

In light of the aforementioned, the fact the defendant is limited from a grant of probation per 1203(e)(4) PC and the fact that nothing related to this case appears to overcome the limitation, in conjunction with the defendant's obvious recidivistic tendencies, a local prison commitment pursuant to 1170(h) PC is recommended. Given the factors in aggravation outweigh those in mitigation, the upper term is warranted, for a total aggregate term of seven (7) years, four (4) months with the concluding three (3) years to be served on mandatory supervision.

SUGGESTED PRISON TERM: See attached.

987.8 PC RECOMMENDATION: No.

BOOKING FEE: Eligible.

RECOMMENDATION:

The Probation Officer respectfully recommends:

That probation be denied; and the defendant be committed to the Sonoma County Jail for the aggregate term of seven (7) years, four (4) months to be served per 1170(h) PC, with three (3) years suspended, during which time the defendant shall be subject to mandatory supervision by the Probation Department; conditions of mandatory supervision shall include the following:

That the defendant participate in and complete programs and services targeting risk factors as directed by the Probation Officer and jail personnel; and

That the defendant register with local law enforcement authorities pursuant to Section 11590 H&S; and

This offense requires you to provide blood and saliva samples pursuant to Penal Code Section 296.

Willful failure to comply with this law may result in criminal prosecution under Penal Code Section 298.1; and

That the defendant not possess or use controlled substances, or associated paraphernalia, without a valid prescription; and

That the defendant not consume any alcoholic beverages; and

That the defendant not be in a place where alcohol is the primary item of sale; and

That the defendant submits to random chemical testing of bodily fluids at the request of any Probation Officer or law enforcement officer. Although not a condition of probation/mandatory supervision, the defendant shall pay a \$8.20 fee per chemical testing pursuant to 1203.1a(b) PC; and

That the defendant submit to warrantless search and seizure of person, property, personal business or vehicle at any time of the day or night and residence at any time of the day or reasonable hour of the night by any Probation Officer or law enforcement officer; and