

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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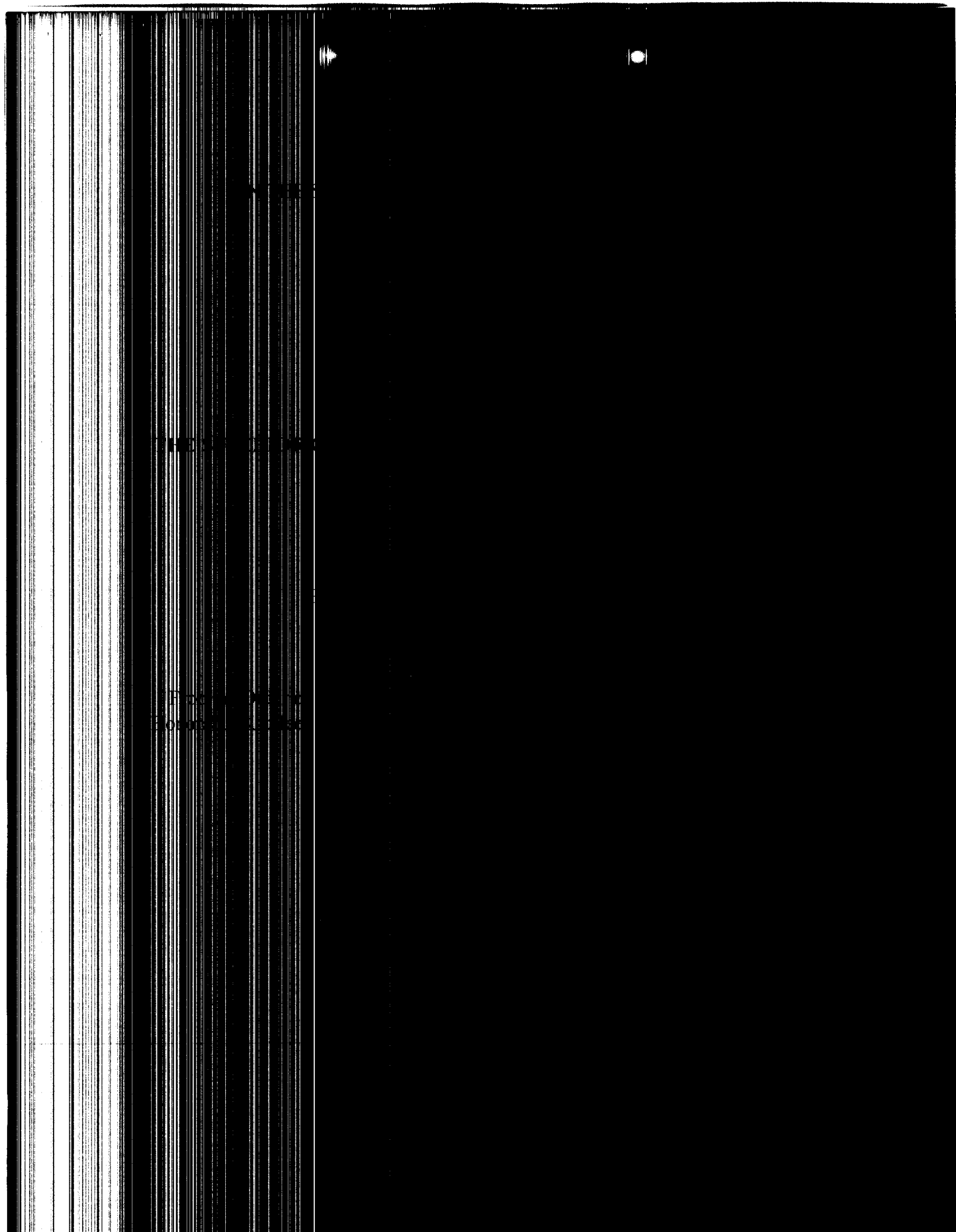
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JOSEPH ADAM MOORE VS. SUPERIOR COURT CITY & COUNTY OF SAN
FRANCISCO

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No. 7554

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
APPEALS DIVISION

JOSEPH ADAM MOORE,

Defendant-Petitioner,

vs.

THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN FRANCISCO,

Respondent,

- and -

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Real Party in Interest.

From an Order of the San Francisco County Superior Court Case No. 12012196, the
Honorable Kathleen Kelly, Denying Petitioner's Request for an Order to Show Cause re:
Contempt

**SUPPLEMENTAL
TO
PETITION FOR WRIT OF MANDATE
AND SUPPORTING EXHIBITS**

Malika Wright-Brown, SBN 244239
28 Boardman Place
San Francisco, CA 94103
Tel.: (415) 935-1459
Facsimile: (415) 843-0490
Attorney for Petitioner

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1 Malika Wright-Brown (SBN: 244239)
2 Attorney at Law
3 28 Boardman Place
4 San Francisco, California 94103
5 Tel.: (415) 935-1459
6 Fax: (415) 843-0490

7 Attorney for Petitioner/Defendant
8 Joseph Adam Moore

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 APPEALS DIVISION
12

13 JOSEPH ADAM MOORE,

Appeals No.: 7554

14 Petitioner-Defendant,

Court No: 12012196

15 vs.

