

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 AND FOR THE COUNTY OF ORANGE

OCT 14 2004

04CFDB65 PEOPLE VS. MARK THOMAS GEORGIANTAS

ALAN SLATER, Clerk of the Court

GUILTY PLEA IN THE SUPERIOR COURT

1. My true full name is MARK THOMAS GEORGIANTAS . By BYRON represented by JEROME FIDELMAN who is my attorney.
2. I understand that I am pleading guilty and admitting the following offenses, prior convictions and special punishment allegations, carrying possible penalties as follows:

Ct.	Charge	Sentence Range in Years (Circle if a particular sentence has been agreed on)		Enhancements		Term for Priors		Total Penalty Years
					yrs		yrs	
	<u>SEE ATTACHMENT 1</u>							
Maximum Total Punishment								

TT MN to Dism Rem Cts.

- 2a. I understand that I am ineligible for probation and will serve a state prison sentence for count(s) _____ of the information to which I am pleading guilty.
- 2b. I understand for persons sentenced to state prison the following terms of parole apply after expiration of the prison term.
- Determinate sentence: 3 years parole plus 1 year maximum confinement on revocation. An additional year of confinement can be imposed for my misconduct during the year of my revocation confinement. P.C. 3057
 - Life sentence non-murder case: 5 years parole plus 1 year maximum confinement on each revocation. (Maximum total revocation confinement is 2 years.)
 - Life sentence murder conviction:
 1st degree murder: 7 years to life parole.
 2nd degree murder: 5 years to life parole.
- 2c. I understand that it is absolutely necessary all plea agreements, promises of particular sentences or sentence recommendations be completely disclosed to the court on this form.
3. I understand that I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated and that if I cannot afford an attorney, one will be appointed free of charge.
4. I understand that I have a right to a speedy and public trial by jury. I hereby waive and give up this right.
5. I understand that I have the right to be confronted by the witnesses against me and to cross examine them myself or through an attorney. I hereby waive and give up these rights.
6. I understand that I have the right to testify on my own behalf but that I cannot be compelled to be a witness against myself, and may remain silent if I so choose. I hereby waive and give up these rights.
7. I understand that I have the right to call witnesses to testify in my behalf and to invoke the compulsory process of the court to subpoena those witnesses. I hereby waive and give up these rights.
8. I understand that if I am not a citizen of the United States the conviction for the offense charged will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
9. I understand that I will be required to register as a sex offender pursuant to Section 290 of the Penal Code.
10. I understand that I will be required to provide blood/saliva samples as required under Section 290.2 of the Penal Code.
11. I understand that I will be required to register as a narcotic offender pursuant to Section 11590 of the Health and Safety Code.
12. I understand that I have the right to appeal the Superior Court's denial of my Penal Code Section 1538.5 motion (suppression of evidence motion) in this case. I hereby waive and give up this right.
13. I understand that I have the right to receive credit for all time I have spent in custody prior to my sentencing in this case (both work time and good time). I hereby waive and give up this right.

- 14. I understand that under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. I hereby waive and give up this right, and further agree for the period during which I am on probation, to submit my person and property, including any residence, premises, container or vehicle under my control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause, or reasonable suspicion.
- 15. I understand that I have the right to reject probation and I hereby waive and give up that right and accept probation on all the terms and conditions contained in Page 3 of this form.
- 16. My lawyer has told me that if I plead guilty to the felony charge(s), enhancement(s), and prior conviction(s) as listed on page 1 of this form, the Court will require me to pay restitution to the victim as determined (P.C. § 1202.4 and/or a restitution fine of between \$200 and \$10,000 [P.C. § 1202.45] and will: (circle one)
 - (a) Sentence me to state prison for the term prescribed by law, which term is _____ years in the penitentiary. I waive and give up my right to make application for probation and request immediate sentence.
 - (b) Consider my application for probation before sentence is pronounced. I understand the court may send me to state prison for a maximum of 13 yrs, 8 mos years.
 - (c) Grant me probation under the conditions set forth in page 3 (attached) that I have signed and initialed. I understand that if I violate my probation the court may send me to the penitentiary for a maximum of _____ years on this case.
 - (d) Commit me to CYA Commit me pursuant to 1203.03 PC Institute CRC proceedings
 - (e) Other SENTENCING TO BE CONTINUED FOR 90 DAYS 1/13/05

17. I certify all other cases pending against me in the County and their proposed disposition are as follows:
 1. admit P.V. on 00CF1401 - P&S in 90 days or later
 2. see concurrent plea on 03HF1374

- 18. I understand that a plea of guilty to this offense may also constitute an admission that I violated a former grant of probation and may result in additional penalties being imposed.
- 19. I have discussed the charge(s), the facts and the possible defenses with my attorney. CTS 420
210
630
- 20. I offer my plea of "Guilty" freely and voluntarily and with full understanding of all the matters set forth in the pleading and in this form. No one has made any threats, used any force against myself, family or loved ones, or made any promises to me except as set out in this form, in order to convince me to plead guilty.
- 21. I offer to the court the following facts as the basis for my plea of guilty to a felony:
SEE ATTACHMENT 2

DEFENDANT AGREES TO PAY RESTITUTION, AS ATTACHED, \$50,000 CASH IMMEDIATELY, SALE OF LAS VEGAS INVENTORY, REPRESENTED TO BE VALUED AT APPROXIMATELY \$250,000, PROCEEDS TO BE PAID THROUGH ATTORNEY TO VICTIMS, AND RESTITUTION PAYMENTS OF AT LEAST \$5,000/MO BEGINNING IMMEDIATELY (1-5-05)

22. I understand each and every one of the rights outlined above and I hereby waive and give up each of them in order to enter my plea to the above charge(s). I am entering a plea of guilty because I am in fact guilty and for no other reason. I declare under penalty of perjury that I have read, understood, and personally initialed each item above and discussed them with my attorney, and everything on this form is true and correct. The signing and filing of this form is CONCLUSIVE EVIDENCE I have plead guilty to the enumerated charges herein.

