031

The People of the State of California
Plaintiff,

vs.

Christopher Michael Aki
Defendant(s)

NOTICE OF MOTION AND MOTION
TO DISMISS PURSUANT PC 1382
DEFENDANT NOT BROUGHT TO TRIAL
DATE: June 7, 2022
TIME: 9:30 am
JUDGE: David Driscoll
DEPT: VI or VII
EST TIME:

MEMORANDUM OF POINTS AND AUTHORITIES

Come now, the defendant Christopher Michael Aki providing notice to the court, public defender, and prosecutor this is a notice of motion and motion to dismiss pursuant PC 1382 Lack of speedy trial. Supporting documents attached.

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On October 31, 2021, defendant, Christopher Michael Aki was unlawfully arrested by the San Bernardino County Sheriff's Department by Apple Valley station. This unlawful arrest occurred at a third-party residence where Mr. Aki was a guest at the time. At no time did he ever live at 15469 Wichita Rd. in Apple Valley California. At no time did he ever live at 15469 Wichita Rd. in Apple Valley Ca. Mr. Aki, was taken to the High Desert Detention Center in Adelanto California on October 31, 2021, by San Bernardino County Sheriff's. He was booked, Covid tested, but not given the test result until he was bailed out November 9, 2021. Those test results were negative for Covid, However arraignment was held on November 2, 2021 by a court that has no jurisdiction over the town of Apple Valley, which is where defendant resides and was arrested. Nonetheless Judge Arthur Benner, II, presided over the arraignment Superior Court of California, in Rancho Cucamonga. At no time did he ever live at [REDACTED] Wichita Rd. in Apple Valley California. Mr. Aki, was taken to the High Desert Detention Center in Adelanto California on October 31, 2021, by San Bernardino County Sheriff's. He was booked, Covid tested, but not given the test result until he was bailed out November 9, 2021. The test result was negative for Covid, the arraignment was held on November 2, 2021 by a Court that has no jurisdiction over the town of Apple Valley, which is where defendant resides and was arrested. Nonetheless, Judge Arthur Benner, II, presided over the arraignment at Superior Court of California

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MOTION TO DISMISS
PURSUANT PC 1382-page 2

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1 in Rancho Cucamonga California. This arrangement was not only out of
2 jurisdiction but it was done without a court reporter or any recording device
3 whatsoever. Bail was set for \$50,000 and defendant was remanded into custody
4 where he remained until the hearing for the pre- preliminary on November 2 2021
5 with a preliminary on November 4, 2021. Since the beginning of this case, there
6 have been nothing but continuances for preliminary and pre-prehearings. See
7 attached portal minutes indicating that. There are also no explanations/reason for
8 the defense requesting continuances for a preliminary and pre-prehearing from
9 11/4/2021 to 3/08/2022, with exception of defendants requests on 3/8/22 and
10 4/12/22, to seek a private attorney to do the job his public defender was told not
11 to do by the Court from what has occurred in the stages of how case progressed.
12 The defendant to date has not been brought to trial Pursuant penal code 977 (B) (1)
13 Anyone charged with a felony has a right to be brought to trial within 60 days of
14 arrangement. See the attached portal minute indicating there's no mention of any
15 whatsoever from the date indicated above. The only occurrences in the case that the
16 defendant has been told and made to believe is that the preliminary and pre pre
17 have not been held to date . today today is June 7, 2022.
18 Another very very important point to mention here is that arraignment on
19 November 2, 2021 be a jail house video from High Desert Detention Center to the
20 Rancho Cucamonga Superior Court, defendant was handed a two-part form called
21 Advertisement of Constitutional Waiver of Rights.
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RIGHT TO TRIAL-PAGE 3

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1 This form is handed to the defendant while in custody at the jail house video done on
2 November 2, 2021. A custodyspecialist who is also a sheriff who works for the High
3 Desert Detention Center told defendant he must sign and date but do not complete
4 the waiver form. The form lists their constitutional rights as well as the advisement of
5 the VOLUNTARY waiver to have the arraignment held via video remotely.
6
7
8 After extensive research about this waiver form on other court websites, in different
9 counties, it was discovered that there are no other forms like this one in that
10 there are no constitutional right to waive on the other county forms. Basically it
11 only indicates exactly what it is supposed to be about and that is a waiver a
12 presence. A waiver appearance and presence are two different things. Appearance
13 refers to one hearing And presence refers to multiple hearing in speaking about court
14 cases.
15
16
17 See the attached copy of waiver of presence form other counties and attached copy
18 from San Bernardino county court advisement of waiver of rights. will see the
19 difference. The requirement under PC 1382 is that a defendant has right to
20 speedy trial for felonies within 60 days. This case started off with unlawful acts committed
21 from the Sheriff's Department, the jail personnel, the Court, the public defender, and the
22 prosecutor. To add insult to injury, the defense counsel is the only party that requested
23 continuances preliminary and pre-pre-indefinitely throughout the entire case that's
24 lasted for seven months. After seven months, they expect us to believe that they did not
25 even have anything other than the arraignment and a preliminary.
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TO PC1382 RIGHT TO SPEEDY
TRIAL-PAGE 4

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1 Pursuant PC 1382 PC 1382 states that:

2 "The court, unless good cause to the contrary is shown, shall order the action to be
3
4 dismissed in the following cases... In a felony case, when a defendant is not
5 brought to trial within 60 days of the defendant's arraignment...[or] when a
6 defendant in a misdemeanor or infraction case is not brought to trial within 30 days
7
8 after he or she is arraigned or enters his or her plea, whichever occurs later..."

9
10 ARGUMENT

11 The Court did not accept defendant's not guilty plea. See portal minutes that
12 states defendant pleads not guilty. It is supposed to read the Court enters
13 defendant's plea of not guilty, which means the Court somewhere down the line
14 planned to convince him to change his plea. The Court has committed the
15 following acts that prejudiced defendant:

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18 1. The defendant's own public defender did not represent defendant's best interests
19 in this case by allowing the court and not advising defendant of the status of the
20 proceedings that have occurred. This is proven by looking at the portal minutes for
21 every hearing that have occurred which include the fact that discovery was
22 exchanged on December 29, 2021 without the defendant knowledge not until
23 sometime in January 2022. See attached email from public defender, Alan Messarra which
24 states that on January 27, 2022 after the defendant asked what was the purpose of that
25 hearing he replied to set prelim hearing date within the current 60 day waiver.
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CONCLUSION

3. Defendant was never arraigned second time.

4. Discovery has been exchanged although the preliminary supposedly has not happened according to defend its own public defender, the court.

5. Defendant was me to believe the only hearings that have occurred and have been waiting I've been at the prelim however according to court documentation this is not true. Only a trial could be waived 60 days. A preliminary is only waived 10 days and these are time frames outside of the extension timeframe due to Covid per Chief Justice executive orders

6. The defendant has i've been told he has been held to answer.

7. Obviously if discovery has been exchanged we have to assume that he should've been held to answer and then the information has been filed. The defendant has not been advised that either.

8. November 22, 2021 three prehearing judge Dwight

Moore presided. Defendant was never told he is a trial date.

10. Defendant has never been told of any trial date set. Now 7 months in the case.

11. Defendant was never told that Dwight Moore is in fact a trial judge as well as Judge David Driscoll who is currently assigned to this hearing June 7, 2022 and June 9, 2022, for pre-pre and preliminary hearings.

I declare under penalty of perjury that the above is true.
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TO DISMISS PURSUANT TO PC 1382
RIGHT TO SPEEDY TRIAL 6