SUPPLEMENTAL DECLARATION TO
PETITION FOR WRIT OF MANDATE
REGARDING RECORDER'S TRANSCRIPT

16 SUPERIOR COURT OF THE STATE OF
17 CALIFORNIA,

18 Respondent,

19 and

20 PEOPLE OF THE STATE OF CALIFORNIA,

21 Real Party in Interest /
22

23 I, Malika Wright-Brown, being first duly sworn, declare that:

- 24 1. I am the attorney of record for the defendant in the above-entitled action;
25 2. On April 11, 2013, I filed a Writ of Mandate with the Appeals Division for the
26 Superior Court of The State of California, City and County of San Francisco;
27 3. Pursuant to the Rules of Court, the petitioner must provide supporting documents
28 to the court in order to provide an adequate record, Rule 8.486(b)(1)(D);

4. At the time of filing on April 11, 2013, due to the short time between the contested ruling (April 10, 2013 at 3:00 p.m.) and the Motion to Revoke Probation Hearing (April 12, 2013 at 9:00 a.m.), I was unable to request the required reporter's transcript.

5. On April 18, 2013, the recorder's transcript was requested and awaits the Honorable John Stewart's Order (See Exhibits 11 and 12.)

6. On April 18, 2013, I spoke with the Court Reporter for Department 50, who stated that she would be able to complete the transcript within 3 weeks.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Date: April 18, 2013

Mable Wright M

Malika Wright-Brown
Attorney for Petitioner, Joseph Adam Moore
Affiant

1 Malika Wright-Brown (SBN: 244239)
2 Attorney at Law
3 28 Boardman Place
4 San Francisco, California 94103
5 Tel.: (415) 935-1459
6 Fax: (415) 843-0490

7 Attorney for Petitioner/Defendant
8 Joseph Adam Moore

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 APPEALS DIVISION
12

13 JOSEPH ADAM MOORE,

Appeals No.: 7554

14 Petitioner-Defendant,

Court No: 12012196

15 vs.

16 SUPERIOR COURT OF THE STATE OF
17 CALIFORNIA,

SUPPLEMENTAL DECLARATION TO
PETITION FOR WRIT OF MANDATE
REGARDING PETITIONER'S CUSTODY
STATUS

18 Respondent,

19 and

20 PEOPLE OF THE STATE OF CALIFORNIA,

21 Real Party in Interest /

22
23 I, Malika Wright-Brown, being first duly sworn, declare that:

- 24 1. I am the attorney of record for the defendant in the above-entitled action;
25 2. On April 11, 2013, I filed a Writ of Mandate with the Appeals Division for the
26 Superior Court of The State of California, City and County of San Francisco;
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3. After the Petitioner was convicted for a Cal Penal Code section 273.5(a) violation, as a misdemeanor, he was sentenced on July 17, 2012 to 4 months in the county jail with 71 days actual credit;
4. A misdemeanor Cal Penal Code section 273.5(a) violation has a maximum sentence of not more than a year;
5. On January 3, 2013, Petitioner was booked into the San Francisco County jail by San Francisco County Adult Probation Officer James Hanna.
6. On January 22, 2013, a Supplemental Report was filed by San Francisco County Adult Probation Officer Hanna stating that the Petitioner has 91 days actual and 90 days of conduct credits (See Exhibit 13.)
7. The remaining 89 actual days calculates to the Petitioner's maximum date of release (barring his waiving credits under Cal Penal Code section 2900.5 and probation being reinstated) to Monday, April 22, 2013;
8. On April 12, 2013, I spoke with the San Francisco County Adult Probation Department Officer Camille Robinson, who confirmed my calculations.
9. On April 18, 2013, I spoke with the San Francisco County Deputy District Attorney Sharon Bacon, who stated that she believed he had exceeded his maximum jail time.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Date: April 18, 2013



Malika Wright-Brown
Attorney for Petitioner, Joseph Adam Moore
Affiant

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Prayer for Relief

The Petitioner requests that the Court allow him to finish his jail time and be released on his Own Recognizance until the temporary stay has been lifted and the Court has determined the outcome of this Writ.

The Court has the ability and the ends of justice require that the Petitioner not be penalized because he has a matter under submission before the Appeals Division. The trial court is not authorized to make any decisions in regard to Petitioner's plea while the temporary stay is imposed, so we must ask the above-entitled court to decide on his freedom (See Exhibit 14.)

