



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: May 1, 2012 REPORT NO: 12-055

ATTENTION Honorable Council President and Members of the Council

SUBJECT: Appeal Hearing for Permanent Debarment of Jerry L. Krueger of J.L. Krueger Landscape Services

REFERENCE: Chapter 2, Article 2, Division 8, of the San Diego Municipal Code

REQUESTED ACTION: Conduct a hearing of Jerry L. Krueger's appeal of the Debarment Hearing Board's decision of permanent debarment in accordance with San Diego Municipal Code Section 22.0810(b).

STAFF RECOMMENDATION: Deny appeal and uphold permanent debarment of Jerry L. Krueger.

EXECUTIVE SUMMARY: In response to receipt of a Living Wage Ordinance [LWO] Employee Complaint on September 26, 2008, the Administration Department conducted a review of City contracts with J.L. Krueger Landscape Services. In addition to specific violations of the LWO, several discrepancies were identified including: failure to pay workers, labor law violations, and apparent falsification of documents. This information was forwarded to the San Diego County District Attorney Insurance Fraud Division and resulted in a Grand Jury indictment of Mr. Krueger. Mr. Krueger pled guilty to felony insurance and tax fraud and was subsequently sentenced to three years felony probation, 30 days public work service, and restitution of approximately \$70,000 to the State Compensation Insurance Fund and Employment Development Department.

The Director of Administration recommended the City begin debarment proceedings. Mr. Krueger appeared before a Debarment Hearing Board on February 9, 2012. He admitted he had falsified records, failed to pay wages due, and pled guilty to felony insurance and tax fraud. The panel issued a Debarment Decision [Attachment A] March 5, 2012, with a finding of sufficient evidence for permanent debarment in accordance with Chapter 2, Article 2, Division 8, of the San Diego Municipal Code [SDMC].

Mr. Krueger requested an appeal of this decision in correspondence dated March 10, 2012 [Attachment B]. He argued against application of the LWO to his contracts. However, Mr.

Krueger's debarment was based on his felony insurance and tax fraud plea; falsification of records; violations of Federal, State and municipal wage and hour laws; and other offenses as detailed in the Debarment Decision.

SDMC Section 22.0810(a) states:

"If a Debarment Hearing Board has made a determination to debar a person permanently, that person may appeal that decision to the City Council in accordance with procedures set forth in this Division and procedures adopted by the City Council."

BACKGROUND

Receipt of LWO Employee Complaint #C09-004

On September 26, 2008, the Living Wage Program received LWO Employee Complaint #C09-004 from a worker employed by J.L. Krueger Landscape Services on Bid No. 8532-07-Y, Landscape Maintenance at Metropolitan Wastewater Department's North City Water Reclamation Plant. The worker claimed he was terminated in retaliation for inquiring about a wide range of alleged non-compliance with employment and labor laws, including the LWO.

An investigation determined Mr. Krueger had applied for and been granted an exemption from LWO requirements on the subject contract as an employer with twelve or fewer employees, in accordance with SDMC Section 22.4215(b)(1).

LWO Employee Complaint #C09-004 was resolved on November 17, 2008, with a finding of No Violation. Several inconsistencies were identified during this investigation, and therefore the Living Wage Program scheduled a Contract Compliance Review.

Initiation of LWO Contract Compliance Review #R09-010

LWO Contract Compliance Review #R09-010 was initiated on April 29, 2009, to expand the examination of J.L. Krueger Landscape Services.

Regarding the Living Wage Ordinance, SDMC Section 22.4235(a) states:

". . . The City Manager shall monitor compliance, including conducting periodic reviews of appropriate records maintained by covered employers to verify compliance and to investigate claimed violations."

Living Wage Program staff routinely conducts LWO Contract Compliance Reviews in accordance with the LWO Administrative Procedures Manual which includes the following:

- Confirmation of LWO clause in contract document;
- Verification that a *Certification of Compliance* was received from prime and each subcontractor, if any;
- Inspection of contractor's payroll records;

- Confirmation of proper payment made to covered employees;
- If health benefits constitute a portion of pay for covered employers, calculation of health premium cost and review of correct payment;
- Confirmation that proper days off are accorded to covered employees;
- Verification *LWO Notice to Employees* is posted or distributed;
- Interviews with a statistical sampling of covered employees; and
- Assessment of covered employer’s record-keeping methods.

Records revealed that Mr. Krueger applied for and was granted an exemption from LWO requirements on several contracts:

Bid No. L-2312/99	Landscape Maintenance at Carmel Mountain Ranch Park and Comfort Station
Bid No. 6637-04-H	Landscape Maintenance at Recycled Water Storage Tank on Meanly Drive
Bid No. 6639-04-H	Landscape Maintenance of Park Village Maintenance Assessment District
Bid No. 7831-06-Y	Landscape Maintenance at Miramar Household Hazardous Waste Transfer Facility
Bid No. 8532-07-Y	Landscape Maintenance at Metropolitan Wastewater Department’s North City Water Reclamation Plant

Findings of LWO Contract Compliance Review #R09-010

In the course of LWO Contract Compliance Review #R09-010, a significant discovery was made. On August 7, 2006, Mr. Krueger responded to Purchasing & Contracting Department’s offer to exercise an option to renew Bid No. 6639-04-H. In his acceptance, he requested a “10.08% increase in labor cost to comply with Living wage” and a “0.02% increase in overhead/bookkeeping to comply with Living wage ordinance.” The increase was granted at an amount of \$988 per month or \$11,856 per year. Though Mr. Krueger received this increase, he considered himself exempt from the LWO and did not pay his workers at the Living Wage rate. Living Wage Program staff required Mr. Krueger to make back payment in the combined amount of \$3,887 to three employees who worked on this contract.

For over a year, Living Wage Program staff repeatedly sought accurate and thorough payroll records from Mr. Krueger without success. The documents received were incomplete, inaccurate, and many appeared to be falsified. Employee interviews revealed numerous allegations of non-payment and labor violations. Mr. Krueger admitted he did not have any cancelled checks because employees had been paid in cash. He had not provided them with pay statements in violation of California Labor Code 226(a) [Attachment C] which requires contractors to give pay statements to employees at the time of payment and specifies the information that must be included on such statements.

Because many of the violations uncovered were outside the authority of the Living Wage Program, the Director of Administration and the City Attorney's Office agreed to forward all records to the County of San Diego District Attorney's Office, Insurance Fraud Division, on April 13, 2010.

LWO Compliance Review Report #R09-010 for J.L. Krueger Landscape Services [Attachment D] was issued on October 15, 2010. It listed the following LWO violations:

San Diego Municipal Code §22.4220(a): Failure to pay covered employees at the wage and benefit rates specified in the LWO.

San Diego Municipal Code §22.4220(c): Failure to provide each covered employee a minimum of 10 compensated leave days per year as required by the LWO.

San Diego Municipal Code §22.4225(b): Failure to notify covered employees of the requirements of the LWO.

This report advised Mr. Krueger that the Director of Administration had recommended his debarment and the City forwarded documentation of violations to the County of San Diego District Attorney's Office.

Receipt of LWO Employee Complaint #C10-005

When employees were interviewed to verify receipt of back payment, they claimed to be owed additional monies because they had worked more hours and been paid far less per hour than accounted for. Subsequently, on May 5, 2010, an employee filed Living Wage Complaint #C10-005. The employee worked for J.L. Krueger Landscape Services on Bid No. 6639-04-H and Bid No. 9900-10-Q, Landscape Maintenance at Park Village Maintenance Assessment District. The worker stated he had been paid in cash, had never been provided a pay statement, and had not received payment for all hours worked.

Living Wage Program staff conducted an investigation of these allegations with assistance from the contract administrator in Park and Recreation Department's Maintenance Assessment Districts Division. Mr. Krueger readily admitted he paid workers in cash and did not provide pay statements. Without sufficient payroll records, the Living Wage Program could not quantify any additional amounts owed to the complainant. However, the discoveries made during investigation of LWO Complaint #C10-005 contributed to the decision to forward documents to the County of San Diego District Attorney's Office, Insurance Fraud Division.

Referral of J.L. Krueger Landscape Services to County District Attorney's Office

The Living Wage Program forwarded documents and records to the County of San Diego District Attorney's Office, Insurance Fraud Division, on April 13, 2010, requesting use of their resources to investigate whether or not J.L. Krueger Landscape Services engaged in unlawful business practices. The following documents were included:

J.L. Krueger Landscape Services vendor records (12/01/2006 – present) including various LWO Applications for Exemption; various correspondence from City

requesting additional information; EDD Quarterly Wage and Withholding Report dated 09/30/08; and log notes.

Complaint #C09-004 records (09/24/2008 – 11/17/2008) including an interview with Mr. Krueger wherein he admitted to sometimes paying workers in cash; an interview with a terminated employee who made various labor violation allegations; a summary of the complaint investigations and findings; correspondence to Mr. Krueger and the complainant; and log notes.

Contract Compliance Review #R09-010 records (04/29/2009 – April 13, 2010) including various contract documents; correspondence from Mr. Krueger requesting a cost adjustment “to comply with Living Wage”; various payroll registers; correspondence during the course of the review; direction to Mr. Krueger to make back payments to employees; Mr. Krueger’s xerox copies of Union Bank checks submitted as proof of payment; an employee’s xerox bank slips for dates he claimed he worked that were not listed on Mr. Krueger’s payroll records; log notes; and a timeline.

Various payroll records (12/01/2006 – 12/31/2009) submitted by Mr. Krueger in response to requests during review.

Experian Business Reports (08/22/2009 – 01/03/2010) listing 20 actual employees for J.L. Krueger Landscape Services.

A San Diego District Attorney Investigator sent an email on September 14, 2010, with a status update of the ongoing investigation. He stated:

“Krueger has failed to report a significant amount of wages to EDD and SCIF. The payroll reports Krueger submitted to the City of San Diego in regards to your investigation were made up after the fact.”

Felony Insurance and Tax Fraud Conviction of Jerry L. Krueger

Jerry L. Krueger was indicted by the Grand Jury on March 22, 2011. Felony charges included Worker Compensation premium fraud and payroll tax evasion. Mr. Krueger pled guilty to felony insurance and tax fraud and was sentenced on September 12, 2011, to three years felony probation, 30 days public work service, and restitution of approximately \$70,000 to the State Compensation Insurance Fund and Employment Development Department [Attachment E].

Debarment Proceedings for Jerry L. Krueger

A Debarment Hearing Board was established in accordance with SDMC Section 22.0804 to hear and determine whether Jerry L. Krueger should be debarred.

SDMC Section 22.0802, **Definitions**, states:

“*Debar*” or “*Debarment*” means the disqualification of a person from:

- (a) bidding on a *contract*; or,
- (b) submitting responses to City’s requests for proposals or qualifications; or,
- (c) being awarded a *contract*; or,
- (d) executing a *contract*; or
- (e) participating in a *contract* as a *subcontractor*, material supplier, or employee or a *prime contractor* or another *subcontractor* for a period of time specified by the *Debarment Hearing Board* following a hearing,
- (f) directly or indirectly (e.g. through an *affiliate*) submitting offers for, or executing *contracts*, or subcontracts with the City; or
- (g) conducting business with, or reasonably may be expected to conduct business with, the City as an employee, agent, or representative of another *person*.

A Notice of Debarment Hearing was sent by certified mail to Mr. Krueger on January 4, 2012, setting a hearing date for 2:00 p.m. on January 30, 2012. Mr. Krueger confirmed his acceptance. The notice listed the Municipal Code Grounds for Debarment and allegations to be considered.

At the hearing, Living Wage Program staff presented the City’s case for debarment by describing events leading to the debarment recommendation. Copies of documents concerning Jerry L. Krueger from the Superior Court of California, County of San Diego, were provided: “Plea of Guilty/No Contest – Felony,” dated June 17, 2011, and “Felony Minutes – Pronouncement of Judgment” dated September 27, 2011.

Mr. Krueger did not dispute the evidence presented by the City. He admitted he falsified records, failed to pay wages due, and pled guilty to felony insurance and tax fraud. He stated that he thought he was exempt from the LWO, but provided no evidence or factual information to indicate why that should have been the case.

Debarment Decision regarding Jerry L. Krueger

The Debarment Hearing Board issued a Debarment Decision in correspondence to Jerry L. Krueger on March 5, 2012. The Board found sufficient evidence to support a permanent debarment in accordance with Chapter 2, Article 2, Division 8, of the San Diego Municipal Code, *Grounds for Debarment*:

- Subsection (a) A final conviction, including a plea of nolo contendere, or final unappealable civil judgment of any one or more of the grounds lists in Section 22.0807(a),(1)-(5) constitutes grounds for permanent *debarment* of the *person* who is subject to, or is the *affiliate* of the *person* who is subject to, the criminal conviction, plea or civil judgment:

- (1) under any state or federal statute or municipal ordinance for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any offense indicating a lack of business integrity or business honesty which affects the *person's* or its *affiliate's* responsibility; or,
- (2) for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; or,
- (3) for violations of California Government Codes sections 84300(c) and 84301 (sections of the California Political Reform Act requiring disclosure of true campaign donor), as they exist on May 15, 1996, or as amended thereafter, which violations occurred on or after May 15, 1996, and which violations occur with respect to a City election; or,
- (4) for a conviction under federal or state antitrust statutes involving public contracts or the submission of offers or bid proposals,

and,

Subsection (c) Any one of the following acts or omissions by a *person* also constitute grounds for permanent *debarment*:

- (1) the *person* committed any offense, took any action, or failed to take an action, which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the *person* on future *contracts* with the *City*.

The Debarment Hearing Board found permanent debarment was supported by a preponderance of the evidence which included:

- Mr. Krueger pled guilty to felony insurance and tax fraud and was sentenced on September 12, 2011, to three years felony probation, 30 days public work service, and restitution of approximately \$70,000 to State Compensation Insurance Fund and EDD.
- Mr. Krueger fabricated copies of time cards, payroll registers, payroll checks, and State of California *Quarterly Wage and Withholding Reports* for the period of December 1, 2006, through December 31, 2009, and submitted these falsified documents to the City of San Diego during the course of investigations.
- Mr. Krueger violated Federal, State and municipal wage and hour laws when he did not maintain payroll records and made payments in cash to workers on City of San Diego contracts (Bid No. 6639-04-H, Landscape Maintenance of Park Village

Maintenance Assessment District, and Bid No. 9900-10-Q, Landscape Maintenance Park Village Maintenance Assessment District).

- Mr. Krueger provided the City of San Diego's Purchasing & Contracting Department with false payroll information on August 6, 2006, in order to obtain an upward contract adjustment for initial implementation of the Living Wage Ordinance on Bid No. 6639-04-H, Landscape Maintenance of Park Village Maintenance Assessment District. His request was granted in the increase amount of \$11,856 per year.
- Mr. Krueger failed to compensate employees at Living Wage rates on Bid No. 6639-04-H, Landscape Maintenance of Park Village Maintenance Assessment District, after securing an upward contract adjustment from the City of San Diego for this purpose.
- Mr. Krueger failed to compensate one or more employees full wages for work performed during a one-year period on City of San Diego Bid No. 9900-10-Q, Landscape Maintenance Park Village Maintenance Assessment District, prior to his abrupt resignation from this contract on May 26, 2010.

The Debarment Decision included notice of Mr. Krueger's right to appeal to the City Council in accordance with SDMC Sections 22.0809(c) and 22.0810.

Appeal of Debarment Decision by Jerry L. Krueger

Mr. Krueger sent the City correspondence dated March 10, 2012, requesting an appeal of the Debarment Decision. His letter listed his concerns about application of LWO requirements to his contracts and his belief that his conviction by the District Attorney is unrelated to the City's records.

SDMC Section 22.0810(c) states: The filing of a request for an appeal shall not stay the *Debarment* decision.

SDMC Section 22.0811, Submission of Argument on Appeal, states:

- (a) At the City Council hearing on the appeal, no new evidence may be presented by the City or any *person*. However, if the *person* who filed the appeal under Section 22.0810 wishes to submit argument supporting the appeal, that *person* shall submit argument in writing with the City Clerk no later than 4:00 p.m. ten calendar days prior to the date on which the hearing is scheduled to be held. Filing shall also be made on all *persons* subject to the *debarment* and on the *Debarment Hearing Board*.
- (b) Where argument is submitted in accordance with Section 22.0811, the City may submit rebuttal arguments, which shall be filed with the City Clerk no later than 4:00 p.m. five calendar days prior to the date on which the hearing is scheduled to be heard. Filing shall also be made on all *persons* subject to the *debarment*.

SDMC Section 22.0812 states: The standard of proof for the *Debarment Hearing* shall be a *preponderance of the evidence*.

FISCAL CONSIDERATIONS: None. The City does not currently have any contracts with Jerry L. Krueger of J.L. Krueger Landscape Services.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None regarding this report.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Key stakeholders for fairness in contracting are City of San Diego citizens, businesses who compete for City contracts, and employees for businesses who perform on City contracts. Fair competition in City contracting requires enforcement of equal compliance with rules and regulations governing workers. A contractor who is dishonest in payment to workers holds an unfair advantage over honest competition, especially when contracts are awarded to the lowest bidder.

