

OFFICE OF THE
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER
(408)454-2040
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ. CALIFORNIA 95060-4068

HARRY A. OBERHELMAN III
MARIE COSTA
JANE M. SCOTT
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TAMYRA CODE
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ELLEN LEWIS
KIM EASKETT
LEE GULLIVER
DANA McRAE

ASSISTANTS

DWIGHT L. HERR
COUNTY COUNSEL

DEBORAH STEEN
SAMUEL TORRES, JR.
CHIEF ASSISTANTS

GOVERNMENT TORT CLAIM RECOMMENDED ACTION

Agenda August 18, 1998

To: The Board of Supervisors

Re: Claim of Christopher Singer, No. 798-139

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- _____ 1. Deny the claim of _____ and refer to County Counsel.
- _____ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- 3 X . Grant the application to file a late claim on behalf of Christopher Singer, No. 798-139 and refer to County Counsel.
- 4 . Approve the claim of _____ in the amount of _____ and reject it as to the balance, if any, and refer to County Counsel.
- 5 . Reject the claim of _____ as insufficiently filed and refer to County Counsel.

RISK MANAGEMENT

cc: Christine Patton, Clerk/Administrator
Municipal and Superior Courts

Mark Tracy, Sheriff-Coroner

By Janet McKinley

COUNTY COUNSEL

By Elle Lewis

LTR9 WPT

PER 5 107 Rev. 4, 97

APPLICATION FOR LEAVE TO FILE
A LATE CLAIM, PURSUANT TO SECTION 911.4
OF THE GOVERNMENT CODE

798-1394

TO: BOARD OF SUPERVISORS
CLERK OF THE BOARD
701 OCEAN STREET, ROOM 500
SANTA CRUZ, CA 96060

PH (408) 454-2326
FAX (408) 454-3420

CHRISTOPHER SINGER hereby makes application for leave to present a late claim founded on a cause of action for loss of \$1000.00 bail bond premium on/about 9/9/97 which occurred on September 9, 1997 and for which a claim was not presented within 6 months (for death, -injury to personal Property or person or crops); or 1 year (any other cause of action) by Section 911.2 of the Government Code. For additional circumstances relating to the said cause of action claimant refers to and hereby incorporates by reference the proposed claim attached to this application.

Claimant hereby sets forth the following reasons why said claim was not timely presented (1) Claimant reasonably believed claim was timely (within 1 year) in that claim can be seen to stem from cause of action in CONTRACT (County/Judge Michael Barton breached bond agreement, to which Claimant was real party in interest). (2) Claimant's delay is excused by Govt. Code section 911.6 (b) (1) mistake/excuseable neglect and/or (b) (3) incapacity. (SEE ATTACHED DECLARATION.) Said application is being presented within a reasonable time after occurrence of said cause of action, not to exceed one year from the date of the occurrence giving rise to the claim

WHEREFORE, claimant respectfully requests that said application be granted pursuant to Government Code 911.6 and that said claim which is hereby attached, be received and acted on in accordance with Sections 910 et seq., of the Government Code of the State of California.

DATED 7-23-98

CLAIMANT Chris Singer



1 CHRISTOPHER SINGER
(CDC #K92214)
2 San Quentin State Prison
San Quentin, CA 94974

3 Plaintiff in propria persona
4
5

6 CHRISTOPHER SINGER,
Claimant/Plaintiff,

Claim No.:

7
8 v.

DECLARATION OF CLAIMANT
IN SUPPORT OF APPLICATION
TO PRESENT LATE CLAIM
(Govt. Code §911.4)

9
10 COUNTY OF SANTA CRUZ,
Respondent/Defendant.

DECLARATION

12
13 I, CHRISTOPHER SINGER, hereby state and declare the following:

14 1) I am the Claimant/Plaintiff in the matter of Christopher Singer v. County of Santa
15 Cruz;

16 2) On May 12, 1998 I submitted a Claim Against the County of Santa Cruz (attached
17 herein as Exhibit "A") pursuant to Government Code section 910 et seq.;

18 3) On May 14, 1998, the County of Santa Cruz rejected said claim as untimely pursuant
19 to section 911.2;

20 4) Assuming arguendo that said claim was filed beyond the 6 month time limit for
21 presentation of said claims. I hereby request that the County of Santa Cruz grant this
22 Application for Leave to File a Late Claim for the following reasons;

23 a) During the 6 month period following the September 9, 1997 injury which forms
24 the basis of this claim, I was incarcerated in the Santa Cruz County Jail with
25 pending felony charges. During this time I was preoccupied with the defense of
26 said charges, which posed the possibility of a substantial state prison commitment.
27 Moreover, a source of the injury I suffered was none other than The Honorable
28 Michael E. Barton, who was presiding over my pending criminal case and to

1 whom I was appealing for a just disposition and lenient sentence. To have filed
2 the instant claim during the pendency of my criminal case would have risked
3 substantial prejudice to my legal interests in that matter.