EXECUTED at Santa Ana, California.
 DATED 10/14/04 SIGNED [Signature] Defendant

23. DEFENDANT'S ATTORNEY ONLY - I am attorney of record and I have explained each of the above rights to the defendant, and having explored the facts with him/her and studied his/her possible defenses to the charge(s), I concur in his/her decision to waive the above rights and to enter a plea of guilty. I further stipulate this document may be received by the court as evidence of defendant's intelligent waiver of these rights and that it shall be filed by the clerk as a permanent record of that waiver. No promises of a particular sentence or sentence recommendation have been made by myself or to my knowledge by the prosecuting attorney or the court which have not been fully disclosed in this form.

DATED 10/14/04 SIGNED [Signature] Attorney

24. FOR THE PEOPLE: Date 10/14/04 DEPUTY DISTRICT ATTORNEY [Signature]
 (After reading, initialing and signing, give to courtroom clerk)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
TERMS AND CONDITIONS OF FELONY PROBATION

Case No. 04CF0865

People v. MARK THOMAS WELSH



8 MO.

1. Sentenced to State Prison for 4 years and 5 months. Execution of sentence suspended. Placed on probation for 5 years.
2. Imposition of sentence suspended. Placed on probation for 5 years.
3. Supervised Probation OR Probation Department relieved of supervision. (Initial one)
4. Serve in County Jail. Credit for days actual time served and days good time/work time. Stay granted until .
5. Pay fine of plus penalty assessment.
6. Pay mandatory court security fee in the amount of \$20.00 [P.C. 1465.8].
7. Pay mandatory laboratory analysis fee of \$50.00 for each specified drug offense plus penalty assessment [H&S 11372.5 & P.C. 1464].
8. Pay mandatory state restitution fine of 250 [Min: \$200; Max: \$10,000 - P.C. 1202.4]. If your sentence includes probation, a conditional sentence, or parole, the court will order you to pay a second restitution fine in the same amount, but it will be suspended and you will only have to pay the second fine if you are later found in violation of your probation, conditional sentence, or parole [P.C. 1202.44 & .45].
9. Pay restitution on counts 2, 4, 6, 7, 10, 12, 14 even if any of these counts have been dismissed as part of a plea agreement, in the amount of 560,878.94 or in an amount to be determined by the Court and as directed by the Probation Department. You are also ordered to make all financial disclosures required by law in order to fulfill your responsibility to pay full restitution [P.C. 1202.4].
10. Register pursuant to: (Initial all those that apply)
 - (a) PC 290 [sexual assault offense]
 - (b) PC 186.22 [gang related offense]
 - (c) H&S 11590 [narcotics offense]
 - (d) PC 457.1 [arson offense]
11. Provide samples of your saliva, blood, and prints pursuant to P.C. 296 and P.C. 296.1.
12. Do not be in the presence of children under the age of 18, unless accompanied by a responsible adult 21 years of age or older and approved in advance by your probation officer.
13. Use no unauthorized drugs, narcotics, or controlled substances, and submit to drug or narcotic testing as directed by your probation officer or any peace officer.
14. Submit your person and property, including any residence, premises, container or vehicle under your control, to search and seizure at any time of the day or night by any law enforcement officer or probation officer, with or without a warrant, probable cause or reasonable suspicion.
15. Cooperate with your probation officer in any plan for psychological, psychiatric, alcohol, and/or drug treatment. Seek training, schooling, or employment, and maintain residence and associates as approved by your probation officer.
16. Do not possess any blank checks, write any portion of any checks, have any checking account, nor use or possess any credit cards or open credit accounts, unless approved in advance by your probation officer. Use only your true name. Do not possess any other persons' personal identifying information or personal financial information unless approved in advance by your probation officer.
17. Do not own, use, or possess any type of dangerous or deadly weapon, including any firearm or ammunition.
18. Obey all orders, rules, regulations, and directives of the Court, Probation Department, and jail.
19. Violate no law.
20. Driver's license or driving privilege is suspended or revoked for a period of
21. All of the below apply unless lined out:
 - a. Do not drive a motor vehicle with a measurable amount of alcohol in your blood.
 - b. Submit to a chemical test of your blood on demand of any peace officer or probation officer.
 - c. Do not be present in any establishment where the primary items for sale are alcoholic beverages.
 - d. Do not consume any alcoholic beverages.
 - e. Do not drive a motor vehicle without a valid California Driver's License on your person.
22. Do not, in any manner, directly or indirectly, initiate contact with, nor have any communication with:
23. CVC 23593 Advisement: You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.
24. Disclose your probation status and terms upon the request of any peace officer.
25. Other conditions: * 9, 16, 18, 19, 21

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUN 22 2005
ALAN SLATER, Clerk of the Court
BY J. BOYD

26. Pay cost of probation, according to ability to pay, as directed by your probation officer.
I understand that the Court ultimately determines the conditions of probation, and I have the right to request the Court to modify or eliminate any condition imposed by the Probation Department that I believe is unreasonable.
I have read and agree to all the terms and conditions of probation I have initialed above.

Dated: 6-22-05 Defendant's Signature: [Signature]
Defendant

I hereby certify the foregoing instrument consisting of 3 page(s)
is a true and correct copy of the original on file in this court.



ATTEST: (DATE) 4/29/08
ALAN SLATER, EXECUTIVE OFFICER AND CLERK OF THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY [Signature] . DEPUTY
S. ORTIZ