ALTERNATIVES: The City Council could alternatively:

1. Debar Jerry L. Krueger for no less than one year and up to and including permanent.
2. Reverse the Debarment Hearing Panel's decision to permanently debar Jerry L. Krueger and allow future contracting with the City.

Official version signed by

Official version signed by

Debra Fischle-Faulk, Director
Administration Department

Wally Hill
Assistant Chief Operating Officer

Attachment A: Debarment Decision issued by Debarment Hearing Board, dated March 5, 2012

Attachment B: Appeal of Debarment Decision by Jerry L. Krueger, dated March 10, 2012

Attachment C: California Labor Code Section 226(a)

Attachment D: LWO Compliance Review Report #R09-010 for J.L. Krueger Landscape Services, dated October 15, 2010

Attachment E: Records for Case #SCD227458, Superior Court of California, County of San Diego, including *Plea of Guilty/No Contest – Felony* dated June 17, 2011; *Indictment* dated March 22, 2011; and *Order Granting Probation* dated September 27, 2011



THE CITY OF SAN DIEGO

March 5, 2012

Mr. Jerry Krueger
J.L. Krueger Landscape Services
39716 Mount Blanc Avenue
Murrieta CA 92562-6705

Subject: Debarment Decision

Dear Mr. Krueger:

On February 9, 2012, you appeared before a City of San Diego Debarment Hearing Panel convened for the purpose of considering whether the facts as presented support a decision to debar you from contracting with the City of San Diego in the future.

The panel consisted of Garth K. Sturdevan, Interim Director of the Transportation & Storm Water Department; Mark Leonard, Director of Financial Management; and Stephen Greal, Deputy Director of the Waste Reduction and Disposal Division. Also present were Nora Nugent, Living Wage Manager; Debra Fischle-Faulk, Administration Department Director and Nooria Faizi, Deputy City Attorney. Ms. Nugent presented the City's case supporting your debarment. Attachment (1) was provided by Ms. Nugent and is a summary of the events leading to the debarment recommendation.

After Ms. Nugent made her presentation, you were offered the opportunity to respond, either to rebut the evidence she presented or to offer information on extenuation or mitigation. You did not dispute the information presented by Ms. Nugent. You admitted that you falsified records after the fact in order to produce records you didn't have; that you failed to pay wages due; and you pled guilty to felony insurance and tax fraud. You did state that you thought you were exempt from the Living Wage Ordinance but you provided no evidence or factual information to indicate why that should have been the case.

You concluded your statements to the panel by indicating that you had no desire to bid on City work in the future and that your main concern is to maintain your State Contractor's License.

After consideration of all the facts associated with this case, it is the panel's finding that

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Subject: Jerry L. Krueger Debarment Decision

March 5, 2012

sufficient evidence exists to support a permanent debarment of you, Jerry L. Krueger, by the City of San Diego. This permanent debarment is in accordance with Chapter 2, Article 2, Division 8, of the San Diego Municipal Code, **Grounds for Debarment:**

Subsection (a) A final conviction, including a plea of nolo contendere, or final unappealable civil judgment of any one or more of the grounds lists in Section 22.0807(a),(1)-(5) constitutes grounds for permanent *debarment* of the *person* who is subject to, or is the *affiliate* of the *person* who is subject to, the criminal conviction, plea, or civil judgment:

- (1) under any state or federal statute or municipal ordinance for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forgery, bribery, falsification or destruction of records, receiving stolen property or any offense indicating a lack of business integrity or business honesty which affects the *person's* or its *affiliate's* responsibility; or,
- (2) for commission of a criminal offense arising out of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; or,
- (3) for violations of California Government Code sections 84300(c) and 84301 (sections of the California Political Reform Act requiring disclosure of true campaign donor), as they exist on May 15, 1996, or as amended thereafter, which violations occurred on or after May 15, 1996, and which violations occur with respect to a City election; or,
- (4) for a conviction under federal or state antitrust statutes involving public contracts or the submission of offers or bid proposals,

and,

Subsection (c) Any one of the following acts or omissions by a *person* also constitute grounds for permanent *debarment*:

- (1) the *person* committed any offense, took any action, or failed to take an action, which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the *person* on future *contracts* with the *City*; [SDMC §22.0807 (c) (1)]

Thus, the finding of a permanent debarment is supported by a preponderance of the evidence which includes:

- a) Mr. Krueger pled guilty to felony insurance and tax fraud and was sentenced on September 12, 2011 to three years felony probation, 30 days public work service, and

restitution of approximately \$70,000 to State Compensation Insurance Fund and EDD.

- b) Mr. Krueger fabricated copies of time cards, payroll registers, payroll checks, and State of California *Quarterly Wage and Withholding Reports* for the period of December 1, 2006, through December 31, 2009, and submitted these falsified documents to the City of San Diego during the course of investigations.
- c) Mr. Krueger violated Federal, State and Municipal wage and hour laws when he did not maintain payroll records and made payments in cash to workers on City of San Diego contracts (Bid No. 6639-04-H, Landscape Maintenance of Park Village Maintenance Assessment District, and Bid No. 9900-10-Q, Landscape Maintenance Park Village Maintenance Assessment District).
- d) Mr. Krueger provided the City of San Diego's Purchasing & Contracting Department with false payroll information on August 6, 2006, in order to obtain an upward contract adjustment for initial implementation of the Living Wage Ordinance on Bid No. 6639-04-H, Landscape Maintenance of Park Village Maintenance Assessment District. His request was granted in the increased amount of \$11,856 per year.
- e) Mr. Krueger failed to compensate employees at Living Wage rates on Bid No. 6639-04-H, Landscape Maintenance of Park Village Maintenance Assessment District, after securing an upward contract adjustment from the City of San Diego for this purpose.
- f) Mr. Krueger failed to compensate one or more employees full wages for work performed during a one-year period on City of San Diego Bid No. 9900-10-Q, Landscape Maintenance Park Village Maintenance Assessment District, prior to his abrupt resignation from this contract on May 26, 2010.

In accordance with the San Diego Municipal Code §22.0809(c), the decision to permanently debar you may be appealed to the City Council in accordance with Section 22.0810 of the San Diego Municipal Code. The filing of a request for appeal shall not stay the Debarment Board's decision pending a final decision of the City Council. Included below is Section 22.08.10 of the San Diego Municipal Code that outlines the process you must follow if you wish to file an appeal to the City Council:

Appeals to City Council from Certain Decisions of Debarment Hearing Board

(a) If a *Debarment Hearing Board* has made a determination to *debar* a person permanently, that *person* may appeal that decision to the City Council in accordance with procedures set forth in this Division and procedures adopted by the City Council.

(b) A *person* who has been *debarred* may request an appeal to the City Council

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Subject: Jerry L. Krueger Debarment Decision
March 5, 2012

no later than five working days from the date of the notice of the *Debarment Hearing Board's debarment* decision. The *debarred person's* request for appeal shall set forth in detail the reasons why the *person* disagrees with the decision. The *person* shall file the notice of appeal with the City Clerk, who shall calendar the appeal hearing in front of the City Council after consultation with the City Manager and Mayor.

(c) The filing of a request for an appeal shall not stay the *Debarment* decision.

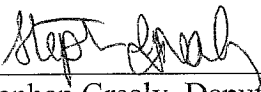
Unless a timely appeal is filed, the ruling by the City of San Diego Debarment Hearing Panel that you, Jerry L. Krueger, are permanently debarred from bidding on City contracts is final.



Garth K. Sturdevan, Interim Director
Transportation & Storm Water Department



Mark Leonard, Director
Financial Management Department



Stephen Grealy, Deputy Director
Waste Reduction and Disposal Division

Attachment: 1. Jerry L. Krueger – Events Leading to Debarment Recommendation

cc: Debra Fischle-Faulk, Director, Administration Department
Scott Reese, Interim Director, Purchasing and Contracting Department
Nooria Faizi, Deputy City Attorney
Nora Nugent, Living Wage Manager

Jerry L. Krueger – Events Leading to Debarment Recommendation

I. Summary of Events

- A. After complaint receipt, LWO Program conducted Compliance Review of Krueger Landscape Services
- B. Discrepancies found: failure to pay workers, labor law violations, apparent falsification of documents
- C. City provided information to San Diego County District Attorney, Premium Fraud Task Force
- D. Mr. Krueger indicted by Grand Jury; pled guilty to felony insurance and tax fraud Sept 12, 2011

II. Specific Violations

- A. Krueger did not provide pay stubs to employees in violation of CA Labor Code 226(a)
- B. Employees consistently claimed they were not paid for all hours worked & paid less than reported
- C. Krueger submitted check register but couldn't produce cancelled checks (later admitted he'd paid cash)
- D. Submitted documentation of timecards, payroll records confirmed as fabricated

III. Corroborating Sources

- A. Park & Recreation Dept, Open Space Division (administered Bid No. 6639-04-H & Bid No. 7092-05-Y)
 1. Andy Field, Asst Deputy Director
 2. Jaime Diez, Grounds Maintenance Manager
- B. David Bagheri, San Diego County District Attorney, Premium Fraud Task Force
 1. Conducted investigation and confirmed submitted records were falsified
 2. Sentence: 3 years felony probation; 30 days public work service; restitution of approx \$70K

IV. Living Wage Ordinance Background

- A. LWO applied as contracts were “awarded, amended, renewed or extended” after July 1, 2006
- B. When exercising option to renew, contractors could submit justification for increase to comply
 1. On Bid No. 6639-04-H, Krueger requested & rec'd increase of 10.08% (\$9,799.46/year)
 2. On Bid No. 7092-05-Y, Krueger requested & rec'd exempt status (<12 employees)
- C. LWO Program requested updated exemption applications in 9/2008; Krueger included all contracts

V. LWO Contract Compliance Review #R09-010

- A. Began review of Bid No. 6639-04-H on April 29, 2009
 1. Bid No. 6639-04-H expired 06/30/2009 and was extended on month-to-month basis
 2. Bid No. 9900-10-Q began April 1, 2010 for same scope (Landscaping @ Park Village MAD)
- B. Initially, Krueger claimed he wasn't required to pay Living Wage rates; later agreed he rec'd increase
- C. To calculate back pay owed, Krueger submitted timesheets, payroll registers, Quarterly EDD statements
- D. Paid \$3,564.96 to employees; provided contact info so LWO Program could verify receipt
- E. Employees revealed they were paid in cash, rec'd no pay stubs, had worked more hours

VI. LWO Employee Complaint #C10-005

- A. Employee filed LWO Complaint on May 5, 2010; alleged not paid for all hours & not paid LWO rates
- B. Job site was Landscape Maintenance at Park Village MAD (Bid No. 6639-04-H & Bid No. 9900-10-Q)
- C. LWO Program notified Krueger of complaint; requested names of employees & wages paid
- D. Krueger admitted he had no cancelled checks
- E. Krueger resigned on May 26, 2010
- F. Could not substantiate employee's complaint without records

J.L. Krueger Landscape Services
 Jerry Krueger Lic.# C27 480964
 39716 Mount Blanc Murrieta Ca. 92562

Ph.# (858) 248-5299
 Fax.# (951) 894-1211
 e-mail jklansan@mac.com

To Living wage administration: Fax # 619-533-3240
 202 C st. MS 9A
 San Diego Ca. 92101 MAalano@sandiego.gov

03-10-12

This is my rebuttal and appeal to your debarment letter.

I have been a very small company working for the City for the last 20 years. I have had the Park Village contract for 15 years.

I have operated my business in my way and have never had any trouble with the city.

I have never had more than five employees ever. This exempts me from being obligated to living wage requirements. I have some questions I would like some answers to.

1 Why was I forced to comply to the living wage in the first place?

I am a small company. I am entitled to an increase each year.

If you want proof you can see the records the DA fraud force seized.

I was confused about the living wage program when I wrote my request letter.

2 Why did you wait three years before informing me you thought I was no longer exempt and wanted a whole bunch of payroll records?

3 Why wasn't I ever told up front I was expected to comply with the living wage program? This is my biggest complaint and rebuttal. If you would please consider the fact I had been performing this contract for many years exempt and I still feel I am exempt. It would have been only fair. If you would have given me up front notice that I would have to comply instead of waiting three years I could only blame myself for not complying.

4 Why was I still being forced to comply and be bound to the living wage program on my third new contract bringing my company into 15 years on this contract? This was a new contract and I bid it with the understanding it was a new contract and I would not be bound by living wage. Alano Michael told me I still was bound, even on the new contract, which was paying a lot less. That's when I quit.

5 The evidence that was compiled against me by the DA was not related to the records you had asked for. They were completely separate. The DA Bageri told me he did not use your records because they were incomplete. My conviction was not related to the records you provided.

The world of a small self employed Service Company and some one who works for the city or the government, are two very separate worlds. The way I was operating believe it or not is not that uncommon. Nora could have approached me directly and we could have dealt with this problem. However the way Nora Nugent chose to handle this case was to take a hard working individual and turn him into a felon. I have learned a hard lesson from what I am going through and not only me but also my whole family has suffered greatly through this. I am truly sorry for what has happened.

CALIFORNIA LABOR CODE

SECTION 226(a)

Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing

- (1) gross wages earned,
- (2) total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime under subdivision (a) of Section 515 or any applicable order of the Industrial Welfare Commission,
- (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis,
- (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item,
- (5) net wages earned,
- (6) the inclusive dates of the period for which the employee is paid,
- (7) the name of the employee and his or her social security number, except that by January 1, 2008, only the last four digits of his or her social security number or an employee identification number other than a social security number may be shown on the itemized statement,
- (8) the name and address of the legal entity that is the employer, and
- (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

The deductions made from payments of wages shall be recorded in ink or other indelible form, properly dated, showing the month, day, and year, and a copy of the statement or a record of the deductions shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California.

Living Wage Ordinance Compliance Review Report

Report No: #R09-010

Date of Report: October 15, 2010

Reporting Group: Living Wage Program
Administration Department, City of San Diego
619/236-6682

Authority: Living Wage Ordinance [San Diego Municipal Code §22.4235(a)]

Objective: Determine compliance with LWO requirements under San Diego Municipal Code §22.4235(a)

Subject Firm: J.L. Krueger Landscape Services

Contract Number/Name: Bid No. 6639-04-H, Landscape Maintenance within the Park Village Maintenance Assessment District (MAD)

Contract Terms: September 1, 2006, to August 31, 2009

Contract Amount: \$134,814

Review Period: September 1, 2006, to March 31, 2009

Violations: San Diego Municipal Code §22.4220(a): Failure to pay covered employees at the wage and benefit rates specified in the LWO.

San Diego Municipal Code §22.4220(c): Failure to provide each covered employee a minimum of 10 compensated leave days per year as required by the LWO.

San Diego Municipal Code §22.4225(b): Failure to notify covered employees of the requirements of the LWO.

See *Findings and Resolutions* below.

Back Wages Paid: \$3,887

Background: The Living Wage Program in the Administration Department is responsible to monitor applicable service contracts for compliance with the Living Wage Ordinance. J.L. Krueger Landscape Services had one landscape maintenance contract covered by the LWO. The contract was selected for review to determine compliance with requirements of the Living Wage Ordinance.

Review Actions: During the course of this review, payroll records were analyzed to determine whether correct LWO wage and health benefit rates were paid

LWO Compliance Review Report #R09-010
J.L. Krueger Landscape Services
October 15, 2010

to covered employees. The firm indicated four employees were assigned to this contract on a part-time basis, but they were no longer working for the firm at the time of this review. Three employees received a combined back payment amount of \$3,887; during interviews to verify receipt, two employees stated they had never been compensated at proper LWO rates, were not paid on a timely basis, were not provided pay stubs, and were threatened with termination if they complained to the proper authorities.

Summary:

J.L. Krueger Landscape Services originally denied having received an adjustment to compensate employees at LWO required rates, however, documentation on file verified the firm requested and received an increase amount of \$11,856 per year. The firm did not implement any measures to comply and, in fact, did not comply with the requirements of the Living Wage Ordinance, including payment of proper wages, provision of compensated and uncompensated leave time, and posting notices to inform covered employees about the Living Wage Ordinance. This review revealed multiple discrepancies where corrective action was required as detailed in the following section.

Findings and Resolutions:

Wages & Benefits. Payroll records for J.L. Krueger Landscape Services are maintained by the firm's owner, Jerry Krueger. Upon request, Mr. Krueger submitted copies of payroll records including time cards, checks, pay stubs and State of California Employment Development Department quarterly statements. These documents showed employees received compensation lower than stipulated by the LWO. To remedy underpayment, the firm paid three covered employees a total of \$3,887 in back wages.

When these employees were contacted to verify receipt of back wages, they complained they were owed additional monies because they'd worked more hours and had been paid far less per hour than accounted for. They also revealed they had never received pay stubs. Subsequently, one employee filed a formal Living Wage Complaint [#C10-005]. During the course of investigation, staff requested copies of cancelled checks from Mr. Krueger. At that time he admitted he did not have any cancelled checks because employees had been paid in cash. On May 26, 2010, Mr. Krueger resigned from his contract for Landscape Maintenance within the Park Village Maintenance Assessment District.