4 b) During the 6 month period following the September 9, 1997 injury which
5 forms the basis of this claim, I was represented by Douglas Fox of the Public
6 Defender's Office, who failed to inform me of said time limitation.

7 c) I reasonably and honestly believed that the time limit for presentation of my
8 claim fell within one year from the date of the accrual of the action, according to
9 the second sentence of section 911.2 ("A claim relating to any other cause of
10 action shall be presented....not later than one year after the accrual of the cause of
11 action."). As the loss I suffered (\$1000.00 bail bond premium) did not reasonably
12 appear to me to be an "injury" to personal property, I believed my filing of the
13 instant claim within one year would be timely.

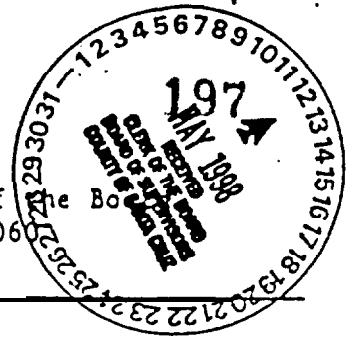
14 Therefore, I respectfully request that the County of Santa Cruz GRANT this application
15 pursuant to Government Code section 911.6, subsections (b)(1) and (b)(3), or upon any other
16 grounds which appear just and proper, and in recognition of the public policy favoring resolution
17 of said matters on the merits.

18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 knowledge, and, as to those matters stated on the basis of information and belief, I believe them
20 to be true.

21 DATE: 7-23-98

Victor Sincere
CHRISTOPHER SINGER
Claimant/Plaintiff

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant CO Section 910 cc Seq., Govt. Code)



- TO: BOARD OF SUPERVISORS, COUNTY OF SANTA CRUZ, ATTN: Clerk of the Board
Governmental Center, 701 Ocean Street, Santa Cruz, CA 95060
1. Claimant's Name CHRISTOPHER SINGER (CDC #K92214)
 2. Claimant's Address San Quentin State Prison
San Quentin, CA 94974
Claimant's Phone No. (none)
 2. -- Post Office address to which Notices are to be sent:
(same as above)
 3. Occurrence: Negligence resulting in loss of bail bond premium and
Date: 9/9/97 Place: Santa Cruz emotional distress.
Circumstances of Occurrence or Transaction giving rise to Claim:
(see attached declaration and supporting exhibits)
 4. General description of Inhabitedness, Obligation, Injury, Damage or Loss
Incurred so far as is now known: \$1000.00 monetary loss due to loss of
\$10,000 bail bond premium, plus damages for emotional distress.
due to traumatic re-arrest following postioning; bail b
 5. Name or Names of Public Employee or Employees causing injury, damage or loss,
if known: Judae Michael E. Barton (Santa Cruz Co. Superior Court)
Santa Cruz Co. Sheriff's Deputies Raymond Hernandez and Ed Ohye.
 6. Amount claimed now , \$ 1 000 .00
Estimated amount of future loss, if known \$ 00.00
TOTAL \$ 1 000 .00
 7. Basis of above computations Damages represent amount of bail bond
premium forfeited due to defendants' negligence.
 8. If the amount claimed is over \$10,000 indicate the court of jurisdiction.
Municipal Court Superior Court

Chris Singer 5-4-98
CLAIMANT'S SIGNATURE

Note: Claim must be presented to Clerk, Board of Supervisors, within ~~6 (six)~~ ^{one year} months after the act which occasioned the injury. (See Govt. Code Sec. 911.2, 2nd sentence: "A claim relating to any other cause of action...")
American with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2530, TDD number 454-2924.

CHRISTOPHER SINGER
(CDC #K92214)
San Quentin State Prison
San Quentin, CA 94974

Plaintiff in propria persona

CHRISTOPHER SINGER,
Claimant/Plaintiff,

v.

COUNTY OF SANTA CRUZ,
Respondent/Defendant.

Claim No.:

DECLARATION OF CLAIMANT
IN SUPPORT OF CLAIM AGAINST
GOVERNMENT ENTITY
(Govt. Code §900 et. seq.)

