

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE - WEST JUSTICE CENTER
DEPARTMENT W9

THE PEOPLE OF THE)
STATE OF CALIFORNIA,)
)
PLAINTIFF,)
)
VS.) CASE NO. 19WF1585
)
)
SHAHID SEAN SALEEM,)
)
)
DEFENDANT.)
_____)

HONORABLE LANCE P. JENSEN, JUDGE PRESIDING

REPORTER'S TRANSCRIPT

OCTOBER 28, 2022

APPEARANCE OF COUNSEL:

FOR THE PEOPLE: TODD SPITZER
DISTRICT ATTORNEY
BY: ELISE LEVY
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT: MARTIN SCHWARZ
PUBLIC DEFENDER
BY: JESSICA SWEENEY
DEPUTY PUBLIC DEFENDER

THERESA MILLER, CSR NO. 12609, RPR
OFFICIAL COURT REPORTER

1 WESTMINSTER, CALIFORNIA - FRIDAY, OCTOBER 28, 2022

2 MORNING SESSION

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4 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT:)

5 THE COURT: PEOPLE V. SALEEM, CASE NUMBER
6 19WF1585, SET TODAY FOR A PROOF OF COMPLETION AS WELL AS
7 OTHER MATTERS AND DISMISSAL MATTERS AS A RESULT OF PROOF
8 OF COMPLETION.

9 APPEARANCES FOR THE RECORD, PLEASE.

10 MS. LEVY: THANK YOU. GOOD MORNING. ELISE LEVY
11 FOR THE PEOPLE.

12 MS. SWEENEY: JESSICA SWEENEY, DEPUTY PUBLIC
13 DEFENDER ON BEHALF OF MR. SALEEM WHO IS PRESENT ON WEB
14 EX.

15 THE COURT: MR. SALEEM, AT ANY TIME IF YOU LOSE
16 CONTACT OR CAN'T HEAR ANYTHING, PLEASE LET US KNOW. IT
17 IS VERY IMPORTANT THAT YOU HEAR AND UNDERSTAND
18 EVERYTHING, ALL RIGHT? AND WITH THAT, THE COURT WOULD
19 LIKE TO INDICATE THAT IT HAS READ AND CONSIDERED YOUR
20 PROGRESS REPORT, MR. SALEEM, AND READING THE PROGRESS
21 REPORT, IT JOGGED MY MEMORY ABOUT THIS CASE. AND I AM
22 VERY HAPPY TO SEE THAT YOU ARE DOING WELL.

23 HOW IS THE SAFE AND AFFIRMATIVE COUNSELING
24 PROGRAM BEEN GOING FOR YOU, SIR?

25 THE DEFENDANT: I COMPLETE IT NEXT MONTH, AND I
26 WILL CONTINUE ON ON MY OWN, AND WE ARE GOING TO CONTINUE

1 FOR AT LEAST ANOTHER YEAR OR SO.

2 THE COURT: WELL, GOOD. I STRONGLY ENCOURAGE
3 YOU TO DO THAT, SIR. AND I AM HAPPY THAT YOU HAVE DONE
4 THAT. I AM HAPPY THAT YOU HAVE APPEARED TO HAVE RECEIVED
5 SOME POSITIVE RESULTS FROM GOING WITH THEM AND DEALING
6 WITH THEM.

7 NOW, TECHNICALLY, THE PROOF OF COMPLETION IS IN
8 ONE YEAR AND THAT'S ABOUT A MONTH AWAY. BUT IT IS MY
9 UNDERSTANDING THAT THE PEOPLE DON'T HAVE AN OBJECTION AND
10 THE COURT WOULD NOT HAVE AN OBJECTION IN LIGHT OF THE
11 POSITIVE PROGRESS REPORT TO JUST CONSIDER HIM TO HAVE
12 COMPLETED THAT PROGRAM AND THEN GIVE HIM THE BENEFIT OF
13 THE TERMS OF HIS PLEA, WHICH WOULD BE DISMISSAL OF A
14 COUPLE OF COUNTS.