Compensated/Uncompensated Leave Time. The firm did not provide compensated days off to employees as required by the LWO.

Notification. The Living Wage Ordinance requires firms to notify covered employees of their rights under the LWO and advise them of their possible right to Earned Income Tax Credit (EITC). J.L. Krueger Landscape

LWO Compliance Review Report #R09-010
J.L. Krueger Landscape Services
October 15, 2010

Findings and Resolutions:
(continued)

Services did not notify employees of their rights under the LWO or their possible right to Earned Income Tax Credit.

Resolutions: On April 13, 2010, Living Wage Program staff forwarded documentation to the County of San Diego District Attorney's Office, Insurance Fraud Division. On August 25, 2010, Living Wage Program staff recommended debarment in accordance with San Diego Municipal Code §22.0807(c)(1) for violations of local, State, and Federal wage laws; a preliminary Debarment Hearing Panel convened on September 20, 2010.

Firm's Response: Not required.

Previous Review: None.

9/12

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		For Court Use Only Clerk of the Superior Court	
PEOPLE vs <u>Jemy Knuger</u> Defendant		JUN 17 2011 By: C. Imperial, Clerk	
PLEA OF GUILTY/NO CONTEST - FELONY		Court Number: <u>SOD227458</u>	DA Number: <u>ACX772</u>

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead guilty to the following offenses and admit the enhancements, allegations and prior convictions as follows:

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
<u>1</u>	<u>IC 11880(a)</u>	
<u>5</u>	<u>IC 11880(a)</u>	
<u>6</u>	<u>UI 2117.5</u>	
<u>36</u>	<u>UI 2117.5</u>	
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: (State any agreement with the District Attorney.)

dismiss balance; NJT; 365 stayed; 30 days PWS; stip to restitution as no more than \$37,928 to SCIF and \$31,028 to EDD; DA has no objection to 176 reduction upon full payment of restitution; participate in EDD class on PR withholding.

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me.

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes.

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours.

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one.

I understand that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

6b. I have the right to a speedy and public trial by jury. I now give up this right.

6c. I have the right to confront and cross-examine all the witnesses against me. I now give up this right.

6d. I have the right to remain silent (unless I choose to testify on my own behalf). I now give up this right.

6e. I have the right to present evidence in my behalf and to have the court subpoena my witnesses at no cost to me. I now give up this right.

Defendant:	CASE NUMBER:
------------	--------------

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: 5 7 yrs 4 months years in State Prison, \$ 20,000 fine and 4 years parole (4, 7, 14, life) with return to prison for every parole violation. **Z.R.**
 If I am not sentenced to prison I may receive probation for a period up to 5 years or the maximum prison term, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sent to State Prison for the maximum term as stated above.

7b. I understand that I must pay a restitution fine (\$200 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. **Z.R.**

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation and substantially increased penalties in any future felony case. ~~input checked="" type="checkbox"/>~~

7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" listed on the back of this form, then I will be deported, excluded from admission to the U.S., and denied naturalization. **Z.R.**

7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases, and consecutive sentences. **Z.R.**

7f. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.) **Z.R.**

- (1) Consecutive sentences
- (2) Loss of driving privileges
- (3) Commitment to Youth Authority
- (4) Lifetime registration as an arson / sex offender
- (5) Registration as a narcotic / gang offender
- (6) Cannot possess firearms or ammunition
- (7) Blood test and saliva sample
- (8) Priorable (increased punishment for future offenses)

- (9) Prison prior if sent
- (10) Mandatory prison
- (11) Presumptive prison
- (12) Sexually Violent Predator Law
- (13) Possible/Mandatory hormone suppression treatment
- (14) Reduced conduct/work credits
 - a. Limited local credits (290/serious/prior)

- b. Violent Felony (No credit or max. 15%)
 - c. Prior Strike(s) (No credit to max. 20%)
 - d. Murder on/after 6/3/98 (No credit)
 - (15) Loss of public assistance
 - (16) AIDS education program
- Other: _____

Z.R.

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. **Z.R.**

9. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. **Z.R.**

10. **(Blakely waiver)** I understand that as to any fact in aggravation that may be used to increase my sentence on any count or allegation to the upper or maximum term provided by law, I have the constitutional rights listed in paragraphs 6b-6e. I now give up those rights and agree that the sentencing judge may determine the existence or non-existence of any fact in aggravation, either at the initial sentencing or at any future sentencing in the event my probation is revoked. **Z.R.**

11. **(Cruz Waiver)** Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s). **Z.R.**

12. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea. ~~input checked="" type="checkbox"/>~~

13. **(Probation Report)** I give up my right to a full probation report before sentencing. ~~input checked="" type="checkbox"/>~~

Defendant:	CASE NUMBER:
------------	--------------

14. (Evidence Disposal Waiver) I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire.

PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I; (Describe facts as to each charge and allegation) XZ
made a false statement knowingly and unlawfully to the State Compensation Insurance Fund in the determination of the rate of workman's compensation insurance from April 1, 2006 - April 1, 2007 and from April 1, 2010 - April 1, 2011. I failed to file a return willfully & unlawfully with the intent to defraud

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct. XZ

Dated: 6/17/11 Defendant's Signature X Jey [Signature]

Defendant's Address: _____ Street

_____ City _____ State _____ Zip

Telephone Number: () _____



ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: 6/17/11 V. Fernandes [Signature]
(Print Name) Attorney for Defendant (Signature)
(Circle one: PD / APD / OAC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: § _____
(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of San Diego, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: 6/17/11 DAVID BAGHERI David Bagheri [Signature]
(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: JUN 17 2011 Charles R. Gill [Signature]
Judge of the Superior Court

CHARLES R. GILL

EDD on or about Aug 1, 2006 and from Jan 1, 2010 - March 31, 2010

DATE 09-12-11 AT 01:30 M.

PRESENT: HON CHARLES R GILL, JUDGE PRESIDING, DEPARTMENT 031

CLERK C. [Signature] REPORTER Armando Pineda CSR #12670 CSR#

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

KRUEGER JERRY L DEFENDANT

DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL A KPSSELR V. FERNANDES ATTORNEY FOR DEFENDANT (PD / AFD / OAC / RETAINED) 436

VIOLATION OF *IN11880(A) CT1 *IN11880(A) CTS *UC2117.5 CT6 *UC2117.5 ENH(S) Harvey / cruz / Blakely wuk INTERP. OATH ON FILE / SWN. PRIOR(S) LANGUAGE

DEFENDANT [X] PRESENT [] SELF REPRESENTED [] NOT PRESENT [] NOT PRODUCED

PROB. REV. [] DEFENDANT ADVISED OF RIGHTS AND ADMITS / DENIES A VIOLATION OF PROBATION [] WAIVES HEARING. PROBATION IS / REMAINS: FORMALLY / SUMMARILY [] REVOKED [] REINSTATED [] MODIFIED [] CONT. [] SAME CONDITIONS [] TERMED. [] EXT. TO:

JUDGMENT [X] WAIVES ARRAIGNMENT. [] ARRAIGNED FOR JUDGMENT. [X] IMPOSITION / EXECUTION OF SENTENCE IS SUSPENDED.

[X] PROBATION IS: [] DENIED [X] GRANTED 3 YEARS (FORMAL / SUMMARY) TO EXPIRE 9/11/14 [] CONVERTS TO SUMMARY PROB.

[X] COMMITMENT TO SHERIFF FOR 305 DAYS. (STAYED TO 7 PENDING SUCCESSFUL COMPL. OF PROBATION. [] PAROLE NOT TO BE GRANTED.

[X] PERFORM 30 DAYS PSP. [] HOURS VOL. WORK AT NONPROFIT ORG. SUBMIT PROOF TO PROBATION (COURT BY 9/11/14

[X] 4th AMENDMENT WAIVER: (IMPOSED. / REMAINS IN EFFECT. / DELETED. [] PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

[X] FURTHER CONDITIONS ARE SET FORTH IN PROBATION ORDER. [] WORK FURLOUGH, REPORT: TO 5201 RUFFIN RD. STE R, SAN DIEGO 8:00 A.M.

[] COMMITMENT TO DEPT. OF CORRECTIONS & REHAB. [] PER PC1170(d). [] DIV. OF JUVENILE JUSTICE [] PER WI1737 FOR LOWER / MIDDLE / UPPER / INDETERMINATE TERM OF YEARS / MONTHS / TO LIFE ON COUNT CODE & NO. [] PRINCIPAL COUNT. [] STIPULATED SENTENCE.

[] SENTENCE PER PC667(b)-(i)/1170.12. [X] NOTICE OF FIREARMS PROHIBITION GIVEN PER PC12021. [] NO VISITATION PER PC1202.05. VICTIM(S) UNDER 18 YRS. OF AGE. DA TO COMPLY WITH NOTICES. [] HIV TEST PER PC1202.1.

[] DEFENDANT ADVISED RE: PAROLE / APPEAL RIGHTS. [] REGISTER PER [] PC290 [] HS11590 [] PC457.1 [] PC186.30 [X] DEFENDANT TO PAY: FINE OF \$ 800 INCLUDING PENALTY ASSESSMENT, PLUS THE FOLLOWING:

[] \$ INSTALLMENT/ACCOUNTS RECEIVABLE FEE [PC1205(d)]. [] DRUG PROGRAM FEE OF \$ [HS11372.7]. [] LAB ANALYSIS FEE [HS11372.5] OF \$ [] THEFT FINE [PC1202.5] OF \$ TO LAW ENFORCEMENT AGY.

[X] COURT SECURITY FEE [PC1465.8] OF \$ 100 [X] BOOKING FEE [GC29550.1] OF \$ 154 [] CRIMINAL CONVICTION ASSESSMENT [GC70373] OF \$ 120

[] PROB. HAVING BEEN FORMALLY REVOKED, THE PREVIOUS REST. FINE OF \$, SUSP. PER PC1202.44, IS NOW DUE. [X] RESTITUTION FINES: \$ 200 PER PC1202.4(b) PLUS 10% PER PC1202.4(l) FORTHWITH [PC2085.5] \$ 200 PER PC1202.44/PC1202.45 SUSPENDED

UNLESS PROBATION/PAROLE REVOKED. [X] RESTITUTION TO VICTIM(S) PER P.O.'S REPORT / RESTITUTION FUND [PC1202.4(f)] OF \$ 48,954.04 / IN AN AMT. TO BE DETERMINED. [] JOINT & SEVERAL

[] AT COMBINED RATE OF \$ 100 PER MONTH TO START 60 DAYS AFTER RELEASE / ON [] REPORT TO [] PROBATION [X] REVENUE & RECOVERY [] COURT COLLECTIONS [X] FORTHWITH. [] WITHIN 72 HRS. OF RELEASE FROM CUSTODY.

PROCEEDINGS SUSPENDED [] PER WI3051, ADDICTION OR DANGER OF ADDICTION. SERVICE OF PETITION: [] PER PC1368, MENTAL COMPETENCY. (SEE BELOW FOR DATES OF EXAMINATION AND HEARING.)

FUTURE HEARINGS WAIVERS: [] TIME FOR JUDGMENT. [] PRESENCE FOR RESTITUTION HRG. [] REFERRED FOR DIAGNOSTIC EVAL. PER PC1203.03. / WI707.2

REVIEW HLN CONTINUED TO (SET FOR 7/12/12 AT 1:30 PM IN DEPT. 31 ON MOTION OF COURT / DDA / DEFENDANT / PROBATION OFFICER. REASON: COMPLETION IN FDD TAX SEMINAR + RESTITUTION

[] TO BE HEARD CONCURRENTLY WITH PRELIMINARY HEARING IN CASE [] TO TRAIL CASE(S)

CUSTODY STATUS [] DEFENDANT REMANDED TO CUSTODY OF SHERIFF [] WITHOUT BAIL. [] WITH BAIL SET AT \$ [] MAY BE RELEASED TO REP. OF PD / PROB./APPROVED RES. TREATMENT PROG. [] STAY / SERVE BAL. OF CUST. [] WHEN BED AVAIL. [] AFTER CUSTODY.

[] DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY [] ON PROBATION. [] ON OWN / SUPERVISED RECOGNIZANCE. [] ON DEJ. [X] DEFENDANT TO REMAIN AT LIBERTY [] ON BOND POSTED \$ [] ON PROBATION. [] ON DEJ. [] ON OWN / SUPERVISED RECOGNIZANCE.

BONDS / WARRANTS [] BENCH WARRANT TO ISSUE, BAIL SET AT \$ [] SERVICE FORTHWITH. [] ORDERED WITHHELD TO [] BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED.

[] DECLARATION OF NON-COLLUSION & RE-ASSUMPTION OF LIABILITY FILED. [] BAIL FORF. IS SET ASIDE. [] BAIL [] REINSTATED [] EXONERATED [] FORFEITED [] UPON PAYMENT OF COURT COST \$ WITHIN 30 DAYS. [] COST WAIVED. BOND AMT \$ BOND NO.

BOND COMPANY AGENT

OTHER [] ALL PROPERTY IMPOUNDED, SEIZED, OR HELD IN CUSTODY IN THIS CASE TO BE DISPOSED OF PER POSSESSING AGENCY'S POLICY. [] PROBATION: PREPARE SUPPLEMENTAL REPORT. / SUBMIT POST-SENT. REPORT TO CDCR PER PC1203c. [] SEE ATTACHED MINUTES FOR ADDITIONAL ORDERS.

[] CONCURRENT WITH / CONSECUTIVE TO: CLERK: [X] REGISTRAR OF VOTERS. [] DMV ABSTRACT B.A.C.

- THE DEPT IS ORDERED TO SERVE .1 DAY BOND & RELEASE ON 9/18/11 AT 1:30PM AT CENTRAL JAIL

Date: ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy

Distribution by on to JAIL DEFT. ATTY. PROS. PROB. R&R Other: FELONY MINUTES - PRONOUNCEMENT OF JUDGMENT

CENTRAL EAST NORTH ATTACHMENT E
OR SUP READINESS CONF

DATE 06-17-11 AT 08:30 M.

PRESENT: HON CHARLES R GILL JUDGE PRESIDING, DEPARTMENT 031

CLERK C. Imperial REPORTER Hamrick-Sr' Leslie CSR #070 CSR#

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

KRUEGER JERRY I DEFENDANT

DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

R - P DEFENDERS V. Fernandez ATTORNEY FOR DEFENDANT (PD / APD / OAC / RETAINED)

VIOLATION OF #IN11880(A) #IN11880(A) #IN11880(A) #IN11880(A) #IN11880(A)
ALLEG(S) ENH(S) 7.5 #UC2118.5 #UC2117.5 INTERPC2118.5 #UC2 OATH ON FILE / SWN:HRG
PRIOR(S) LANGUAGE

DEFENDANT PRESENT SELF REPRESENTED NOT PRESENT NOT PRODUCED T/COT-27-11@09:00D-11/TW

READINESS AMENDED COMPLAINT / INFO. / INDICTMENT FILED, READING WAIVED, TRUE NAME AS CHARGED, DEFT. PLEADS NOT GUILTY, DENIES ALLEGS.

PRELIMINARY HEARING / TRIAL 07-27-11 CONFIRMED / REMAINS VACATED READINESS MOTIONS REMAIN(S) / VACATED.

DEFENDANT ADVISED OF RIGHTS, WAIVES RIGHTS. DEFT. SWORN AND EXAMINED. DEFENDANT WITHDRAWS "NOT GUILTY" PLEA AND NOW PLEADS

GUILTY NOLO CONTENDERE TO:

Handwritten notes: Ct. 1 IC 11880(a), Ct. 2 IC 11880(a), Ct. 6 VI 2117.5, Ct. 36 VI 2117.5

PEOPLE V. WEST PLEA. COUNSEL AND DEFENDANT STIPULATE TO PRELIMINARY / GRAND JURY TRANSCRIPT AS FACTUAL BASIS OF PLEA.

ON MOTION OF COURT PEOPLE / DEFENDANT COUNT(S) balance REMAINING IS ARE DISMISSED FOJ / VOP

ON MOTION OF COURT PEOPLE / DEFENDANT ALLEGATION(S) PRIOR(S) balance REMAINING IS ARE STRICKEN FOJ / VOP

PC1210 ACCEPTED. DECLINED. PC1000, DEFERRED ENTRY OF JUDGMENT, GRANTED MOS./YRS.

DEFENDANT TO PAY \$ ADMIN FEE \$ DEJ RESTITUTION FEE PER PC1001.90 BY

DEFT. SUCCESSFULLY COMPLETED PC1000. PREVIOUSLY ENTERED PLEA TO COUNT(S) SET ASIDE, AND THE CHARGE(S) IS/ARE DISMISSED.

DEFT FAILED THE PC1000 PROGRAM. ANY UNPAID PC1000 FEES ARE DELETED. COURT MAKES A FINDING OF GUILTY TO THE CHARGE(S) PLED. BLAKELY

FUTURE HEARINGS WAIVERS: STATUTORY TIME PRELIM / TRIAL / JUDGMENT / PRELIMINARY HEARING SPEEDY TRIAL HARVEY / CRUZ ARBUCKLE.