DECLARATION

I, CHRISTOPHER SINGER, hereby state and declare the following:

1) I am the defendant in the matter of People v. Christopher Singer, (Santa Cruz County Superior Court Case No. S7-09694);

2) On September 4, 1997, I was arrested by Santa Cruz County Sheriff's deputies on suspicion of violating Sections 422 and 12021(e) of the Penal Code and booked into the Santa Cruz County Jail;

3) At the time of my booking the bail on schedule was \$10,000.00;

4) On September 5, 1997, Sheriff's Deputy Raymond Hernandez applied for, and received from the Honorable Michael E. Barton, a bail increase to \$250,000.00 (See Exhibit "A");

5) On September 8, 1997, I was transported to court in custody for my arraignment. Although he had previously approved a bail increase, Judge Barton neglected to discover the \$250,000.00 bail and, instead, remanded me into custody on a \$10,000 bail (See Exhibit "B");

6) Believing my bail to be \$10,000.00, on September 8, 1997, I enlisted the assistance of Tony Diaz Bail Bonds/Amwest Surety Insurance Company, who wrote a bail bond for my

release in the amount of \$10,000.00. In consideration of the bond, I was required to pay a \$1000.00 premium(See Exhibit "C");

7) On September 9, 1997, after less than 24 hours of liberty on bail, I was rearrested by Sheriff's Deputy Ed Ohye, who, at 8:45 p.m., had caused Judge Barton to authorize another bail increase back to \$250,000.00(See Exhibit "D");

8) On September 11, 1997, I was returned to court, where my bail was set at \$125,000.00. The court exonerated the \$10,000.00 bond and I lost the \$1000.00 premium I had paid in good faith reliance upon the court's previously ordered \$10,000.00 bail;

9) Due to the negligence of the judge, court staff, and/or law enforcement officials, I have suffered monetary loss in the amount of \$1000.00, representing the amount of the forfeited bond premium. Had I remained in custody on \$250,000.00 (or \$125,000.00, for that matter), I never would have posted said premium and relied to my detriment on the court's mistaken, and later, revoked order of \$10,000.00 bail.

10) Wherefore, I pray the Santa Cruz County Board of Supervisors promptly resolve to order the payment to me of \$1000.00 in damages for the above-stated loss.

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

DATE: 5-4-98


CHRISTOPHER SINGER
Claimant/Plaintiff

200

REQUEST FOR SETTING BAIL

Copy: 8½ x 14 - Custody File
8½ x 11 - DA
- PTS

People of the State of California
vs. CHRISTOPHER ROBERT SINGER
AKA

DOB 06/06/69

Case No.
57-09694

ARRAIGNMENT

1) F11378 HS-FA, 2) F12021(E) PC-F A, 3) F12021(E) PC-F A
4) F422 PC-F A, 5) F646.9(A) PC-F A, 6) F422 PC-F A

201

Dept. 6 09/08/97 8:15 am

Hon Michael E. Baynon

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\$0.00

CUSTODY

DEFENDANT

☒ Defendant present ☐ not present ☐ Interpreter

☒ with ☐ rep by

☒ Defendant arraigned on amended complaint ☐ on amended information/indictment

☒ PD appointed ☐ present

☐ Conflict of counsel declared ☐ PD ☐ Counsel relieved

☐ All PD appointed ☐ present

☐ Acpt Counsel Registration Fee ordered \$

☐ Defendant to obtain counsel

☐ Copy provided to defendant/counsel ☐ complaint ☐ information ☐ indictment

☒ Reading/arraignment waived ☐ on amended complaint ☐ on amended information/indictment

☐ Test results ☐ Waiver of personal appearance filed

☐ Defendant/counsel advised case assigned to Dept

☐ Judge ☐ for all purposes, including trial

☐ O.R motion ☐ granted ☐ denied

☐ Bail ☐ increased ☐ reduced to \$ ☐ denied

☐ Complaint ☐ information ☐ indictment is amended:

☐ Assigned ☐ waves arraignment amended complaint/information/indictment

☒ Defendant pleads Not Guilty C(t)s

☐ Denies prior ☐ Ct

☐ Denies allegations ☐ Ct

☒ Time NOT Waived Last Day ☐ Evt Length

☐ Time waived ☐ 10 + 60 ☐ Jury Waiver filed

☐ Del offers guilty plea Ct ☐ Deferred Entry Judgment

☐ Granted Ct ☐ months

☐ Ct(s) ☐ stayed pending completion of diversion

☐ Diversion ☐ denied ☐ terminated ☐ completed

☐ Criminal proceedings reinstated ☐ Stayed Ct(s) ☐ activated

☐ Situation to Commissioner ☐ Med / ☐ on record

☐ Del found ☐ Guilty C(t)s ☐ Not Guilty C(t)s

☐ Defendant pleads Guilty C(t)s

☐ Defendant pleads Not Guilty C(t)s

☐ Defendant pleads Not Guilty C(t)s

☐ Acms prior(s) ☐ Ct

☐ Acms allegations(s) ☐ Ct

☐ Plea: admission(s) entered on condition ☐ No state prison be imposed

☐ be dismissed

☐ Protective Order issued

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☐ Pay a fine of \$ or serve 1 day jail for each \$30 not p.

☐ Pay Past fine per 1202.4 PC \$

☐ Credit \$ to days jail serv.

☐ Suspend \$ balance due \$

☐ Pay today ☐ Stay to

☐ Pay \$ per month beginning

☐ Pay to the Clerk's office, Room ☐ Pay as directed by Prob.

☐ Enroll with Volunteer Service within 14 days and

Perform hrs by ☐ in lieu of

☐ Off calendar for W/A affidavit ☐ DA to file F

FTA added ☐ 40508(a) VC ☐ 853.7 PC ☐ 1320(a) PC

☐ O/R revoked ☐ For FTA ☐ For Viol Terms ☐ Probation revoked ☐ Cond. Sentence revo

☐ Bail bond forfeited ☐ Cash bail forfeited

☐ BW ordered ☐ WA ordered ☐ Bail \$

☐ No O/R ☐ No Sheriff's Release ☐ Judge Release only

☐ No Clerk's Release ☐ May forfeit bail ☐ No Bail

☐ Warrant ☐ set aside ☐ recalled ☐ stayed to

Continued per request ☐ defendant ☐

Motion ☐ granted ☐ denied ☐ withdrawn ☐ conce

☐ held ☐ Refer hearing mtr

☐ Defendant arraigned on ☐ Probation violation ☐ Conditional Sentence violate

☐ Arraignment waived on violation ☐ Violation ☐ denied ☐ admitted ☐ Court finds viola



Amwest Surety Insurance Company

Court Division
P.O. Box 4500
Woodland Hills, CA 91365-4500
TEL 818 704-0444

BAIL BOND

No. X30-2-67445
(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED.) SET 10 11 97

Tony Diaz Bail Bonds
P.O. BOX 251 (408) 424-2500
SALINAS, CA 93902

IN THE DEPT #6 COURT OF THE SANTA CRUZ JUDICIAL DISTRICT
COUNTY OF SANTA CRUZ STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, CASE NO. S7-09694
Plaintiff,

CHRISTOPHER SINGER vs CHRISTOPHER SINGER
Defendant.

Defendant

CHRISTOPHER SINGER
(Name of Defendant)

DIV. NO. S7-09694

Booking No.

having been admitted to bail in the sum of TEN THOUSAND

10,000 Dollars (\$ 10,000) and ordered to appear in the above-entitled court
on SEPT 11th @ 0815 HR 97 on 11378 HC 1202VE, 1202VE, 422 charge/s:
(Date of Appearance) (state "misdemeanor" or "felony") 422, 646.9 PC

Now the AMWEST SURETY INSURANCE COMPANY, a Nebraska corporation, hereby undertakes that above-named defendant will appear in the above-named court on the date above set forth to answer any charge in any accusatory pleading based upon the acts supporting the complaint filed against him/her and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold him/herself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgement or grant of probation; or, if he/she fails to perform either of these conditions, that the AMWEST SURETY INSURANCE COMPANY, a Nebraska corporation, will pay to the people of the State of California, the sum of TEN THOUSAND dollars (\$ 10,000).

If the forfeiture of this bond be ordered by the Court, judgement may be summarily made and entered forthwith against the said AMWEST SURETY INSURANCE COMPANY, a Nebraska corporation, for the amount of its undertaking herein, as provided by Sections 1305 and 1306 of the California Penal Code.

THIS BOND IS VOID IF WRITTEN FOR AN AMOUNT GREATER THAN THE POWER OF ATTORNEY ATTACHED HERETO, OR IF MORE THAN ONE SUCH POWER IS ATTACHED, OR IF WRITTEN AFTER THE EXPIRATION DATE SPECIFIED ON THE ATTACHED POWER OF ATTORNEY.