15 ANY OBJECTION TO THAT?

16 MS. LEVY: NO OBJECTION TO THAT, YOUR HONOR.

17 THE COURT: MS. SWEENEY, ANY OBJECTION?

18 MS. SWEENEY: NO, YOUR HONOR.

19 THE COURT: SO AT THIS TIME, THE COURT IS GOING
20 TO TERMINATE PROBATION AT THIS TIME FOR YOU, MR. SALEEM.

21 THE DEFENDANT: THANK YOU.

22 THE COURT: I CAN'T FORCE YOU TO TAKE ANY
23 CONTINUED COUNSELING, BUT, OF COURSE, I CAN JUST
24 ENCOURAGE YOU TO DO SO BECAUSE I THINK YOU ARE SEEING THE
25 WONDERFUL BENEFITS OF IT. AND I HAVE A FEELING THAT YOUR
26 FAMILY AND LOVED ONES ARE ALWAYS SEEING THE BENEFIT. IF

1 NOT FOR YOURSELF, CERTAINLY DO IT FOR THEM.

2 LOOKING BACK ON THE PLEA FORM THAT EVERYBODY
3 ENTERED INTO BACK 10/29 OF '21, IT WOULD INDICATE THAT
4 THEREFORE BECAUSE EVERYTHING HAS BEEN COMPLIED WITH AND
5 WE TERMINATED PROBATION THAT THE COURT WILL NOW THEN
6 DISMISS COUNTS 5 AND 6.

7 FOR THE PEOPLE, WAS THERE ANYTHING ELSE WE NEED
8 TO DO IN REGARDS TO THIS CASE FOR YOU?

9 MS. LEVY: NO, YOUR HONOR.

10 THE COURT: MS. SWEENEY, ANYTHING ELSE WE CAN DO
11 FOR YOU ON THIS CASE?

12 MS. SWEENEY: JUST THE QUESTION ABOUT THE
13 PROTECTIVE ORDER, BUT NOTHING ABOUT THOSE COUNTS BEING
14 DISMISSED.

15 THE COURT: I WAS LOOKING THE PROTECTIVE ORDER
16 BARRED CONTACT WITH THE VICTIMS. THAT EXPIRES IN OCTOBER
17 OF 29 OF 2024.

18 SO ARE YOU SEEKING FOR THAT TO EXPIRE, MODIFY,
19 WHAT WOULD YOU LIKE TO DO ON THAT?

20 MS. SWEENEY: MY REQUEST WOULD BE FOR IT TO
21 EXPIRE OR TO BE TERMINATED.

22 THE COURT: WHAT ARE THE PEOPLE'S THOUGHTS ON
23 THAT? I DON'T HAVE COPY OF PROTECTIVE ORDER IN FRONT OF
24 ME, BUT MY RECOLLECTION IS THESE WERE FAMILY MEMBERS OF
25 SOME SORT AND THEY ARE A BIG, EXPANDED, BLENDED FAMILY.
26 THEY ALL GOT TOGETHER AND THEY CONTINUE TO STILL GET

1 TOGETHER FOR FUNCTIONS. I DON'T RECALL.

2 WHAT ARE YOUR THOUGHTS ON THAT PROTECTIVE ORDER?

3 MS. LEVY: YOUR HONOR, I AM OBJECTING TO
4 TERMINATING THIS PROTECTIVE ORDER. WHEN I ADVISED THE
5 VICTIMS OF THEIR MARSY'S LAW RIGHTS TO BE HERE TODAY,
6 THEY ARE UNABLE TO BE HERE TODAY, BUT I HAD SAID TO THEM
7 THE PROTECTIVE ORDER IS REMAINING THROUGH 2024. I DON'T
8 KNOW WHAT THEIR POSITION IS NOW ON ANY CONTACT WITH MR.
9 SALEEM. THEY HAVE NOT EXPRESSED ANY DESIRE TO HAVE THIS
10 PROTECTIVE ORDER GO AWAY, AND I WOULD JUST ASK THAT IT
11 REMAIN. IF AND WHEN THEY WANT TO MODIFY IT, THEY CAN
12 FILE A MOTION.

13 THE COURT: HERE WOULD BE MY SUGGESTION, MS.
14 SWEENEY, IN LIGHT OF THAT REPRESENTATION, IS THAT IT
15 REMAIN IN EFFECT; HOWEVER, AGAIN, THIS MATTER IS STILL
16 ASSIGNED TO ME FOR ALL PURPOSES. AT ANY TIME BETWEEN NOW
17 AND OCTOBER 29 OF 2024 WHEN IT NATURALLY EXPIRES, IF
18 ANYBODY -- ANY OF THE VICTIMS EXPRESS A DESIRE TO WANT TO
19 MODIFY IT AND/OR TERMINATE, JUST CONTACT COUNSEL. WE
20 WILL HEAR FROM HER OR WHOMEVER MIGHT HAVE THE CASE AT
21 THAT TIME. I WILL BE MORE THAN HAPPY TO ENTERTAIN ANY
22 TYPE OF MODIFICATION OR TERMINATION BEFORE THAT.