NON-BIOLOGICAL EVIDENCE DISPOSAL. PRESENCE AT POST-SENTENCE HEARING. ATTORNEY / INTERPRETER CONFLICT FOR THIS HEARING.

COMPLAINT DEEMED THE INFORMATION. IMMEDIATE ARRAIGNMENT (SEE CRM-002A). IMMEDIATE SENTENCING (SEE CRM-002B)

ON MOTION OF COURT / PEO. / DEFT. REASON: IS SET FOR ACCTD / TRIALED TO 04-12-11 AT 1:30 IN DEPT. 31

READINESS IS SET FOR / CONT'D TO AT IN DEPT. MOTIONS DUE:

MENTAL HEALTH PROCEEDING SUSPENDED PER PC1368. MENTAL COMPETENCY EXAMINATION ON AT

BY FORENSIC PSYCHIATRY CLINIC. FEMALES, ROOM 1003, CENTRAL COURTHOUSE; MALES, CENTRAL DETENTION FACILITY.

HEARING ON AT IN DEPARTMENT CENTRAL COURTHOUSE.

THE SHERIFF IS ORDERED TO TRANSPORT DEFENDANT TO AND FROM THE EXAMINATION AND HEARING SHOWN ABOVE.

PROBATION REFERRAL REPORT ORDERED: PRESENTENCE. POST-SENTENCE, COPY TO BE SENT DIRECTLY TO CDCR PER PC1203C.

DEFENDANT FOUND GUILTY BY JURY VERDICT. COURT FINDING. DEFT. WAIVES POST-SENTENCE INTERVIEW.

DEFENDANT ORDERED TO REMAIN IN COURTROOM UNTIL INTERVIEWED BY COURT PROBATION OFFICER FOR A LIMITED REPORT.

DEFENDANT REFERRED TO ORDERED TO REPORT IMMEDIATELY TO PROBATION DEPT. FOR INTERVIEW. 3977 OHIO STREET, SAN DIEGO

330 W. BROADWAY, 5TH FL, SAN DIEGO 325 S. MELROSE, VISTA 250 E. MAIN ST., 8TH FL, EL CAJON 1727 SWEETWATER ROAD, NATIONAL CITY.

CUSTODY STATUS DEFT. REMANDED TO CUSTODY OF SHERIFF WITHOUT BAIL BAIL SET AT/REDUCED/INCREASED TO \$ PC1275.1 HOLD

DEFENDANT TO REMAIN AT LIBERTY ON BOND POSTED \$ ON OR / SOR ON DEJ ON SAME TERMS & CONDITIONS

DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY ON OR / SOR ON DEJ CASE DISMISSED ACQUITTED

4TH AMENDMENT WAIVER: IMPOSED. / REMAINS IN EFFECT. / DELETED. PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

BONDS / WARRANTS BENCH WARRANT TO ISSUE, BAIL SET AT \$ SERVICE FORTHWITH. ORDERED WITHHELD TO

BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED

BAIL IS EXONERATED FORFEITED. AMOUNT \$ BOND NO.

BOND COMPANY AGENT

BAIL FORFEITURE OF IS SET ASIDE / REINSTATED / EXONERATED. SURETY TO PAY \$ WITHIN 30 DAYS. FEES WAIVED.

OTHER

MCI

Date: 06/17/11 ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy

Distribution by on to JAIL DEFT. ATTY. PROS. PROB. R&R Other:

FELONY MINUTES MISCELLANEOUS

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

THE PEOPLE OF THE STATE OF CALIFORNIA, <p style="text-align: center;">v.</p> JERRY LEE KRUEGER, <i>dob 10/31/59;</i>	Plaintiff, Defendant
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CT No. SCD227458

DA No. ACX772

INDICTMENT

F I L E D
Clerk of the Superior Court

MAR 22 2011

By: M. QUENGA, Deputy

PC296 DNA TEST STATUS SUMMARY

Defendant

KRUEGER, JERRY LEE

DNA Testing Requirements

DNA sample required upon conviction

The Grand Jury of the County of San Diego, State of California, accuses the Defendant(s) of committing, in the County of San Diego, State of California, before the finding of this Indictment, the following crime(s):

CHARGES

COUNT 1 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2006 and April 1, 2007, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2006 through 4/1/2007 was \$9,450. Actual payroll for this period was \$75,463. This resulted in an \$8,489 underpayment of premium.

CHARGES (cont'd)**COUNT 2 - MISREPRESENTATION OF A FACT**

On or about and between April 1, 2007 and April 1, 2008, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2007 through 4/1/2008 was \$18,776. Actual payroll for this period was \$125,710. This resulted in an \$11,725 underpayment of premium.

COUNT 3 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2008 and April 1, 2009, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2008 through 4/1/2009 was \$18,200. Actual payroll for this period was \$109,407. This resulted in an \$8,748 underpayment of premium.

COUNT 4 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2009 and April 1, 2010, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2009 through 4/1/2010 was \$17,100. Actual payroll for this period was \$87,330. This resulted in a \$7,622 underpayment of premium.

COUNT 5 - MISREPRESENTATION OF A FACT

On or about November 8, 2010, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

CHARGES (cont'd)

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2010 through 4/1/2011 would be between \$3,000 and \$5,000. Actual payroll for the period 4/1/2010 through 8/1/2010 was \$15,628. This resulted in a \$1,344 underpayment of premium.

COUNT 6 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about August 1, 2006, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from April 1, 2006 to June 30, 2006.

COUNT 7 - FAILURE TO PAY TAX

On or about August 1, 2006, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2006 and June 30, 2006. This resulted in an underpayment to EDD of \$1,899.

CHARGES (cont'd)**COUNT 8 - FAILURE TO FILE A RETURN IN A TIMELY MANNER**

On or about November 1, 2006, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from July 1, 2006 to September 30, 2006.

COUNT 9 - FAILURE TO PAY TAX

On or about November 1, 2006, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2006 and September 30, 2006. This resulted in an underpayment to EDD of \$1,797.

COUNT 10 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about February 1, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

CHARGES (cont'd)

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from October 1, 2006 to December 31, 2006.

COUNT 11 - FAILURE TO PAY TAX

On or about February 1, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2006 and December 31, 2006. This resulted in an underpayment to EDD of \$1,337.

COUNT 12 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about May 1, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from January 1, 2007 to March 31, 2007.

COUNT 13 - FAILURE TO PAY TAX

On or about May 1, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2007 and March 31, 2007. This resulted in an underpayment to EDD of \$1,766.

COUNT 14 - FILING A FALSE RETURN

On or about July 31, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2007 to June 30, 2007.

COUNT 15 - FAILURE TO PAY TAX

On or about July 31, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2007 and June 30, 2007. This resulted in an underpayment to EDD of \$1,592.

COUNT 16 - FILING A FALSE RETURN

On or about October 23, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2007 to September 30, 2007.

COUNT 17 - FAILURE TO PAY TAX

On or about October 23, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2007 and September 30, 2007. This resulted in an underpayment to EDD of \$1,655.

COUNT 18 - FILING A FALSE RETURN

On or about November 16, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2007 to December 31, 2007.

COUNT 19 - FAILURE TO PAY TAX

On or about November 16, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2007 and December 31, 2007. This resulted in an underpayment to EDD of \$2,027.

COUNT 20 - FILING A FALSE RETURN

On or about April 25, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from January 1, 2008 to March 31, 2008.

COUNT 21 - FAILURE TO PAY TAX

On or about April 25, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2008 and March 31, 2008. This resulted in an underpayment to EDD of \$2,554.

COUNT 22 - FILING A FALSE RETURN

On or about July 5, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2008 to June 30, 2008.

COUNT 23 - FAILURE TO PAY TAX

On or about July 5, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2008 and June 30, 2008. This resulted in an underpayment to EDD of \$2,366.

COUNT 24 - FILING A FALSE RETURN

On or about October 25, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2008 to September 30, 2008.

COUNT 25 - FAILURE TO PAY TAX

On or about October 25, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2008 and September 30, 2008. This resulted in an underpayment to EDD of \$1,942.

COUNT 26 - FILING A FALSE RETURN

On or about February 1, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2008 to December 31, 2008.

COUNT 27 - FAILURE TO PAY TAX

On or about February 1, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2008 and December 31, 2008. This resulted in an underpayment to EDD of \$2,062.

COUNT 28 - FILING A FALSE RETURN

On or about August 24, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from January 1, 2009 to March 31, 2009.

COUNT 29 - FAILURE TO PAY TAX

On or about August 24, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2009 and March 31, 2009. This resulted in an underpayment to EDD of \$2,241.

COUNT 30 - FILING A FALSE RETURN

On or about August 24, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2009 to June 30, 2009.

COUNT 31 - FAILURE TO PAY TAX

On or about August 24, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2009 and June 30, 2009. This resulted in an underpayment to EDD of \$2,657.

COUNT 32 - FILING A FALSE RETURN

On or about November 2, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2009 to September 30, 2009.

COUNT 33 - FAILURE TO PAY TAX

On or about November 2, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2009 and September 30, 2009. This resulted in an underpayment to EDD of \$1,869.

COUNT 34 - FILING A FALSE RETURN

On or about January 28, 2010, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2009 to December 31, 2009.

COUNT 35 - FAILURE TO PAY TAX

On or about January 28, 2010, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2009 and December 31, 2009. This resulted in an underpayment to EDD of \$1,562.

COUNT 36 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about May 1, 2010, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from January 1, 2010 to March 31, 2010.

COUNT 37 - FAILURE TO PAY TAX

On or about May 1, 2010, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2010 and March 31, 2010. This resulted in an underpayment to EDD of \$1,700.

ALLEGATION AS TO ALL COUNTS:

And it is further alleged that in the commission and attempted commission of the crimes alleged, the aggregate losses to the victims from all the charges exceeds sixty-five thousand dollars (\$65,000), within the meaning of PENAL CODE SECTION 12022.6(a)(1).



THIS INDICTMENT, NUMBERED SCD227458, CONSISTS OF 37 COUNTS.

"A TRUE BILL"

Bonnie M. Dumanis

District Attorney, County of San Diego, State of California

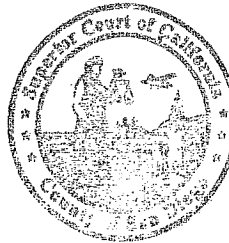
/s/ Dave Bagheri

Foreman of the Grand Jury

Deputy District Attorney

DATE: _____

DATE: _____



CLERK'S CERTIFICATE

The foregoing document, consisting of 13 page(s), is a full, true, and correct copy of the original copy on file in this office.

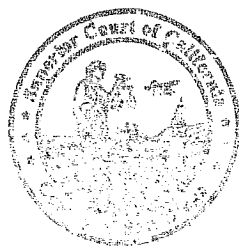
Clerk of the Superior Court

12/20/11
Date

by [Signature]
Deputy

NAMES OF WITNESSES EXAMINED BEFORE FILING FOREGOING INDICTMENT:

1. Brian Wright
2. Charlotte Jackson
3. James Sweetser
4. George Guerrero
5. Kathy Lowe
6. Jason Wallace



CLERK'S CERTIFICATE

The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court

12/20/11
Date

by 
Deputy

SC0007458 DA ACX77001

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ATTACHMENT E

DATE 9-27-11 AT 1:30P M.

CENTRAL EAST NORTH SOUTH

Ex parte

PRESENT: HON Charles R Dill JUDGE PRESIDING, DEPARTMENT 31

CLERK R. Winder REPORTER Not Reported CSR#

REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112

U. Kessler - N/A DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL V. Fernandez - N/A ATTORNEY FOR DEFENDANT (PD / APD / OAC / RETAINED)

THE PEOPLE OF THE STATE OF CALIFORNIA

Jerry vs. Krueger DEFENDANT

VIOLATION OF CTS. 1+5- IN 11886(a) CTS 3+6- UC 2117.5 P.O.

ENH(S) INTERP. OATH ON FILE / SWN. PRIOR(S) LANGUAGE

DEFENDANT PRESENT SELF REPRESENTED NOT PRESENT NOT PRODUCED

PROB. REV. DEFENDANT ADVISED OF RIGHTS AND ADMITS / DENIES A VIOLATION OF PROBATION WAIVES HEARING.

PROBATION REMAINS: FORMALLY / SUMMARILY REVOKED REINSTATED MODIFIED CONT. SAME CONDITIONS TERM. EXT. TO:

JUDGMENT WAIVES ARRAIGNMENT. ARRAIGNED FOR JUDGMENT. IMPOSITION / EXECUTION OF SENTENCE IS SUSPENDED.

PROBATION IS: DENIED GRANTED YEARS (FORMAL / SUMMARY) TO EXPIRE CONVERTS TO SUMMARY PROB.

COMMITMENT TO SHERIFF FOR 365 DAYS STAYED TO PENDING SUCCESSFUL COMPL. OF PROBATION. PAROLE NOT TO BE GRANTED.

PERFORM 30 DAYS PSP. HOURS VOL. WORK AT NONPROFIT ORG. SUBMIT PROOF TO PROBATION / COURT BY

4th AMENDMENT WAIVER: IMPOSED. REMAINS IN EFFECT / DELETED. PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

FURTHER CONDITIONS ARE SET FORTH IN PROBATION ORDER. WORK FURLOUGH, REPORT: TO 5201 RUFFIN RD. STE R, SAN DIEGO 8:00 A.M.

COMMITMENT TO DEPT. OF CORRECTIONS & REHAB. PER PC1170(d). DIV. OF JUVENILE JUSTICE PER W11737 FOR LOWER / MIDDLE / UPPER / INDETERMINATE TERM OF YEARS / MONTHS / TO LIFE ON COUNT CODE & NO. PRINCIPAL COUNT. STIPULATED SENTENCE.

SENTENCE PER PC667(b)-(f)/1170.12. NOTICE OF FIREARMS PROHIBITION GIVEN PER PC12021.

NO VISITATION PER PC1202.05. VICTIM IS UNDER 18 YRS. OF AGE. DA TO COMPLY WITH NOTICES. HIV TEST PER PC1202.1.

DEFENDANT ADVISED RE: PAROLE / APPEAL RIGHTS. REGISTER PER PC290 HS11590 PC457.1 PC186.30

DEFENDANT TO PAY: FINE OF \$ INCLUDING PENALTY ASSESSMENT, PLUS THE FOLLOWING:

\$ INSTALLMENT/ACCOUNTS RECEIVABLE FEE [PC1205(d)]. DRUG PROGRAM FEE OF \$ [HS11372.7].

LAB ANALYSIS FEE [HS11372.5] OF \$ THEFT FINE [PC1202.5] OF \$ TO LAW ENFORCEMENT AGY.

COURT SECURITY FEE [PC1465.8] OF \$ BOOKING FEE [GC29550.1] OF \$

CRIMINAL CONVICTION ASSESSMENT [GC70373] OF \$

PROB. HAVING BEEN FORMALLY REVOKED, THE PREVIOUS REST. FINE OF \$ SUSP. PER PC1202.44, IS NOW DUE.

RESTITUTION FINES: \$ PER PC1202.4(b) PLUS 10% PER PC1202.4(i) FORTHWITH [PC2085.5] \$ PER PC1202.44/PC1202.45 SUSPENDED UNLESS PROBATION/PAROLE REVOKED.

RESTITUTION TO VICTIM(S) PER P.O.'S REPORT / RESTITUTION FUND [PC1202.4(f)] OF \$ / IN AN AMT. TO BE DETERMINED. JOINT & SEVERAL.

AT COMBINED RATE OF \$ PER MONTH TO START 60 DAYS AFTER RELEASE / ON

REPORT TO PROBATION REVENUE & RECOVERY COURT COLLECTIONS FORTHWITH. WITHIN 72 HRS. OF RELEASE FROM CUSTODY.

PROCEEDINGS SUSPENDED PER W13051, ADDICTION OR DANGER OF ADDICTION. SERVICE OF PETITION: PER PC1368, MENTAL COMPETENCY. (SEE BELOW FOR DATES OF EXAMINATION AND HEARING.)

FUTURE HEARINGS WAIVERS: TIME FOR JUDGMENT. PRESENCE FOR RESTITUTION HRG. REFERRED FOR DIAGNOSTIC EVAL. PER PC1203.03. / W1707.2.

CONTINUED TO / SET FOR AT IN DEPT. ON MOTION OF

COURT / DDA / DEFENDANT / PROBATION OFFICER. REASON:

TO BE HEARD CONCURRENTLY WITH PRELIMINARY HEARING IN CASE TO TRAIL CASE(S)

CUSTODY STATUS DEFENDANT REMANDED TO CUSTODY OF SHERIFF WITHOUT BAIL. WITH BAIL SET AT \$

MAY BE RELEASED TO REP. OF PD / PROB./APPROVED RES. TREATMENT PROG. STAY / SERVE BAL. OF CUST. WHEN BED AVAIL. AFTER CUSTODY.

DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY ON PROBATION. ON OWN / SUPERVISED RECOGNIZANCE. ON DEJ.

DEFENDANT TO REMAIN AT LIBERTY ON BOND POSTED \$ ON PROBATION. ON DEJ. ON OWN / SUPERVISED RECOGNIZANCE.