AMWEST SURETY INSURANCE CO.
-A NEBRASKA CORPORATION-

By John E. Savage
Attorney-in-Fact

I certify under penalty of perjury that I am a licensed bail agent of the AMWEST SURETY INSURANCE COMPANY and that I am executing this bond on 9-8-97 (date)

at Santa Cruz CA (location)

[Signature]
(signature of licensed agent)

The Premium Charged for this Bond is \$ 100 Per Annum



Approved this 08 day of SEP 19 97

Title

NOTE: This is an Appearance Bond and cannot be construed as a guarantee for failure to provide payments, back alimony payments, FINES, or Wage Law claims, nor can it be used as a Bond on Appeal.

L 4 W

COURT-EE 4400 18100

 AMWEST SURETY INSURANCE COMPANY P.O. BOX 4500, WOODLAND HILLS, CA 91365-4500 (818) 704-0444		POWER OF ATTORNEY 04679	
THIS POWER VOID IF NOT USED BY: 12-31-97		POWER NO. X30-2-00067445	
KNOW ALL MEN BY THESE PRESENTS that Amwest Surety Insurance Company, a corporation duly organized and existing under the laws of the State of Nebraska, and by the authority of the Resolution adopted by the Board of Directors at a meeting duly called and held on December 15, 1975, for said Resolution has not been amended or rescinded. <u>Tony Diaz Bail Bonds</u> these presents does make, constitute and appoint John E. Savage by			
P.O. Box 251 (408) 424-2500, its true and lawful Attorney-in-Fact or Agent for it and in its name, place and			
stead to execute, seal and deliver for and on behalf of the said defendant, its act and deed as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.			
This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Immigration Bonds. This Power void if altered or erased, void if used with other powers of this company or any other surety company power, void if used to furnish bail in excess of the stated face amount of this Power, and can only be used once. Return Power only to Amwest Surety Insurance Company, Provided that the authority of such Attorney-in-Fact to bind the Company shall not exceed the sum of			
*** NOT TO EXCEED THE SUM OF THIRTY THOUSAND DOLLARS ***			
and provided this Power of Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power of Attorney the name of the person on whose behalf this bond was given. IT IS UNLAWFUL TO PRINT THIS FORM WITHOUT WRITTEN CONSENT OF AMWEST SURETY INSURANCE COMPANY, HOME OFFICE.			
IN WITNESS WHEREOF, AMWEST SURETY INSURANCE COMPANY has caused these presents to be signed by its duly authorized Attorney-in-Fact, proper			
for the purpose and its corporate seal to be hereunto affixed this date <u>9-08-97</u>		State Executed <u>CA</u>	
DEFENDANT <u>SINGER CHRISTOPHER</u>		DATE EXECUTED	
APPEARANCE DATE <u>9-11-97</u>		COURT <u>DEPT #6 @ 0815th Santa Cruz</u>	
CASE NO. <u>57-09694</u>		CHARGES <u>11378 HS, 12021(E), 12021(E) 422, 422</u>	
BOND AMOUNT \$ <u>10,000</u>		PREMIUM \$ <u>100</u>	
		By <u>John E. Savage</u> John E. Savage Attorney-in-Fact	

BAIL CHANGE FORM

FILED
CLERK OF COURT
SUPERIOR COURT
204

IN THE MUNICIPAL COURT OF SANTA CRUZ COUNTY JUDICIAL DISTRICT
COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

REQUEST FOR SETTING BAIL

SINGER, Christopher
Name of defendant

9-9-97
Date of booking

2030 HRS
Time

9 ALTA DR
Address

La Selva Beach

11378 H/S / 12022(C) P.C. / 12021(E) P.C. / (2) counts 422 P.C. / 646.9 P.C.
Charge

Brief summary of alleged crime: Bail revocation

Bail on Bail Schedule: \$ 10,000.

Requested Bail: \$ 250,000

Reason for increasing or reducing bail
(cross out one)

PRIOR RECORD + WEAPONS CHARGES.

Application made by:

Arresting agency

Booking agency



Under penalty of perjury I declare the foregoing to be true and correct to my best information and belief.

Dated: 9/9/97

E. OHYE Santa Cruz S/O
Declarant - PRINT NAME/AGENCY

Order: Bail is set at \$25,000 until further order of court by Judge BARTON

at 8:45 o'clock.
P.M.

Name of judge

by E. Ohye #33/6843
Officer receiving order
SIGNATURE

Original to be filed with Clerk of the Court

Copy: 8 1/2 x 14 - Custody File
8 1/2 x 11 - DA
- PTS