23 THEY ARE KIND OF IN THE DRIVER'S SEAT. IF THEY
24 WANT TO DRIVE THE CAR INTO THIS COURTROOM AND TELL ME
25 EVERYTHING IS GREAT, THAT'S FINE.

26 MS. SWEENEY: FOR MR. SALEEM'S BENEFIT, CAN YOU

1 EXPLAIN HOW THE 136 PROTECTIVE ORDER, THE TYPE OF
2 PROTECTIVE ORDER IT IS CAN GO BEYOND THE TIME OF THE
3 PROBATION BEING TERMINATED?

4 THE COURT: YES. MR. SALEEM, THE PROTECTIVE
5 ORDER IS NOT TIED IN WITH YOUR PROBATION, SO THEY ARE TWO
6 SEPARATE THINGS. IF I TERMINATE PROBATION, THAT DOESN'T
7 TERMINATE THE PROTECTIVE ORDER. SO THAT'S WHY WE ARE NOT
8 TERMINATING THE PROTECTIVE ORDER AT THIS TIME. AND DO BE
9 AWARE THAT THE PROTECTIVE ORDER IS STILL IN EFFECT AND
10 EXPIRES ON OCTOBER 29 OF 2024, UNLESS THE VICTIM OR
11 VICTIMS -- I CAN'T RECALL IF THERE WERE MORE THAN ONE --
12 IN CASE THEY COME IN AND SAY, HEY, EVERYTHING IS WORKING
13 OUT GREAT. WE WOULD LIKE TO EITHER MODIFY IT OR
14 TERMINATE IT. IF THEY COME IN, I WILL BE MORE THAN HAPPY
15 TO HEAR FROM THEM. BUT, PLEASE, JUST REMEMBER THAT THAT
16 ORDER IS STILL IN EFFECT. YOU SHOULD HAVE A COPY OF THAT
17 ORDER. IF YOU DON'T, YOUR ATTORNEY WILL BE MORE THAN
18 HAPPY TO SEND IT TO YOU, BUT THAT'S PROBABLY FROM HERE ON
19 OUT, ABSENT YOU BREAKING THE LAW AGAIN, THAT'S PROBABLY
20 THE EASIEST WAY TO GET IN TROUBLE. I DON'T WANT YOU TO
21 GET IN TROUBLE. SO JUST MAKE SURE YOU ABIDE BY THAT.

22 DO YOU UNDERSTAND THAT, SIR?

23 THE DEFENDANT: YES, YOUR HONOR. I UNDERSTAND.
24 I DON'T KNOW IF YOU REMEMBER OR NOT, BUT THERE WAS A
25 RESTRAINING ORDER, TRO, IN THE CIVIL SIDE AND THE VICTIMS
26 OR THE PARTICIPANTS ELECTED NOT TO COME, AND I WENT TO

1 COURT. THERE WAS -- BASICALLY THEY LET IT EXPIRE, THE
2 RESTRAINING ORDER. THERE WAS NEVER ANY NEED FOR THAT.
3 IT IS MY DESIRE TO GET THIS BEHIND ME AND LOOK AHEAD
4 TOWARD A BETTER FUTURE AND IT DOES WAY HEAVILY ON ME THAT
5 THERE IS A RESTRAINING ORDER SINCE I CAN'T REALLY TALK TO
6 ANY OF THE PARTICIPATING PARTIES. MY FATHER, MY MOTHER,
7 BOTH ARE RELATED. IF THERE IS A FUNERAL FOR MY MOM OR MY
8 DAD OR MY SISTER, I WILL BE THE ONE REALLY THE BLACK
9 SHEEP OVER THERE, BUT I DON'T SEE -- ANTICIPATING ANY
10 PROBLEMS OR ANYTHING LIKE THAT. I JUST ASK -- I
11 UNDERSTAND THAT IT NEEDS TO BE BROUGHT UP BEFORE YOU. IF
12 THERE IS ANY OPPORTUNITY TO TERMINATE THAT TODAY OR
13 ANYTIME SOON, I WOULD APPRECIATE IT.