BONDS / WARRANTS BENCH WARRANT TO ISSUE, BAIL SET AT \$ SERVICE FORTHWITH. ORDERED WITHHELD TO

BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED.

DECLARATION OF NON-COLLUSION & RE-ASSUMPTION OF LIABILITY FILED. BAIL FORF. IS SET ASIDE. BAIL REINSTATED EXONERATED FORFEITED

UPON PAYMENT OF COURT COST \$ WITHIN 30 DAYS. COST WAIVED. BOND AMT \$ BOND NO.

BOND COMPANY AGENT

OTHER ALL PROPERTY IMPOUNDED, SEIZED, OR HELD IN CUSTODY IN THIS CASE TO BE DISPOSED OF PER POSSESSING AGENCY'S POLICY.

PROBATION: PREPARE SUPPLEMENTAL REPORT. / SUBMIT POST-SENT. REPORT TO CDCR PER PC1203c. SEE ATTACHED MINUTES FOR ADDITIONAL ORDERS.

CONCURRENT WITH / CONSECUTIVE TO: CLERK: REGISTRAR OF VOTERS. DMV ABSTRACT B.A.C.

The Court waives the enrollment fee for Public Work Service. Future date of 7-12-12 at 1:30pm. Dept. 31 - remains as set.

Date: 9/27/11 ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input checked="" type="checkbox"/> CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 500, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		FOR COURT USE ONLY SEP 12 2011 CLERK OF THE SUPERIOR COURT BY <u>2 SAHNO</u>
PEOPLE OF THE STATE OF CALIFORNIA, vs. KRUEGER, Jerry	Plaintiff Defendant	
PROB ID # <u>21306417</u>	P.O. NAME: <u>GENTI BUNCH</u>	CASE # <u>SCD227458</u>
CII # <u>A24248533</u>	WORK LOCATION: <u>HOT</u>	DA # <u>ACX77201</u>
BK #	MAIL STATION: <u>C-96</u>	DEPT # <u>SDSC-31</u>
ORDER GRANTING PROBATION - (Penal Code 1203)		

The defendant having been convicted of violating §(Crs) 125, IC11830(a) and Crs 6436, UI2117.5, it is ordered that imposition of sentence be suspended / execution of sentence of _____ years/months in state prison be suspended, for 3 years, and the defendant be granted formal / ^{Felony} summary probation; to convert to summary probation upon successful completion of 18 months probation if approved by P.O.; any felony subject to PC17(b) to remain a felony; on the following terms and conditions: 1 DAY BOOK & RELEASE ON 9/18/11 AT 11:PM CENTRAL JAIL

1. **COMMITMENT:** *Defendant shall complete the booking process.
- a. To Sheriff for 365 day(s), with credit for: 0 local day(s), _____ State Inst. days, 0 PC4019(b)(1)(A) days, 0 PC4019(b)(2)/(c)(2) days, _____ 2933.1 days, for a total of 0 day(s) credit for time served.
- Defendant may be released after _____ actual days to an authorized representative of _____.
- Custody is stayed pending successful completion of probation _____.
- b. Commit Recommendations: 1. The Electronic Surveillance Program - Call (858) 514-8477 within 72 hours.
 2. Probation Work Furlough - Defendant to report _____ at _____ to 5201 Ruffin Rd., Suite R, San Diego
- c. Custody to be served consecutive to / concurrent with _____.

2. **THE DEFENDANT SHALL PAY:** **TOTAL DUE \$ 70,259.04**, comprised of the following:
- a. **FINE** of \$ 800 INCLUDING: PC1465.7(a) surcharge and penalty assessment (PA). Drug Program Fee of \$ _____ per HS11372.7 and Lab Analysis Fee of \$ _____ per HS11372.5 for each qualifying offense.
 PLUS: 1. \$ _____, per PC290.3, including PA. 2. \$ _____, per PC1463.23, including PA.
 3. \$ _____, per PC1202.5, including PA, for payment to _____ law enforcement agency.
- b. \$ _____ of fine to be paid by _____ days / hours of PSP Volunteer Work / Credit for time served.
- c. **Court Security Fee** of \$ 160 per PC1465.8 d. **Administrative Screening Fee** of \$ 25 per PC1463.07.
- e. **Criminal Conviction Assessment** of \$ 120 per GC70373. f. **Booking Fee** of \$ 154 per GC29550.1.
- g. **DUI:** 1. VC23649 SAAU Fee of \$ _____. 2. VC23645 Penalty Assessment of \$ _____.
- h. **Domestic Violence Fund Fee** of \$ _____ per PC1203.097.
- i. **Restitution Fines:** of \$ 200 per PC1202.4(b). of \$ _____ per PC294 (Child Abuse).
- j. **Probation Revocation Restitution Fine** of \$ 200 per PC1202.44 SUSPENDED unless probation is revoked.
- k. **Restitution** of \$ 68,954.04 to victim(s) per P.O.'s report / Restitution Fund, plus 10% annual interest on unsatisfied amount.
- | | |
|---|---------------------|
| <input checked="" type="checkbox"/> Victim <u>State Compensation Insurance Fund</u> | \$ <u>37,927.23</u> |
| <input checked="" type="checkbox"/> Victim <u>Employment Development Department</u> | \$ <u>31,026.76</u> |
| <input type="checkbox"/> Victim _____ | \$ _____ |
- l. Restitution joint and several with the co-defendant(s) _____.
- m. All fines and/or restitution are to be paid to Probation through Revenue & Recovery / Court Collections at the combined rate of \$ ~~100~~ 100 per month. Payments are to start 60 days after release from custody / on November 14, 2011.
- n. **All payments to be applied to victim restitution first.**
- o. Defendant must pay the California Victim Compensation Board for any monies paid out to victim(s).
- p. Restitution to be determined if the victim reports a loss modified by further court order if the victim reports further loss.
- q. IF felony summary probation is granted, all references herein to the PO, are null and void.

3. **UNDOCUMENTED DEFENDANT CONDITIONS:** An undocumented defendant shall:
- a. Not enter or be in the United States without proper documentation of lawful presence.
- b. Report to P.O. within 72 hours of entry, legal or illegal, into the United States.
- c. Report any change of immigration status to P.O. within 72 hours.

4. **EXTRADITION WAIVER:**
- Deft. waives extradition and agrees NOT to contest any such extradition to the State of California from any other state, government, country, or jurisdiction. The waiver is in effect from today through the duration of probation, including periods of revocation.

DEFENDANT: KRUEGER, Jerry Lee	PROBATION # 21306417	CASE # SCD227458
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5. PROBATION DEPARTMENT PUBLIC SERVICE PROGRAM (PSP) / VOLUNTEER WORK: *Call ONLY if information is needed.

- a. Work 30 day(s) in PSP. Enroll in person within 72 hours at one of the following locations:

Vista Probation 325 S. Melrose Dr. #2600 Vista Courthouse (760) 806-2333	El Cajon Probation 250 E. Main St. - 8 th Fl. El Cajon Courthouse (619) 441-3441	PSP Work Project Office 5201 Ruffin Rd. - Ste R San Diego (858) 560-3258 *	Downtown Probation 330 W. Broadway #557 San Diego (619) 515-8203	South Bay Probation 1727 Sweetwater Rd. Ste 200 National City (619) 498-2111
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Report for work to the PSP Work Project Office as directed at enrollment.

Work to be completed by: 7/11/14

- b. The defendant may work in another county. c. Complete up to 20 days PSP, if directed by the P.O.
d. Complete _____ hours of vol. work at a nonprofit org. by _____, with written proof to the P.O. / court by _____.

6. THE DEFENDANT SHALL:

- a. Obey all laws. Minor traffic infractions will not affect probation status.
b. Follow such course of conduct as the P.O. prescribes. c. Register per HS11590 PC290 PC457.1 PC186.30.
d. Not possess a firearm, ammunition, or deadly weapon. e. Comply with a curfew if so directed by the P.O.
f. Have a photo ID card on his/her person at all times. g. Have no contact with the co-defendant(s).
h. Report to the P.O. as directed / within 72 hours of any release from custody. If homeless, report to the nearest probation office in San Diego County within 72 hours. Thereafter, report in person the first day of each month until directed to do otherwise.
i. Report any change of address or employment to the P.O. and Revenue & Recovery / Court Collections within 72 hours.
j. Provide true name, address, and date of birth if contacted by law enforcement. Report contact or arrest in writing to the P.O. within 7 days. Include the date of contact/arrest, charges, if any, and the name of the law enforcement agency.
k. Obtain: P.O.'s consent before leaving San Diego county. court's and P.O.'s written consent before moving out of state.
l. Be permitted to travel to or reside in Murrieta, CA if approved by interstate compact.
m. Submit person, vehicle, residence, property, personal effects, computers, and recordable media _____ to search at any time with or without a warrant, and with or without reasonable cause, when required by P.O. or law enforcement officer.
n. Seek and maintain full-time employment, schooling, or a full-time combination thereof if directed by the P.O.
o. Not maintain a checking/charge account or be in possession of checks/credit/access cards unless issued per employment.
p. Not use/possess any stolen, forged, counterfeit or fraudulent documents.
q. Participate and comply with any assessment program if directed by the P.O.
r. Any contraband seized by Probation Dept. to be destroyed or retained by Probation for education purposes, at their discretion.

CONDITIONS LISTED IN SECTIONS 7, 8, 9, 10, 11, 12, AND 13 ARE NORMALLY IMPOSED IN CASES INVOLVING SPECIFIED OFFENSES, E.G., DRUGS, ALCOHOL, ETC., BUT MAY BE IMPOSED FOR OTHER OFFENSES IF REASONABLE AND LAWFUL.

7. TREATMENT, THERAPY, COUNSELING:

- a. Take psychotropic medications if prescribed / ordered by doctor.
b. Participate in treatment, therapy, counseling, or other course of conduct as suggested by validated assessment tests.
c. Provide written authorization for the P.O. to receive progress and/or compliance reports from any medical/mental health care provider, or other treatment provider rendering treatment/services per court order under the terms of this grant of probation.
d. Attend and successfully complete Psychiatric Individual Group Substance Abuse Dual Diagnosis Anti-Theft EDD Payroll Tax Seminar counseling program approved by the P.O., as if directed by the P.O. Authorize the counselor to provide progress reports to the probation officer or court when requested; all costs to be borne by defendant.

8. ALCOHOL CONDITIONS:

- a. Attend and complete a DUI Victim Impact Panel as / if directed by the P.O.
b. Do not use or possess alcohol if directed by the P.O. c. Attend 'Self-help' meetings as/ if directed by the P.O.
d. Enroll within 30 days and satisfactorily complete the First Conviction Program (3 month / 9 month) Multiple Conviction Program (SB38) as directed by the P.O. / court. All costs are to be borne by the defendant.
e. Take antabuse (if physically able, as determined by a licensed physician) if directed by the P.O. and continue in the program until excused. If not physically able to take antabuse, submit a written statement from physician verifying inability to do so.
f. Submit to any chemical test of blood, breath, or urine to determine blood alcohol content and authorize release of results to P.O. or the court whenever requested by the P.O., a law enforcement officer, or the court ordered treatment program,
g. Surrender your driver license now to the court for forwarding to DMV per VC13350-51 / 13352 / 13357 / 13202(b). (Circle one)
h. Do not: 1. Be in places, except in the course of employment, where alcohol is the main item for sale.
2. Drive a motor vehicle unless licensed and insured as required by the State of California.
i. Defendant shall participate in and comply with a continuous alcohol monitoring device if directed by the P.O., with all costs to be borne by the defendant.

9. DRUG CONDITIONS:

- a. Complete a program of residential treatment and aftercare as/ if directed by the probation officer.
b. Complete the county AIDS Education Course per PC1001.10. Call Provider at _____ within 30 days of release from custody or issuance of order to enroll, unless course is completed while defendant is in custody.
c. Do not use or possess any controlled substance without a valid prescription and submit a valid sample for testing for the use of controlled substances/alcohol when required by the probation or law enforcement officer, or treatment provider.

DEFENDANT: KRUEGER, Jerry Lee	PROBATION # 21306417	CASE # SCD227458
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15. ORDER RE PROBATION COSTS:

You are ordered to cooperate with the probation officer or their authorized representative as directed, in the completion of the financial evaluation required under PC1203.1b. If it is determined that you have the present ability to repay the county for all or any part of the costs of the pre-sentence investigation and/or costs of probation supervision, the county will request that a judgment be issued against you for these amounts. If you do not agree with the determination, you have a right to a hearing before the court for a decision on your present ability. Failure to report and cooperate in the financial evaluation within 180 days of the date of this order will be deemed a waiver of your right to such a hearing, and a civil judgment will be entered against you for the amount of the funds expended for the above services. These costs are presently set at \$ 1,127 for the pre-sentence investigation and up to \$ 0 per month for probation supervision. Payment of any costs so determined shall be to Revenue and Recovery. Any judgment obtained may be enforced in the manner of any civil judgment.

Costs stayed pending successful completion of probation.

16. THE COURT FINDS THAT THE VALUE OF APPOINTED ATTORNEY SERVICE IS:

\$570.00 (Class III) \$1,140.00 (Class IV) \$9,137.00 (Class V) for services provided by the following agency:
 Public Defender Alternate Public Defender Office of Assigned Counsel

17. REPORT TO REVENUE AND RECOVERY (R&R):

You are ordered to report to R&R within 20 days of the date of this order to establish an account for payment of court-imposed fines, fees, restitution, etc., and for a determination of your present ability to pay the cost of your court appointed attorney (PC987.8). Revenue and Recovery has an office at each of the following locations:

Downtown Courthouse	Central Office	Vista Courthouse	East County Regional Center	South County Courthouse
Room M-060 (Mezzanine)	Second Floor	Suite 2000	Ground Floor	First Floor
220 W. Broadway	625 Broadway	325 S. Melrose Dr.	250 East Main St.	500 Third Ave.
San Diego, CA	San Diego, CA	Vista, CA	El Cajon, CA	Chula Vista, CA

If it is determined that you have the present ability to pay all or any part of the costs incurred, the county will request that a judgment be issued against you for this amount. If you do not agree with this determination, you have the right to a hearing before the court for a decision on your present ability. Failure to report within the 20 days will be deemed a waiver of your right to such a hearing, and a civil judgment will be entered against you for the amount of costs incurred. Payment of any costs so determined shall be to Revenue and Recovery. Any judgment obtained may be enforced in the manner of any civil judgment.

REFERRAL TO THE DEPARTMENT OF REVENUE AND RECOVERY / COURT COLLECTIONS:

Defendant's Address: 39716 Mount Blanc
Street
Murrieta, CA 92562
City State Zip Code

Phone Number: (858) 248-5299 DOB: 10/31/59

In open court on: 9/12/11 Charles R. Gell
 Judge of the Superior Court

CLERK'S CERTIFICATE

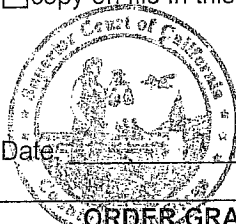
The foregoing document, consisting of _____ page(s), is a full, true, and correct copy of the original copy on file in this office.

CLERK'S CERTIFICATE

Clerk of the Superior Court

The foregoing document, consisting of 3 page(s), is a full, true, and correct copy of the original copy on file in this office.

Date: _____ by _____, Deputy Clerk of the Superior Court



SCD227458 DA ACX7720

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL EAST NORTH SOUTH

DATE 09-12-11 AT 01:30 M.

OR PROB HEAR-SENTENCING

PRESENT: HON CHARLES R GILL JUDGE PRESIDING, DEPARTMENT 031

CLERK C. [Signature] REPORTER Armando Pineda CSR #12670 CSR#

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

KRUEGER JERRY L DEFENDANT

A. [Signature] V. FERNANDEZ ATTORNEY FOR DEFENDANT (PD/APD/OAC/RETAINED)

VIOLATION OF *IN11880(A) CT1 *IN11880(A) CT5 UC2117.5 CT6 #UC2117.5 #UC2117.5
ENH(S) Harvey / cruz / Blakely wwk INTERP. OATH ON FILE / SWN.
PRIOR(S) LANGUAGE

DEFENDANT [X] PRESENT [] SELF REPRESENTED [] NOT PRESENT [] NOT PRODUCED

PROB. REV. [] DEFENDANT ADVISED OF RIGHTS AND ADMITS / DENIES A VIOLATION OF PROBATION [] WAIVES HEARING.

PROBATION IS / REMAINS: FORMALLY / SUMMARILY [] REVOKED [] REINSTATED [] MODIFIED [] CONT. [] SAME CONDITIONS [] TERMD. [] EXT. TO:

JUDGMENT [X] WAIVES ARRAIGNMENT. [] ARRAIGNED FOR JUDGMENT. [X] IMPOSITION / EXECUTION OF SENTENCE IS SUSPENDED.

[X] PROBATION IS: [] DENIED [X] GRANTED 3 YEARS (FORMAL / SUMMARY) TO EXPIRE 9/11/14 [] CONVERTS TO SUMMARY PROB.