Petitioner respectfully urges this court to grant the Petitioner's release on his Own Recognizance pending the outcome of this Writ, in accordance with the law.

Date: April 18, 2013

Respectfully submitted,



Malika Wright-Brown
Attorney for Petitioner,
Joseph Adam Moore

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EXHIBIT 11
REQUEST FOR PREPARATION OF TRANSCRIPT FOR WRIT OF MANDATE
PETITION, DATED APRIL 18, 2013

Attorney for Defendant Joseph Adam Moore

1 Defendant is represented by a court-appointed attorney, and is thus presumptively unable to
2 afford preparation of such transcripts at his own expense. Mr. Moore is homeless and has had trouble
3 retaining a job because of his Cal Penal Code 290 registration requirements. Mr. Moore has been
4 either living on the streets or sleeping on friends' couches. Mr. Moore had a court-appointed attorney
5 for the trial in this case as well as a court-appointed attorney for the present proceedings.

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

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9 Executed on April 18, 2013, at San Francisco, California.

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12 Malika Wright-Brown
13 Attorney for Joseph Moore
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EXHIBIT 12
[PROPOSED] ORDER FOR PREPARATION OF TRANSCRIPT FOR WRIT OF
MANDATE PETITION

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
CITY AND COUNTRY OF SAN FRANCISCO**

PEOPLE OF THE STATE)	Case No. 12012196
OF CALIFORNIA,)	
)	
Plaintiff,)	
)	[PROPOSED] ORDER FOR
vs.)	PREPARATION OF TRANSCRIPT FOR
)	WRIT OF MANDATE PETITION
JOSEPH ADAM MOORE,)	
)	
Defendant)	

The Court having been provided a declaration by defense counsel in this matter and finding good cause hereby orders as follows:

This Court directs a copy of the transcripts for the proceedings taken on April 10, 2013 in Department 50 of this Court be prepared without cost to the defendant for the purpose of supplying an adequate record for the review by means of write of mandate.

IT IS SO ORDERED.

Dated: April __, 2013

JUDGE OF THE SUPERIOR COURT

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EXHIBIT 13

SAN FRANCISCO COUNTY ADULT PROBATION DEPARTMENT'S SUPPLEMENTAL
REPORT, DATED JANUARY 22, 2013

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
SUPPLEMENTAL REPORT - COURT DATE: January 22, 2013
RE: APD'S MOTION TO REVOKE PROBATION

THE PEOPLE OF THE STATE
OF CALIFORNIA
PLAINTIFF

-vs-

JOSEPH A. MOORE,

DEFENDANT

DOB: 5-4-77
SF# 581664

JUDGE: Kathleen Kelly
DEPARTMENT NO: 50
SUPERIOR COURT NO(S):
MUNICIPAL COURT NO(S): 12012196

PROBATION NO(S): 581664
DEFENSE ATTORNEY: M. Wrightbrown
APAT
DISTRICT ATTORNEY: I. Jacobs, DA
CONVICTED OF: 273.5 (a) PC/M

Date of original sentence - 7-17-12

Number of modifications on probation - 0 (see attached court dispositions)

Prior Record - see attached presentence report face sheet and prior offenses section

Other pending court action - The defendant is facing an APD MTR based on complaints from three women that he has been threatening and harassing them.

Employment/Living Arrangements -

The defendant is homeless and does not appear to have means of support.

Complying with reporting requirements - Yes

Treatment Program - Domestic Violence

Referred for Treatment - Yes

Major changes since last sentencing date - Yes

Last probation expiration date - 7-16-15

Additional Information - None.

☒ Probationer's statement -

The defendant was not interviewed as he appears to be mentally unstable.

☒ Victim's statement -

Attached.

PRIOR HISTORY:

☐ The probationer had no prior history of convictions.

☐ The probationer has a minimal criminal history with misdemeanor and felony convictions.

☒ The probationer has an extensive history of misdemeanor and/or felony convictions.

☐ The probationer has a history of violence and/or weapons convictions.

☐ Please refer to presentence report dated

☐ Other

ARRESTS SINCE GRANTED PROBATION:

☒ Yes, arrest for harassment and threats.

which is the basis for this motion to revoke.

Agency incident report(s) # NA attached.

☐ Yes, time(s). Incident Report(s) attached, if available.