14 THE COURT: NO PROBLEM AT ALL. IF YOU HAVE ANY
15 QUESTIONS WHATSOEVER, SIR, IN REGARDS TO COMPLIANCE OR
16 WHETHER YOU ARE GOING TO GET IN TROUBLE OR ANYTHING LIKE
17 THAT, YOU HAVE WONDERFUL COUNSEL. SHE WILL BE MORE THAN
18 HAPPY TO ASSIST YOU. AND, AGAIN, THIS MATTER IS ASSIGNED
19 TO ME FOR ALL MATTERS. SO ANYTHING COMES UP, I STILL
20 HAVE A FILE ON THIS MATTER. I STILL REMEMBER THE MATTER,
21 SO YOU ARE COMING -- YOU WOULD BE COMING BACK TO A
22 COURTROOM THAT'S FAMILIAR WITH ALL THE DYNAMICS OF THE
23 CASE AND NOT SOMEBODY WHO LOOKS AT IT FOR A BRIEF SECOND.

24 I LIKE THE FACT THAT YOUR ATTITUDE IS TO GET ON
25 WITH YOUR LIFE, CLEAN UP YOUR LIFE. THAT'S A WONDERFUL
26 ATTITUDE. I ENCOURAGE YOU TO KEEP DOING THAT.

1 AND, LASTLY, I HAVE SOME SUBPOENAED DOCUMENTS.
2 WHAT DO YOU WANT ME TO DO WITH THOSE?

3 MS. SWEENY: THEY CAN BE TURNED OVER TO ME, THAT
4 WOULD BE GREAT.

5 THE CLERK: THOSE ARE MEDICAL RECORDS.

6 THE COURT: MEDICAL RECORDS. WHY DON'T I GIVE
7 THEM TO DEFENSE COUNSEL.

8 MS. LEVY: I JUST -- I AM HAVING A HARD TIME
9 REMEMBERING EXACTLY WHAT WAS SUBPOENAED AT TRIAL, AND IF
10 THOSE ARE MEDICAL RECORDS BELONGING TO THE VICTIMS IN
11 THIS CASE, I WOULD BE OBJECTING TO THAT.

12 THE COURT: WHY DON'T YOU TAKE A LOOK AT THEM,
13 SEE WHAT WE HAVE HERE. I WILL GIVE THEM TO YOU
14 TEMPORARILY HERE. YOU TAKE A LOOK AT THEM. IF THEY ARE
15 MATTER THAT CAN BE DISPOSED OF, WONDERFUL. IF THEY ARE
16 MATTERS THAT MAY BE DEEMED IMPORTANT FOR WHATEVER REASON
17 AND WE WANT TO HAVE THEM SEALED AND BE PART OF THE
18 RECORD, NO PROBLEM IN DOING THAT FOR YOU.

19 MR. SALEEM, ALL THE BEST TO YOU, SIR. KEEP UP
20 THE GOOD WORK. THANK YOU.

21 MS. SWEENY: YOUR HONOR, ONE FINAL QUESTION. IF
22 I WANT TO FILE A 1203.4 MOTION, IT WOULD OBVIOUSLY BE IN
23 THIS COURTROOM?

24 THE COURT: YEAH, YOU MIGHT AS WELL. I KNOW
25 THERE ARE OTHER MECHANISMS TO DO THAT. BUT, I MEAN, I AM
26 NOT GOING TO TREAT IT ANY DIFFERENT THAN ANY OTHER

1 MATTER. AND SO IF YOU JUST WANT TO COME IN AND OUT AND
2 NOT HAVE TO WAIT AROUND AND HAVE IT CLEAN AND TAKEN CARE
3 OF PRETTY QUICKLY, I WILL BE MORE THAN HAPPY TO HELP YOU
4 OUT.

5 MS. SWEENEY: THANK YOU SO MUCH.

6 THE COURT: MY PLEASURE.

7 THE DEFENDANT: THANK YOU.

8 THE COURT: THANK YOU VERY MUCH. HAVE A GOOD
9 DAY, MR. SALEEM.

10 (END OF PROCEEDINGS.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, THERESA MILLER, RPR, CSR NO. 12609, OFFICIAL
COURT REPORTER, DO HEREBY CERTIFY THAT THE WITHIN AND
FOREGOING TRANSCRIPT IS A FULL, TRUE, AND CORRECT
TRANSCRIPT OF MY SHORTHAND NOTES THEREOF AND A FULL,
TRUE, AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN
SAID CAUSE.

DATED: NOVEMBER 21, 2022



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OFFICIAL COURT REPORTER