[X] COMMITMENT TO SHERIFF FOR 305 DAYS (STAYED TO) (PENDING SUCCESSFUL COMPL. OF PROBATION.) [] PAROLE NOT TO BE GRANTED.

[X] PERFORM 30 DAYS BSP. [] HOURS VOL. WORK AT NONPROFIT ORG. SUBMIT PROOF TO PROBATION (COURT BY) 9/11/14

[X] 4TH AMENDMENT WAIVER: (IMPOSED.) / REMAINS IN EFFECT. / DELETED. [] PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

[X] FURTHER CONDITIONS ARE SET FORTH IN PROBATION ORDER. [] WORK FURLOUGH, REPORT: TO 5201 RUFFIN RD. STE R, SAN DIEGO 8:00 A.M.

[] COMMITMENT TO DEPT. OF CORRECTIONS & REHAB. [] PER PC1170(d). [] DIV. OF JUVENILE JUSTICE [] PER WI1737

FOR LOWER / MIDDLE / UPPER / INDETERMINATE TERM OF YEARS / MONTHS / TO LIFE

ON COUNT CODE & NO. [] PRINCIPAL COUNT. [] STIPULATED SENTENCE.

[] SENTENCE PER PC667(b)-(i)/1170.12. [X] NOTICE OF FIREARMS PROHIBITION GIVEN PER PC12021.

[] NO VISITATION PER PC1202.05. VICTIMS UNDER 18 YRS. OF AGE. DA TO COMPLY WITH NOTICES. [] HIV TEST PER PC1202.1.

[] DEFENDANT ADVISED RE: PAROLE / APPEAL RIGHTS. [] REGISTER PER [] PC290 [] HS11590 [] PC457.1 [] PC186.30

[X] DEFENDANT TO PAY: FINE OF \$ 800 INCLUDING PENALTY ASSESSMENT, PLUS THE FOLLOWING:

[] \$ INSTALLMENT/ACCOUNTS RECEIVABLE FEE [PC1205(d)]. [] DRUG PROGRAM FEE OF \$ [HS11372.7].

[] LAB ANALYSIS FEE [HS11372.5] OF \$ [] THEFT FINE [PC1202.5] OF \$ TO LAW ENFORCEMENT AGY.

[X] COURT SECURITY FEE [PC1465.8] OF \$ 100 [X] BOOKING FEE [GC29550.1] OF \$ 154

[X] CRIMINAL CONVICTION ASSESSMENT [GC70373] OF \$ 120

[] PROB. HAVING BEEN FORMALLY REVOKED, THE PREVIOUS REST. FINE OF \$, SUSP. PER PC1202.44, IS NOW DUE.

[X] RESTITUTION FINES: \$ 200 PER PC1202.4(b) PLUS 10% PER PC1202.4(l) FORTHWITH [PC2085.5] \$ 200 PER PC1202.44/PC1202.45 SUSPENDED

UNLESS PROBATION/PAROLE REVOKED.

[X] RESTITUTION TO VICTIM(S) PER P.O.'S REPORT / RESTITUTION FUND [PC1202.4(f)] OF \$ 08,954.04 / IN AN AMT. TO BE DETERMINED. [] JOINT & SEVERAL.

[X] AT COMBINED RATE OF \$ 100 PER MONTH TO START 60 DAYS AFTER RELEASE / ON

[X] REPORT TO [] PROBATION [X] REVENUE & RECOVERY [] COURT COLLECTIONS [X] FORTHWITH. [] WITHIN 72 HRS. OF RELEASE FROM CUSTODY.

PROCEEDINGS SUSPENDED [] PER WI3051, ADDICTION OR DANGER OF ADDICTION. SERVICE OF PETITION:

[] PER PC1368, MENTAL COMPETENCY. (SEE BELOW FOR DATES OF EXAMINATION AND HEARING.)

FUTURE HEARINGS WAIVERS: [] TIME FOR JUDGMENT. [] PRESENCE FOR RESTITUTION HRG. [] REFERRED FOR DIAGNOSTIC EVAL. PER PC1203.03. / WI707.2.

REVIEW HCR CONTINUED TO (SET FOR) 7/2/12 AT 1:30 PM IN DEPT. 31 ON MOTION OF

COURT / DDA / DEFENDANT / PROBATION OFFICER. REASON: COMPLETED IN FDO TAX SEMINAR + RESTITUTION

[] TO BE HEARD CONCURRENTLY WITH PRELIMINARY HEARING IN CASE [] TO TRAIL CASE(S)

CUSTODY STATUS [] DEFENDANT REMANDED TO CUSTODY OF SHERIFF [] WITHOUT BAIL. [] WITH BAIL SET AT \$

[] MAY BE RELEASED TO REP. OF PD / PROB./APPROVED RES. TREATMENT PROG. [] STAY / SERVE BAL. OF CUST. [] WHEN BED AVAIL. [] AFTER CUSTODY.

[] DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY [] ON PROBATION. [] ON OWN / SUPERVISED RECOGNIZANCE. [] ON DEJ.

[X] DEFENDANT TO REMAIN AT LIBERTY [] ON BOND POSTED \$ [X] ON PROBATION. [] ON DEJ. [] ON OWN / SUPERVISED RECOGNIZANCE.

BONDS / WARRANTS [] BENCH WARRANT TO ISSUE, BAIL SET AT \$ [] SERVICE FORTHWITH. [] ORDERED WITHHELD TO

[] BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED.

[] DECLARATION OF NON-COLLUSION & RE-ASSUMPTION OF LIABILITY FILED. [] BAIL FORF. IS SET ASIDE. [] BAIL [] REINSTATED [] EXONERATED [] FORFEITED

[] UPON PAYMENT OF COURT COST \$ WITHIN 30 DAYS. [] COST WAIVED. BOND AMT \$ BOND NO.

BOND COMPANY AGENT

OTHER [] ALL PROPERTY IMPOUNDED, SEIZED, OR HELD IN CUSTODY IN THIS CASE TO BE DISPOSED OF PER POSSESSING AGENCY'S POLICY.

[] PROBATION: PREPARE SUPPLEMENTAL REPORT. / SUBMIT POST-SENT. REPORT TO CDCR PER PC1203c. [] SEE ATTACHED MINUTES FOR ADDITIONAL ORDERS.

[] CONCURRENT WITH / CONSECUTIVE TO: CLERK: [X] REGISTRAR OF VOTERS. [] DMV ABSTRACT B.A.C.

- THE DEPT IS ORDERED TO SERVE .1 DAY BOOK & RELEASE ON 9/18/11 AT 1200PM AT CENTRAL JAIL

Date: ATTEST A TRUE COPY, Clerk of the Superior Court by Deputy

Distribution by on to JAIL DEFT. ATTY. PROS. PROB. R&R Other:

SCD237488DA ACX7726

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL EAST NORTH SOUTH

DATE 04-17-11 AT 09:30 M.

OR SUP READINESS CONF

PRESENT: HON CHARLES R GILL JUDGE PRESIDING, DEPARTMENT 031

CLERK C. Imperial REPORTER Hamrick-Srr Lezlie CSR #570 CSR#

REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

KRUEGER JERRY L DEFENDANT

D. Wagner V. Fernandez ATTORNEY FOR DEFENDANT (PD / APD / OAC / RETAINED)

VIOLATION OF *IN11880(A) *IN11880(A) *IN11880(A) *INP0880(A) *IN11880(A)

ALLEG(S) MCH(S) 7.5 *UC2118.5 *UC2117.5 INTERUC2118.5 *UC2118.5 ON FILE / SWAN HRG

PRIOR(S) LANGUAGE

DEFENDANT PRESENT SELF REPRESENTED NOT PRESENT NOT PRODUCED

READINESS AMENDED COMPLAINT / INFO / INDICTMENT FILED, READING WAIVED, TRUE NAME AS CHARGED, DEFT. PLEADS NOT GUILTY, DENIES ALLEGS.

PRELIMINARY HEARING / TRIAL CONFIRMED / REMAINS VACATED READINESS MOTIONS REMAIN(S) / VACATED.

DEFENDANT ADVISED OF RIGHTS, WAIVES RIGHTS. DEFT. SWORN AND EXAMINED. DEFENDANT WITHDRAWS "NOT GUILTY" PLEA AND NOW PLEADS

GUILTY NOLO CONTENDERE TO:

Handwritten notes: Ct. 1 IC 11880(A), Ct. 5 IC 11880(A), Ct. 6 VI 2117.5, Ct. 36 VI 2117.5

PEOPLE V. WEST PLEA. COUNSEL AND DEFENDANT STIPULATE TO PRELIMINARY / GRAND JURY TRANSCRIPT AS FACTUAL BASIS OF PLEA.

ON MOTION OF COURT PEOPLE DEFENDANT COUNT(S) REMAINING ARE DISMISSED FOJ / VOP

ON MOTION OF COURT PEOPLE DEFENDANT ALLEGATION(S) / PRIOR(S) REMAINING ARE STRICKEN FOJ / VOP

PC1210 ACCEPTED. DECLINED. PC1000, DEFERRED ENTRY OF JUDGMENT, GRANTED MOS./YRS.

DEFENDANT TO PAY ADMIN FEE DEJ RESTITUTION FEE PER PC1001.90 BY

DEFT. SUCCESSFULLY COMPLETED PC1000. PREVIOUSLY ENTERED PLEA TO COUNT(S) SET ASIDE, AND THE CHARGE(S) IS/ARE DISMISSED.

DEFT FAILED THE PC1000 PROGRAM. ANY UNPAID PC1000 FEES ARE DELETED. COURT MAKES A FINDING OF GUILT TO THE CHARGE(S) PLED. BLAKELY

FUTURE HEARINGS WAIVERS: STATUTORY TIME PRELIM / TRIAL / JUDGMENT PRELIMINARY HEARING SPEEDY TRIAL HARVEY / CRUZ ARBUCKLE.

NON-BIOLOGICAL EVIDENCE DISPOSAL. PRESENCE AT POST-SENTENCE HEARING. ATTORNEY / INTERPRETER CONFLICT FOR THIS HEARING.

COMPLAINT DEEMED THE INFORMATION. IMMEDIATE ARRAIGNMENT (SEE CRM-002A). IMMEDIATE SENTENCING (SEE CRM-002B)

Prob Hearing & Sentencing IS SET FOR / CONT'D / TRAILED TO 04-12-11 AT 1:30 IN DEPT. 31

ON MOTION OF COURT / PEO. / DEFT. REASON: EST. PRELIM: DAYS LEFT (TRIAL)

READINESS IS SET FOR / CONT'D TO AT IN DEPT. MOTIONS DUE:

MENTAL HEALTH PROCEEDING SUSPENDED PER PC1368. MENTAL COMPETENCY EXAMINATION ON AT

BY FORENSIC PSYCHIATRY CLINIC. FEMALES, ROOM 1003, CENTRAL COURTHOUSE; MALES, CENTRAL DETENTION FACILITY.

HEARING ON AT IN DEPARTMENT CENTRAL COURTHOUSE.

THE SHERIFF IS ORDERED TO TRANSPORT DEFENDANT TO AND FROM THE EXAMINATION AND HEARING SHOWN ABOVE.

PROBATION REFERRAL REPORT ORDERED: PRESENTENCE. POST-SENTENCE, COPY TO BE SENT DIRECTLY TO CDCR PER PC1203C.

DEFENDANT FOUND GUILTY BY JURY VERDICT. COURT FINDING. DEFT. WAIVES POST-SENTENCE INTERVIEW.

DEFENDANT ORDERED TO REMAIN IN COURTROOM UNTIL INTERVIEWED BY COURT PROBATION OFFICER FOR A LIMITED REPORT.

DEFENDANT REFERRED TO ORDERED TO REPORT IMMEDIATELY TO PROBATION DEPT. FOR INTERVIEW: 3977 OHIO STREET, SAN DIEGO

330 W. BROADWAY, 5TH FL, SAN DIEGO 325 S. MELROSE, VISTA 250 E. MAIN ST., 8TH FL, EL CAJON 1727 SWEETWATER ROAD, NATIONAL CITY.

CUSTODY STATUS DEFT. REMANDED TO CUSTODY OF SHERIFF WITHOUT BAIL BAIL SET AT/REDUCED/INCREASED TO \$ PC1275.1 HOLD

DEFENDANT TO REMAIN AT LIBERTY ON BOND POSTED \$ ON OR / SOR ON DEJ ON SAME TERMS & CONDITIONS

DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY ON OR / SOR ON DEJ CASE DISMISSED ACQUITTED

4TH AMENDMENT WAIVER: IMPOSED. / REMAINS IN EFFECT. / DELETED. PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

BONDS / WARRANTS BENCH WARRANT TO ISSUE, BAIL SET AT \$ SERVICE FORTHWITH. ORDERED WITHHELD TO

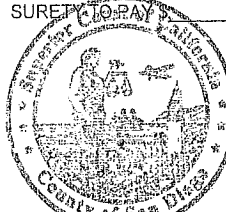
BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED.

BAIL IS EXONERATED FORFEITED. AMOUNT \$ BOND NO.

BOND COMPANY AGENT

BAIL FORFEITURE OF IS SET ASIDE / REINSTATED / EXONERATED. SURETY TO PAY WITHIN 90 DAYS IF FEES WAIVED.

OTHER



The foregoing document, consisting of page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court

Date 12/20/10 by Deputy

Date: 04/17/11 ATTEST A TRUE COPY, Clerk of the Superior Court by

Distribution by MCI on 04/17/11 to JAIL

DEFT. ATTY. PROS. PROB. R&R Other: FELONY MINUTES MISCELLANEOUS

2 SDP

BCD227459 DA ACX7720

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL EAST NORTH SOUTH OR SUP READINESS CONF

DATE 06-09-11 AT 08:30 M.

PRESENT: HON CHARLES R GILL JUDGE PRESIDING, DEPARTMENT 031

CLERK K. Holland REPORTER Hamrick-Sr Leslie CSR #6702 CSR# REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112

THE PEOPLE OF THE STATE OF CALIFORNIA VS. KRUEGER JERRY L DEFENDANT D. BAGHERI DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL B - P. DEFENDERS V. FERNANDES ATTORNEY FOR DEFENDANT (PD / APD / OAC / RETAINED)

VIOLATION OF *IN11890(A) *IN11890(A) *IN11890(A) *IN11890(A) *IN11890(A) ALLEG(S) ENH(S) 7.5 *UC2118.5 *UC2117.5 INTERPC2119.5 *UC210ATH ON FILE / SWN HRO: PRIOR(S) Alley. PC1002.113 \$ PC1002.113 \$ LANGUAGE DEFENDANT PRESENT SELF REPRESENTED NOT PRESENT NOT PRODUCED T/C 07.27.11 @ 09:00 DUIT

READINESS AMENDED COMPLAINT / INFO. / INDICTMENT FILED, READING WAIVED, TRUE NAME AS CHARGED, DEFT. PLEADS NOT GUILTY, DENIES ALLEGS. PRELIMINARY HEARING TRIAL 7-27-11 CONFIRMED REMAINS VACATED. READINESS MOTIONS REMAIN(S) / VACATED. DEFENDANT ADVISED OF RIGHTS, WAIVES RIGHTS. DEFT. SWORN AND EXAMINED. DEFENDANT WITHDRAWS "NOT GUILTY" PLEA AND NOW PLEADS GUILTY NOLO CONTENDERE TO:

PEOPLE V. WEST PLEA. COUNSEL AND DEFENDANT STIPULATE TO PRELIMINARY / GRAND JURY TRANSCRIPT AS FACTUAL BASIS OF PLEA. ON MOTION OF COURT / PEOPLE / DEFENDANT COUNT(S) REMAINING IS / ARE DISMISSED FOJ / VOP. ON MOTION OF COURT / PEOPLE / DEFENDANT ALLEGATION(S) / PRIOR(S) REMAINING IS / ARE STRICKEN FOJ / VOP. PC1210 ACCEPTED. DECLINED. PC1000, DEFERRED ENTRY OF JUDGMENT, GRANTED MOS. YRS. DEFENDANT TO PAY \$ ADMIN FEE \$ DEJ RESTITUTION FEE PER PC1001.90 BY DEF. SUCCESSFULLY COMPLETED PC1000. PREVIOUSLY ENTERED PLEA TO COUNT(S) SET ASIDE, AND THE CHARGE(S) IS/ARE DISMISSED. DEF. FAILED THE PC1000 PROGRAM. ANY UNPAID PC1000 FEES ARE DELETED. COURT MAKES A FINDING OF GUILT TO THE CHARGE(S) PLED.

FUTURE HEARINGS WAIVERS: STATUTORY TIME PRELIM / TRIAL / JUDGMENT. PRELIMINARY HEARING SPEEDY TRIAL. HARVEY / CRUZ / ARBUCKLE. NON-BIOLOGICAL EVIDENCE DISPOSAL. PRESENCE AT POST-SENTENCE HEARING. ATTORNEY / INTERPRETER CONFLICT FOR THIS HEARING. COMPLAINT DEEMED THE INFORMATION, IMMEDIATE ARRAIGNMENT (SEE CRM-002A). IMMEDIATE SENTENCING (SEE CRM-002B). IS SET FOR / CONT'D / TRAILED TO AT IN DEPT.