☒ No

☐ Other

IN THE CASE OF JOSEPH A. MOORE

Supervision Level:

☐ Low

☐ Limited Supervision

☐ Medium

☐ High

☐ Intensive Supervision

☒ Specialized Supervision

CAIS:

The San Francisco Adult Probation Department conducts a "Risk and Needs Assessment" on each Probationer using the Correctional Assessment and Intervention System (CAIS) developed and validated by the National Council on Crime and Delinquency. The process involves a structured 82 question interview, with results immediately generated by the CAIS System. In addition to providing an indication of the risk of reoffending, the assessment identifies appropriate supervision strategies based on the Probationer's strengths and needs, anticipated behaviors, and attitudes, and the reasons for their behaviors and attitudes. CAIS reassessments may be conducted as change in case factors warrant.

☐ The Probationer participated with a Probation Officer in the CAIS Select One

The supervision strategy identified as being most effective is: Select One

☒ CAIS (Correctional Assessment and Intervention System) Select One was not completed for the following reasons:

CAIS no longer in use.

Identified Treatment Needs:

☐ Alcohol/drug treatment

☒ Mental health treatment

☒ Anger management

☐ Physical, emotional or learning disabilities

☐ Housing and or financial needs

☐ Sex offender

☐ Domestic violence

☐ Other

Recommend assessment for Behavioral Health Court.

CREDIT FOR TIME SERVED:

<u>REASON</u>	<u>DATES</u>	<u>CJ</u>	<u>CONDUCT CREDITS</u>	<u>OTHER</u>
Condition of Probation: 4 Mos CJ/71 Dys CTS	7-17-12	71		
Arrest/ Hearing	1-3-12/ 1-22-13	<u>20</u>		
	<u>SUBTOTALS:</u>	91	90	
	<u>TOTAL:</u>	181		

PROGRESS ON PROBATION:

The defendant has reported regularly to the Adult Probation Department and has been receiving counseling through Citywide Case Management and Violence Intervention Program (VIP). Despite his program participation, he has generated complaints from three women who claim he has been harassing and threatening them:

Jessica Clopton, who resides in Hawaii, relates that the defendant came to see her after meeting her on-line. She says that the defendant trashed her home with raw eggs after she told him she did not believe things would work out between them. She also stated that the defendant sent her an explicit picture of his genitals and has posted nude pictures of her on Twitter. She has forwarded the postings to this officer.

Kirsten Schihl, a resident of Connecticut, says the defendant has been threatening her via e-mail. She has forwarded two e-mails (attached) in which the defendant addresses her in a demeaning manner and makes references to her death.

Leah Noring, a San Francisco resident, says that the defendant has been making online threats to her. She has sent the attached blog posting in which the defendant insults her and makes reference to her death. She has also forwarded Facebook rants, posted by the defendant, which suggests he is mentally unstable. Leah Noring describes the defendant as the most frightening individual she has ever encountered.

Based on these complaints, this officer booked the defendant on January 3, 2012.

EVALUATION:

The defendant is a socially-isolated individual who impresses as mentally imbalanced. Although he has participated in counseling through Citywide Case Management and VIP, he persists in viewing himself as a victim of women who wronged him. The defendant claims to suffer from autism, depression, and suicidal thoughts, and would appear to be a danger to himself and others. Unless he can be placed in an intensive mental health program (such as Behavioral Health Court), he should probably not be entrusted with a grant of probation.

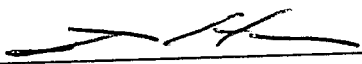
Based on this information, the following recommendation is submitted:

RECOMMENDATION

It is respectfully recommended that defendant's probation be revoked and sentence imposed.

In the event that the Court does not revoke defendant's probation, it is respectfully recommended that custody credits be waived per Section 2900.5 PC, and probation be extended to 07-31-15, per People vs. DePaul and People vs. Tapia, and the Court states the new termination date for the record.

WENDY S. STILL
CHIEF ADULT PROBATION OFFICER

BY: 
James Hanna
Deputy Probation Officer

APPROVED: 

Sergio Calizo
Supervising Probation Officer

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EXHIBIT 14

[PROPOSED] ORDER FOR PETITIONER’S RELEASE ON HIS OWN RECOGNIZANCE

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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **CITY AND COUNTY OF SAN FRANCISCO**
9 **APPELLATE DIVISION**

10 JOSEPH ADAM MOORE,

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Petitioner-Defendant,

Writ No.: 7554

Case No: 12012196

vs.

THE SUPERIOR COURT OF THE CITY
AND COUNTY OF SAN FRANCISCO,

Respondent,

and

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Real Party in Interest

[PROPOSED] ORDER FOR PETITIONER'S
RELEASE ON HIS OWN RECOGNIZANCE

The Court having found good cause hereby orders as follows:

This Court directs the release of Petitioner on his own recognizance until the resolution
of the writ petition filed April 11, 2013.

IT IS SO ORDERED.

Dated: April __, 2013

Honorable Curtis E.A. Karnow, Presiding Judge

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Masha Wright-Mr