ON MOTION OF COURT / PEO. / DEFT. REASON: EST. PRELIM: DAYS LEFT (TRIAL) READINESS IS SET FOR / CONT'D TO 6-17-11 AT 8:30am IN DEPT. 31 MOTIONS DUE:

MENTAL HEALTH PROCEEDING SUSPENDED PER PC1368. MENTAL COMPETENCY EXAMINATION ON AT BY FORENSIC PSYCHIATRY CLINIC. FEMALES, ROOM 1003, CENTRAL COURTHOUSE; MALES, CENTRAL DETENTION FACILITY. HEARING ON AT IN DEPARTMENT CENTRAL COURTHOUSE.

THE SHERIFF IS ORDERED TO TRANSPORT DEFENDANT TO AND FROM THE EXAMINATION AND HEARING SHOWN ABOVE. PROBATION REFERRAL REPORT ORDERED: PRESENTENCE. POST-SENTENCE, COPY TO BE SENT DIRECTLY TO CDCR PER PC1203C. DEFENDANT FOUND GUILTY BY JURY VERDICT. COURT FINDING. DEF. WAIVES POST-SENTENCE INTERVIEW. DEFENDANT ORDERED TO REMAIN IN COURTROOM UNTIL INTERVIEWED BY COURT PROBATION OFFICER FOR A LIMITED REPORT. DEFENDANT REFERRED TO / ORDERED TO REPORT IMMEDIATELY TO PROBATION DEPT. FOR INTERVIEW: 3977 OHIO STREET, SAN DIEGO 330 W. BROADWAY, 5TH FL, SAN DIEGO 325 S. MELROSE, VISTA 250 E. MAIN ST., 8TH FL, EL CAJON 1727 SWEETWATER ROAD, NATIONAL CITY.

CUSTODY STATUS DEFT. REMANDED TO CUSTODY OF SHERIFF WITHOUT BAIL BAIL SET AT/REDUCED/INCREASED TO \$ PC1275.1 HOLD DEFENDANT TO REMAIN AT LIBERTY ON BOND POSTED \$ ON OR / SOR ON DEJ ON SAME TERMS & CONDITIONS DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY ON OR / SOR ON DEJ CASE DISMISSED ACQUITTED 4TH AMENDMENT WAIVER: IMPOSED. / REMAINS IN EFFECT. / DELETED. PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / DELETED.

BONDS / WARRANTS BENCH WARRANT TO ISSUE, BAIL SET AT \$ 50,000. SERVICE FORTHWITH. ORDERED WITHHELD TO 6-17-11 BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED. BAIL IS EXONERATED FORFEITED. AMOUNT \$ BOND NO. BOND COMPANY AGENT

BAIL FORFEITURE OF IS SET ASIDE / REINSTATED / EXONERATED. SURETY TO PAY \$ WITHIN 30 DAYS FEES WAIVED. CLERK'S CERTIFICATE

OTHER The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the original copy on file in this office. Clerk of the Superior Court Date 12/20/11 by Deputy Deputy



Distribution by on to JAIL DEFT. ATTY. PROS. PROB. R&R Other: FELONY MINUTES - MISCELLANEOUS

SCD527458 DA ACX77201

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO ATTACHMENT E

CENTRAL EAST NORTH SOUTH

DATE 05-13-11 AT 09:30 M.

OR SUP READINESS CONF

PRESENT: HON CHARLES R GILL JUDGE PRESIDING, DEPARTMENT 031

CLERK M Berger REPORTER [not reported] CSR#

REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

KRUEGER JERRY DEFENDANT

R - P DEFENDERS Attorney for Defendant (PD / APD / OAC / RETAINED)

VIOLATION OF #IN11880(A) #IN11880(A) #IN11880(A) #INP0880(A) #IN11880(A)
ALLEGE(S) \$7.5 #UC2118 5 #UC2117 5 INTERUC2118 5 #UC2018 ON FILE / SWN CHR G
PRIOR(S) Alleg: 8031C) 13cts PC12022 6A)(1) LANGUAGE S
DEFENDANT [X] PRESENT [] SELF REPRESENTED [] NOT PRESENT [] NOT PRODUCED T/C 07-27-11 @ 09:00 D-11/TW

READINESS [] AMENDED COMPLAINT / INFO. / INDICTMENT FILED, READING WAIVED, TRUE NAME AS CHARGED, DEFT. PLEADS NOT GUILTY, DENIES ALLEGS.
[X] PRELIMINARY HEARING (TRIAL) 07-27-11 CONFIRMED (REMAINS) / VACATED. [] READINESS MOTIONS REMAIN(S) VACATED.
[] DEFENDANT ADVISED OF RIGHTS, WAIVES RIGHTS. [] DEFT. SWORN AND EXAMINED. [] DEFENDANT WITHDRAWS "NOT GUILTY" PLEA AND NOW PLEADS
[] GUILTY [] NOLO CONTENDERE TO:

[] PEOPLE V. WEST PLEA. [] COUNSEL AND DEFENDANT STIPULATE TO PRELIMINARY / GRAND JURY TRANSCRIPT AS FACTUAL BASIS OF PLEA.
[] ON MOTION OF COURT / PEOPLE / DEFENDANT COUNT(S) REMAINING IS / ARE DISMISSED FOJ / VOP.
[] ON MOTION OF COURT / PEOPLE / DEFENDANT ALLEGATION(S) / PRIOR(S) REMAINING IS / ARE STRICKEN FOJ / VOP.
[] PC1210 [] ACCEPTED. [] DECLINED. [] PC1000, DEFERRED ENTRY OF JUDGMENT, GRANTED MOS./YRS.
[] DEFENDANT TO PAY \$ ADMIN FEE \$ DEJ RESTITUTION FEE PER PC1001.90 BY
[] DEFT. SUCCESSFULLY COMPLETED PC1000. PREVIOUSLY ENTERED PLEA TO COUNT(S) SET ASIDE, AND THE CHARGE(S) IS/ARE DISMISSED.
[] DEFT FAILED THE PC1000 PROGRAM. ANY UNPAID PC1000 FEES ARE DELETED. [] COURT MAKES A FINDING OF GUILT TO THE CHARGE(S) PLED.

FUTURE HEARINGS WAIVERS: [] STATUTORY TIME PRELIM / TRIAL / JUDGMENT. [] PRELIMINARY HEARING [] SPEEDY TRIAL. [] HARVEY / CRUZ / ARBUCKLE.
[] NON-BIOLOGICAL EVIDENCE DISPOSAL. [] PRESENCE AT POST-SENTENCE HEARING. [] ATTORNEY / INTERPRETER CONFLICT FOR THIS HEARING.
[] COMPLAINT DEEMED THE INFORMATION, IMMEDIATE ARRAIGNMENT (SEE CRM-002A). [] IMMEDIATE SENTENCING (SEE CRM-002B).

IS SET FOR / CONT'D / TRAILED TO AT IN DEPT.
ON MOTION OF COURT / PEO. / DEFT. REASON: EST. PRELIM: DAYS LEFT (TRIAL)

[X] READINESS IS SET FOR / CONT'D TO 06-08-11 AT 8:30 IN DEPT. 31 MOTIONS DUE:

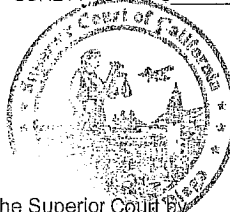
MENTAL HEALTH [] PROCEEDING SUSPENDED PER PC1368. MENTAL COMPETENCY EXAMINATION ON AT
BY FORENSIC PSYCHIATRY CLINIC. FEMALES, ROOM 1003, CENTRAL COURTHOUSE; MALES, CENTRAL DETENTION FACILITY.
HEARING ON AT IN DEPARTMENT, CENTRAL COURTHOUSE.

[] THE SHERIFF IS ORDERED TO TRANSPORT DEFENDANT TO AND FROM THE EXAMINATION AND HEARING SHOWN ABOVE.
PROBATION REFERRAL [] REPORT ORDERED: [] PRESENTENCE. [] POST-SENTENCE, COPY TO BE SENT DIRECTLY TO CDCR PER PC1203C.
[] DEFENDANT FOUND GUILTY BY [] JURY VERDICT. [] COURT FINDING. [] DEFT. WAIVES POST-SENTENCE INTERVIEW.
[] DEFENDANT ORDERED TO REMAIN IN COURTROOM UNTIL INTERVIEWED BY COURT PROBATION OFFICER FOR A LIMITED REPORT.
[] DEFENDANT REFERRED TO / ORDERED TO REPORT IMMEDIATELY TO PROBATION DEPT. FOR INTERVIEW: [] 3977 OHIO STREET, SAN DIEGO
[] 330 W. BROADWAY, 5TH FL, SAN DIEGO [] 325 S. MELROSE, VISTA [] 250 E. MAIN ST., 8TH FL, EL CAJON [] 1727 SWEETWATER ROAD, NATIONAL CITY.

CUSTODY STATUS [] DEFT. REMANDED TO CUSTODY OF SHERIFF [] WITHOUT BAIL [] BAIL SET AT/REDUCED/INCREASED TO \$ PC1275.1 HOLD
[X] DEFENDANT TO REMAIN AT LIBERTY [] ON BOND POSTED \$ NO [] ON OR / SOR [] ON DEJ [] ON SAME TERMS & CONDITIONS
[] DEFENDANT ORDERED RELEASED FROM CUSTODY THIS CASE ONLY [] ON OR / SOR [] ON DEJ [] CASE DISMISSED [] ACQUITTED
[] 4TH AMENDMENT WAIVER: IMPOSED. / REMAINS IN EFFECT. / DELETED. [] PROTECTIVE ORDER: ISSUED. / REMAINS IN EFFECT. / MODIFIED. / DELETED.

BONDS / WARRANTS [] BENCH WARRANT TO ISSUE, BAIL SET AT \$ [] SERVICE FORTHWITH. [] ORDERED WITHHELD TO
[] BENCH WARRANT ISSUED / ORDERED IS RECALLED / RESCINDED.
[] BAIL IS [] EXONERATED [] FORFEITED. AMOUNT \$ BOND NO.
BOND COMPANY AGENT
[] BAIL FORFEITURE OF IS SET ASIDE / REINSTATED / EXONERATED. SURETY TO PAY \$ WITHIN 30 DAYS. [] FEES WAIVED.
CLERK'S CERTIFICATE

OTHER



The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the [X] original [] copy on file in this office.

Clerk of the Superior Court
Date 12/20/11 by [Signature] Deputy

ATTEST A TRUE COPY, Clerk of the Superior Court
Distribution by [Signature] on 5-13 to JAIL DEF. ATTY. PROS. PROB. R&R Other:
SDSC CRM-002C (Rev. 7/09)

ATTACHMENT E

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE SCD227458 DA ACX77201 BKG

DATE 03-29-11 AT 1:30 p.m. IN DEPARTMENT 11

JUDGE: HON. DAVID J. DANIELSEN

REPORTER: TAMELA ERVIN, CSR #
REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112-0128

CLERK: M. QUENGA

BAGHERI, DAVID, Deputy District Attorney
COUNSEL FOR THE PEOPLE

THE PEOPLE OF THE STATE OF CALIFORNIA,

GARCIA, F. MICHAEL, Deputy Public Defender
COUNSEL FOR THE DEFENDANT

vs.

PLAINTIFF,

JERRY LEE KRUEGER,

DEFENDANT.

VIOLATIONS

- Ct(s): Ct. 1 IN11880(a); Ct. 2 IN11880(a); Ct. 3 IN11880(a); Ct. 4 IN11880(a); Ct. 5 IN11880(a); Ct. 6 UC2117.5; Ct. 7 UC2118.5; Ct. 8 UC2117.5; Ct. 9 UC2118.5; Ct. 10 UC2117.5; Ct. 11 UC2118.5; Ct. 12 UC2117.5; Ct. 13 UC2118.5; Ct. 14 UC2117.5; Ct. 15 UC2118.5; Ct. 16 UC2117.5; Ct. 17 UC2118.5; Ct. 18 UC2117.5; Ct. 19 UC2118.5; Ct. 20 UC2117.5; Ct. 21 UC2118.5; Ct. 22 UC2117.5; Ct. 23 UC2118.5; Ct. 24 UC2117.5; Ct. 25 UC2118.5; Ct. 26 UC2117.5; Ct. 27 UC2118.5; Ct. 28 UC2117.5; Ct. 29 UC2118.5; Ct. 30 UC2117.5; Ct. 31 UC2118.5; Ct. 32 UC2117.5; Ct. 33 UC2118.5; Ct. 34 UC2117.5; Ct. 35 UC2118.5; Ct. 36 UC2117.5; Ct. 37 UC2118.5
- Enh(s): Ct. 1 PC803(c); Ct. 1 PC12022.6(a)(1); Ct. 2 PC12022.6(a)(1); Ct. 3 PC12022.6(a)(1); Ct. 4 PC12022.6(a)(1); Ct. 5 PC12022.6(a)(1); Ct. 6 PC803(c); Ct. 6 PC12022.6(a)(1); Ct. 7 PC803(c); Ct. 7 PC12022.6(a)(1); Ct. 8 PC803(c); Ct. 8 PC12022.6(a)(1); Ct. 9 PC803(c); Ct. 9 PC12022.6(a)(1); Ct. 10 PC803(c); Ct. 10 PC12022.6(a)(1); Ct. 11 PC803(c); Ct. 11 PC12022.6(a)(1); Ct. 12 PC803(c); Ct. 12 PC12022.6(a)(1); Ct. 13 PC803(c); Ct. 13 PC12022.6(a)(1); Ct. 14 PC803(c); Ct. 14 PC12022.6(a)(1); Ct. 15 PC803(c); Ct. 15 PC12022.6(a)(1); Ct. 16 PC803(c); Ct. 16 PC12022.6(a)(1); Ct. 17 PC803(c); Ct. 17 PC12022.6(a)(1); Ct. 18 PC12022.6(a)(1); Ct. 19 PC12022.6(a)(1); Ct. 20 PC12022.6(a)(1); Ct. 21 PC12022.6(a)(1); Ct. 22 PC12022.6(a)(1); Ct. 23 PC12022.6(a)(1); Ct. 24 PC12022.6(a)(1); Ct. 25 PC12022.6(a)(1); Ct. 26 PC12022.6(a)(1); Ct. 27 PC12022.6(a)(1); Ct. 28 PC12022.6(a)(1); Ct. 29 PC12022.6(a)(1); Ct. 30 PC12022.6(a)(1); Ct. 31 PC12022.6(a)(1); Ct. 32 PC12022.6(a)(1); Ct. 33 PC12022.6(a)(1); Ct. 34 PC12022.6(a)(1); Ct. 35 PC12022.6(a)(1); Ct. 36 PC12022.6(a)(1); Ct. 37 PC12022.6(a)(1)

ARRAIGNMENT ON INDICTMENT

The defendant is present.

The defendant is arraigned on the Indictment. The defendant has been provided with a true copy of the Indictment and Grand Jury transcript. The defendant answers to the true name as charged. The defendant has been advised of constitutional rights. The defendant waives reading of the accusatory pleading.

The defendant enters a plea of not guilty to the offense(s) charged and denies all allegations and/or prior felony convictions, if any.

FUTURE HEARINGS

The defendant waives statutory time for trial.

Readiness Conference is set for 05-13-11 at 8:30 a.m. in Department 31 by stipulation.

Trial Call is set for 07-27-11 at 9:00 a.m. in Department 11 by stipulation.

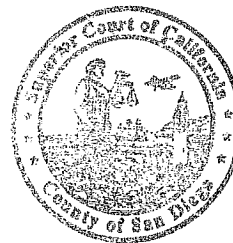
There are 10 days left. Motions are to be filed by 06-07-11. The defendant is ordered to return.

OTHER

OFFICE OF THE PUBLIC DEFENDER IS APPOINTED AND CONFIRMS APPOINTMENT. BUT COUNTY MAY PURSUE REIMBURSEMENT.

ORDER FOR WARRANT IS RESCINDED.

/



CLERK'S CERTIFICATE

The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court

Date 12/20/11 by [Signature] Deputy

David J. Danielson
Judge of the Superior Court

SCD227458 DA ACX77201
DATE 03 22 11 AT 2 P.M.

PRESENT: HON DAVID J. DANIELSEN

JUDGE PRESIDING DEPARTMENT 11

CLERK: M QUENEA

REPORTER: A. PINEDA CSR# 12670

REPORTER'S ADDRESS: P.O. BOX 120128, SAN DIEGO, CA 92112-0128
THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DAVE BAGHERI
DEPUTY DISTRICT ATTORNEY / DEPUTY ATTORNEY GENERAL

JERRY LEE KRUEGER

GRAND JURY PROCEEDINGS:

[X] Roll is taken and 19 grand jurors are present, including the Presiding Grand Juror.

[X] The Presiding Grand Juror presents a true bill of indictment to the Court.

[X] The clerk has received the indictment, exhibits, and exhibit list.

[X] The defendant is charged as follows:

CT 1 THRU CT 5 MISREPRESENTATION OF A FACT
CT 6, 8, 10, 12 FAILURE TO FILE A RETURN IN A TIMELY MANNER
MORG CHARLES

[X] The Presiding Grand Juror states that 12 or more jurors received all evidence pertinent to the indictment, participated in the deliberations, and voted to return the indictment.

[X] The Court finds the indictment is a true bill and orders the indictment filed.

[X] A case number is assigned and affixed to the exhibits and exhibit list, now deemed lodged with the court.

[X] The prosecutor requests bail be set and a bench warrant issued forthwith. The request is granted / denied.

[X] A bench warrant is to issue with bail set at \$ 50,000. No Bail. [] Service forthwith.

[X] Ordered withheld to 03-29-11

[] The prosecutor's request for a PC 1275 order is granted / denied.

[] The Court is informed that the defendant is in custody / not in custody.

[] The defendant is currently booked on the following case(s):

Booking number:

[] The Court orders the defendant booked on this case and remanded to the Sheriff with bail set at \$

Arrestment on Indictment is set for 03-29-11 at 130 P.M. in Department 11

[] An Order to Produce shall issue.

[] The Court orders the indictment, exhibits, and exhibit list sealed pending booking or arraignment of the defendant on the indicted offense(s), whichever occurs first.

[] The grand jurors are thanked and excused. Court is adjourned.



CLERK'S CERTIFICATE

The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the [X] original [] copy on file in this office.

Clerk of the Superior Court

12/20/11 by [Signature]
JUDGE OF THE SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA, <div style="text-align: right;">Plaintiff,</div>	CT No. SCD227458 DA No. ACX772
v.	INDICTMENT
JERRY LEE KRUEGER, <i>TIN</i> <i>dob 10/31/59;</i>	
Defendant	

F I L E D
Clerk of the Superior Court

MAR 22 2011

By: M. QUENGA, Deputy

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
KRUEGER, JERRY LEE	DNA sample required upon conviction

The Grand Jury of the County of San Diego, State of California, accuses the Defendant(s) of committing, in the County of San Diego, State of California, before the finding of this Indictment, the following crime(s):

CHARGES

COUNT 1 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2006 and April 1, 2007, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2006 through 4/1/2007 was \$9,450. Actual payroll for this period was \$75,463. This resulted in an \$8,489 underpayment of premium.

CHARGES (cont'd)**COUNT 2 - MISREPRESENTATION OF A FACT**

On or about and between April 1, 2007 and April 1, 2008, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2007 through 4/1/2008 was \$18,776. Actual payroll for this period was \$125,710. This resulted in an \$11,725 underpayment of premium.

COUNT 3 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2008 and April 1, 2009, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2008 through 4/1/2009 was \$18,200. Actual payroll for this period was \$109,407. This resulted in an \$8,748 underpayment of premium.

COUNT 4 - MISREPRESENTATION OF A FACT

On or about and between April 1, 2009 and April 1, 2010, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2009 through 4/1/2010 was \$17,100. Actual payroll for this period was \$87,330. This resulted in a \$7,622 underpayment of premium.

COUNT 5 - MISREPRESENTATION OF A FACT

On or about November 8, 2010, JERRY LEE KRUEGER did unlawfully make and cause to be made a knowingly false and fraudulent statement of any fact material to the determination of the premium, rate and cost of any policy of workers' compensation insurance issued or administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, and cost of the insurance, in violation of INSURANCE CODE SECTION 11880(a).

CHARGES (cont'd)

TO WIT: Defendant willfully and fraudulently informed State Compensation Insurance Fund that his company's payroll for the period 4/1/2010 through 4/1/2011 would be between \$3,000 and \$5,000. Actual payroll for the period 4/1/2010 through 8/1/2010 was \$15,628. This resulted in a \$1,344 underpayment of premium.

COUNT 6 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about August 1, 2006, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from April 1, 2006 to June 30, 2006.

COUNT 7 - FAILURE TO PAY TAX

On or about August 1, 2006, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2006 and June 30, 2006. This resulted in an underpayment to EDD of \$1,899.

CHARGES (cont'd)**COUNT 8 - FAILURE TO FILE A RETURN IN A TIMELY MANNER**

On or about November 1, 2006, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from July 1, 2006 to September 30, 2006.

COUNT 9 - FAILURE TO PAY TAX

On or about November 1, 2006, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2006 and September 30, 2006. This resulted in an underpayment to EDD of \$1,797.

COUNT 10 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about February 1, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

CHARGES (cont'd)

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from October 1, 2006 to December 31, 2006.

COUNT 11 - FAILURE TO PAY TAX

On or about February 1, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2006 and December 31, 2006. This resulted in an underpayment to EDD of \$1,337.

COUNT 12 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about May 1, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from January 1, 2007 to March 31, 2007.

COUNT 13 - FAILURE TO PAY TAX

On or about May 1, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2007 and March 31, 2007. This resulted in an underpayment to EDD of \$1,766.

COUNT 14 - FILING A FALSE RETURN

On or about July 31, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2007 to June 30, 2007.

COUNT 15 - FAILURE TO PAY TAX

On or about July 31, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2007 and June 30, 2007. This resulted in an underpayment to EDD of \$1,592.

COUNT 16 - FILING A FALSE RETURN

On or about October 23, 2007, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2007 to September 30, 2007.

COUNT 17 - FAILURE TO PAY TAX

On or about October 23, 2007, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

And it is further alleged that the above offense was not discovered until August 11, 2010 by San Diego District Attorney investigators by review of the defendant's business records, and that no victim of said offense and no law enforcement agency chargeable with the investigation and prosecution of said offense had actual and constructive knowledge of said offense prior to said date because the defendant concealed his company's true payroll, within the meaning of PENAL CODE SECTION 803(c).

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2007 and September 30, 2007. This resulted in an underpayment to EDD of \$1,655.

COUNT 18 - FILING A FALSE RETURN

On or about November 16, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2007 to December 31, 2007.

COUNT 19 - FAILURE TO PAY TAX

On or about November 16, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2007 and December 31, 2007. This resulted in an underpayment to EDD of \$2,027.

COUNT 20 - FILING A FALSE RETURN

On or about April 25, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from January 1, 2008 to March 31, 2008.

COUNT 21 - FAILURE TO PAY TAX

On or about April 25, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2008 and March 31, 2008. This resulted in an underpayment to EDD of \$2,554.

COUNT 22 - FILING A FALSE RETURN

On or about July 5, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2008 to June 30, 2008.

COUNT 23 - FAILURE TO PAY TAX

On or about July 5, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2008 and June 30, 2008. This resulted in an underpayment to EDD of \$2,366.

COUNT 24 - FILING A FALSE RETURN

On or about October 25, 2008, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2008 to September 30, 2008.

COUNT 25 - FAILURE TO PAY TAX

On or about October 25, 2008, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2008 and September 30, 2008. This resulted in an underpayment to EDD of \$1,942.

COUNT 26 - FILING A FALSE RETURN

On or about February 1, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2008 to December 31, 2008.

COUNT 27 - FAILURE TO PAY TAX

On or about February 1, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2008 and December 31, 2008. This resulted in an underpayment to EDD of \$2,062.

COUNT 28 - FILING A FALSE RETURN

On or about August 24, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from January 1, 2009 to March 31, 2009.

COUNT 29 - FAILURE TO PAY TAX

On or about August 24, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2009 and March 31, 2009. This resulted in an underpayment to EDD of \$2,241.

COUNT 30 - FILING A FALSE RETURN

On or about August 24, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from April 1, 2009 to June 30, 2009.

COUNT 31 - FAILURE TO PAY TAX

On or about August 24, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between April 1, 2009 and June 30, 2009. This resulted in an underpayment to EDD of \$2,657.

COUNT 32 - FILING A FALSE RETURN

On or about November 2, 2009, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from July 1, 2009 to September 30, 2009.

COUNT 33 - FAILURE TO PAY TAX

On or about November 2, 2009, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between July 1, 2009 and September 30, 2009. This resulted in an underpayment to EDD of \$1,869.

COUNT 34 - FILING A FALSE RETURN

On or about January 28, 2010, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, signed and filed a false and fraudulent payroll tax return for the reporting period from October 1, 2009 to December 31, 2009.

COUNT 35 - FAILURE TO PAY TAX

On or about January 28, 2010, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between October 1, 2009 and December 31, 2009. This resulted in an underpayment to EDD of \$1,562.

COUNT 36 - FAILURE TO FILE A RETURN IN A TIMELY MANNER

On or about May 1, 2010, JERRY LEE KRUEGER, within the time required by this code, did willfully and unlawfully fail to file a return and report, and to supply information with intent to evade a tax imposed by this code, and did willfully, unlawfully and with like intent, make, render, sign, and verify a false and fraudulent return, report, and statement and did supply false and fraudulent information, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2117.5.

TO WIT: Defendant, willfully and with the intent to evade taxes, failed to file a return with EDD reporting his company's payroll for the period from January 1, 2010 to March 31, 2010.

COUNT 37 - FAILURE TO PAY TAX

On or about May 1, 2010, JERRY LEE KRUEGER willfully and unlawfully failed to collect and account for and pay over a tax required by law, in violation of UNEMPLOYMENT INSURANCE CODE SECTION 2118.5.

CHARGES (cont'd)

TO WIT: Defendant, willfully and with the intent to evade taxes, fraudulently failed to withhold payroll taxes from employee paychecks and fraudulently failed to pay over his employer share of payroll taxes between January 1, 2010 and March 31, 2010. This resulted in an underpayment to EDD of \$1,700.

ALLEGATION AS TO ALL COUNTS:

And it is further alleged that in the commission and attempted commission of the crimes alleged, the aggregate losses to the victims from all the charges exceeds sixty-five thousand dollars (\$65,000), within the meaning of PENAL CODE SECTION 12022.6(a)(1).



THIS INDICTMENT, NUMBERED SCD227458, CONSISTS OF 37 COUNTS.

"A TRUE BILL"

Bonnie M. Dumanis

District Attorney, County of San Diego, State of California

7

David Bagheri

Foreman of the Grand Jury

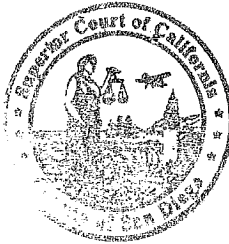
Deputy District Attorney

DATE:

3-22-11

DATE:

3-22-11



CLERK'S CERTIFICATE

The foregoing document, consisting of 3 page(s), is a full, true, and correct copy of the original copy on file in this office.

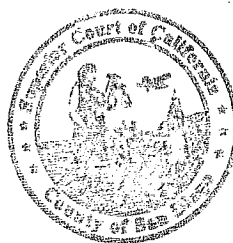
Clerk of the Superior Court

12/26/11
Date

by *[Signature]*
Deputy

NAMES OF WITNESSES EXAMINED BEFORE FILING FOREGOING INDICTMENT:

1. Brian Wright
2. Charlotte Jackson
3. James Sweetser
4. George Guerrero
5. Kathy Lowe
6. Jason Wallace



CLERK'S CERTIFICATE

The foregoing document, consisting of 1 page(s), is a full, true, and correct copy of the original copy on file in this office.

Clerk of the Superior Court

12/20/11
Date

by [Signature]
Deputy

Wilder, Lorraine

From: Fernandes, Vickie [Vickie.Fernandes@sdcounty.ca.gov]
Sent: Tuesday, September 27, 2011 1:18 PM
To: Wilder, Lorraine
Subject: Adding a case on - Krueger SCD227458
Expires: Friday, September 24, 2021 12:00 AM

Dear Lorraine,

Is it possible to add the following case onto calendar in Dept. 31?

Jerry Krueger
SCD227458

Mr. Krueger was sentenced by Judge Gill back on Sept. 12. I neglected to request a fee waiver for the PWS. Mr. Krueger called me and he cannot afford the fee to sign up for PWS. Mr. Krueger needs me to request a fee waiver. I am available tomorrow 9/28, or Thursday 9/29. I am also available next week Wednesday 10/5 or Thursday 10/6. Are any of those dates available?

Thank you!

Sincerely,

Vickie L. Fernandes
Deputy Public Defender
Office of the Primary Public Defender
450 "B" Street, Suite 900
San Diego, CA 92101
Phone: 619.338.4878
Fax: 619.338.4811
vickie.fernandes@sdcounty.ca.gov

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Judge C. Sill reviewed filed and
O.K'd fee waiver for PSP - ex parte.
L. Wilder

9/27/2011

DA# ACX712

DEPT. NO. Grand Jury
CLERK Laura Nicks

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
EXHIBIT LIST

ATTACHMENT E
COURT USE ONLY

F I L E D
Clerk of the Superior Court
APR 01 2011
By _____ Deputy

CASE NO. SD D 207458

CASE NAME People State vs Jerry Lee Krueger

COUNSEL Dave Brooker, DDA
Name(s) and address(es)


NO. TTΔ	ID Date	EVID Date	EXHIBIT DESCRIPTION	NO. TTΔ	ID Date	EVID Date	EXHIBIT DESCRIPTION
1	3/21/22	3/21/22	[REDACTED]				
9	3/22/22	3/22/22	EDD Credit				
11	3/22/22	3/22/22	Allegations / Loss / Restriction Summary				
12	3/22/22	3/22/22	[REDACTED]				
13	3/22/22	3/22/22	[REDACTED]				
10A	3/22/22	3/22/22	SCIF Audit Binder 1				
10B	3/22/22	3/22/22	SCIF Audit Binder 2				
17	3/22/22	3/22/22	SCIF Supplemental Audit				
16	3/22/22	3/22/22	Grand Jury questions				

DISTRIBUTION
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EVID - Entered in Evidence
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Δ - Defendant/Respondent Offered
O - Not Received by Exhibit Clerk

PAGE NO. _____

Date: 4/1/11


Exhibits Custodian

DA # ACX 772

DEPT. NO. Grand Jury

CLERK Laura Nicks

CASE NO. SCD 227458

CASE NAME People State vs Jerry Lee Krueger

COUNSEL Dave Bagheri, DDA

Name(s) and address(es)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
EXHIBIT LIST

ATTACHMENT E

COURT USE ONLY

F I L E D

Clerk of the Superior Court

APR 01 2011

By _____ Deputy

NO. TTΔ	ID Date	EVID Date	EXHIBIT DESCRIPTION	NO. TTΔ	ID Date	EVID Date	EXHIBIT DESCRIPTION
1	3/21	3/22	Grand Jury packet Instructions	1			
2	3/21	3/22	Workers' Compensation Overview				
3	3/21	3/22	Overview of EDD Employment Tax Fraud				
* 13	3/21	3/22	2008 "At a glance" Appointment Book				
5	3/21	3/22	Jerry Lee Krueger Photograph				
8	3/21	3/22	Krueger Landscaping EDD Tax Returns				
9	3/21	3/22	Check with Jr Search Phone # 359-437550				
11	3/21	3/22	2006 "At a glance" Appt. Book				
12	3/21	3/22	2007 "At a glance" Appt. Book				
* 13	3/21	3/22	2008 "At a glance" Appt. Book				
14	3/21	3/22	2009 "At a glance" Appt. Book				
15	3/21	3/22	2010 "At a glance" Appt. Book				
16	3/21	3/22	Checkbook Registers				


* red
wires

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Exhibits Custodian

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL COURT, 220 W. BROADWAY, SAN DIEGO, CA 92101-3409 <input type="checkbox"/> NORTH COUNTY BRANCH, 325 S. MELROSE, VISTA, CA 92083-6627 <input type="checkbox"/> EAST COUNTY COURT, 250 E. MAIN, EL CAJON, CA 92020-3913 <input type="checkbox"/> SOUTH BAY COURT, 500 THIRD, CHULA VISTA, CA 91910-5694</p>	<p>FOR COURT USE ONLY</p> <p>F I L E D</p> <p>MICHAEL M. RODDY CLERK OF THE SUPERIOR COURT March 29, 2011</p> <p>By <i>M. Ganga</i>, Deputy</p>
<p>PEOPLE OF THE STATE OF CALIFORNIA</p> <p>vs.</p> <p>DEFENDANT: JERRY LEE KRUEGER</p>	<p>CASE NUMBER: SCD227458 01</p>
<p>FINGERPRINT FORM</p>	

INSTRUCTIONS

Immediately following arraignment in superior court of a defendant charged with a felony or arraignment of a defendant by a municipal court judge sitting as a superior court judge, the court shall require the defendant to provide a right thumbprint on this form. In the event the defendant is convicted, this form shall be attached to the minute order reflecting the defendant's sentence and shall be permanently maintained in the court file. Please see Penal Code section 992 for further information, including when the defendant is physically unable to give a right thumbprint.

For a proper imprint and durable record, this form should be printed on paper that meets California Department of Justice specifications: a 99 pound white tab card or 100 pound white tab stock 0.0070 inch thick (0.0066 through 0.0074 inch is acceptable). Paper smoothness should be 100-140 sheffield units. The form should be printed with the grain left to right.

1. The box to the right contains the defendant's

- right thumbprint
- other print (specify):

2. The print was taken on (date): *3-29-11*

3. The print was taken by

- a. Name: *DM Anderson*
- a. Position: *Deputy Sheriff*
- a. Badge or serial No.: *2321*

