



OFFICE OF THE
COUNTY COUNSEL

COUNTY OF SANTA CRUZ

GOVERNMENT CENTER
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DEBORAH STEEN
SAMUEL TORRES, JR.
CHIEF ASSISTANTS

**GOVERNMENT TORT CLAIM
RECOMMENDED ACTION**

Agenda August 18, 1998 ASSISTANTS

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 Christopher Singer, No. 798-139 and refer to County Counsel.
- 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- 3. Grant the application to file a late claim on behalf of _____ 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.

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

Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

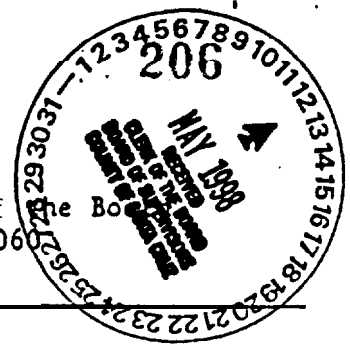
By Janet McKinley

COUNTY COUNSEL

By Elle Lewis

LTR9.WPT

795-139



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

TO: BOARD OF SUPERVISORS, COUNTY OF SANTA CRUZ, ATTN: Clerk of Board of Supervisors
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 Inhebedness, 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 posting of bail bond

5. **Name or Names Of Public Employee or Employees** causing injury, damage or loss,
if **known:** Judge Michael E. Barton (Santa Cruz Co. Superior Court)
Santa Cruz Co. Sheriff's Deputies Ramon Hernandez and Ed e.

6. **Amount claimed** now \$ 1000.00
Estimated amount of future loss, if known. \$ 00.00
TOTAL. \$ 1000.00

7. **Basis of above computations** Damages represent amount of bail bond
premiumed 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 **one year**

Note: Claim **must** be presented to Clerk, Board of Supervisors, **within 6 (six) 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.

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

3 Plaintiff in propria persona
4

6 CHRISTOPHER SINGER,
Claimant/Plaintiff,

Claim No.:

8 v.

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

9 COUNTY OF SANTA CRUZ,
10 Respondent/Defendant.

11
12 **DECLARATION**

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

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

16 2) On September 4, 1997, I was arrested by Santa Cruz County Sheriffs deputies on
17 suspicion of violating Sections 422 and 1202 1 (e) of the Penal Code and booked into the
18 Santa Cruz County Jail;

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

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

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

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

1 release in the amount of \$1 0,000.00. In consideration of the bond, I was required to pay a
2 \$1000.00 premium(See Exhibit "C");

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

6 8) On September 11, 1997, I was returned to court, where my bail was set at \$125,000.00.
7 The court exonerated the \$1 0,000.00 bond and I lost the \$1000.00 premium I had paid in
8 good faith reliance upon the court's previously ordered \$1 0,000.00 bail;

9 9) Due to the negligence of the judge, court staff, **and/or** law enforcement officials, I
10 have suffered monetary loss in the amount of \$1000.00, representing the amount of the
11 forfeited bond premium. Had I remained in custody on \$250,000.00 (or \$125,000.00, for
12 that matter), I never would have posted said premium and relied to my detriment on the
13 court's mistaken, and later, revoked order of \$1 0,000.00 bail.

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

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

19 DATE: 5-4-98


CHRISTOPHER SINGER
Claimant/Plaintiff

BAIL CHANGE FORM

209

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

REQUEST FOR SETTING BAIL

CHRISTOPHER SONGER 9-4-97 2100
Name of defendant Date of booking Time

9 MILA ON LA SAGUA BLVD.
Address

922 P.C. 12031(b)(1)
Charge

Brief summary of alleged crime: TERRORIST THREATS WITH A
REVENGE. LONELY WITH A FRIEND

Bail on Bail Schedule: \$ 10,000 Requested Bail: \$ 250,000

Reason for increasing or reducing bail:
(~~cross out one~~)

SUBJECT MAKING DEATH THREATS
TO CR-CAJIFIMOS IN POSS. OF REVENGE

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: 9-5-97

RAYMOND P. HANCOCK
Declarant - PRINT NAME/AGENCY

Order: Bail is set at \$250,000 until further order of court by Judge BARTON
at 1:30 o'clock. Name of judge

by [Signature]
CLERK 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

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

DOB 06/06/69

Case No.
S7-09694

ARRAIGNMENT

1) F11378 HS-F A, 2) F12021(E) PC-F A, 3) F12021(E) PC-F A 210
4) F422 PC-F A, 5) F646.9(A) PC-F A, 6) F422 PC-F A

Dept. 6 09/08/97 8:15 am Rabow
Hon Michael E. Baynon
DDA DEF: *Montezuma*
CLK. *Laurentie* RPT: *Bond*

10,000
\$0.00 CUSTODY

PROCEEDINGS

- Defendant present not present Interpreter
- with rep by
- Defendant arraigned on amended complaint on amended information/indictment
- PD appointed *MONTESUMA* present
- Conflict of counsel declared PD relieved Counsel relieved
- All PD appointed present
- Appt Counsel Registration Fee ordered \$
- Defendant to obtain counsel
- Copy provided to defendant/counsel complaint information indictment
- Reading/Arraignment waived on amended complaint on amended info/indictment
- Test results Waiver of personal appearance filed
- Defendant/counsel advised case assigned to Dept Judge
- O.R motion granted denied
- Bail increased reduced to \$
- Complaint Information Indictment is amended:

- Arraigned waves arraignment amended complaint/information/indictment
- Defendant pleads Not Guilty Ct(s)
- Denies priors
- Denies allegations
- Time NOT Waived. Last day *9/22/97* Est. Length
- Time waived. 10 + 60 Jury Waiver filed.
- Def 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 filed / on record.
- Def. found Guilty Ct(s) Not Guilty Ct(s)
- Defendant pleads Guilty Ct(s)
- Defendant pleads Not Contemere Ct(s) Alford Plea
- Admits priors(s) Ct.
- Admits allegations(s) Ct.
- Plea/admission(s) entered on condition. No state prison be imposed
- Protective Order issued.

Applicative order
15801

- Court indicates sentence
- Stipulated sentence
- Rights waived on record Written waiver of rights filed.
- Court finds factual basis for plea. Stipulation to factual basis.
- Ct(s) dismissed
- Int. Justice Insufficient Evidence View plea
- Priors(s) stricken Ct.
- Allegation(s) stricken Ct.

ADVICE

- Probation report read and considered by the Court. waived by defendant/counsel
- Probation granted Cond. Sentence granted. Reler Order
- Sentence imposed on felony charges. Reler Sentence Minutes
- Serve days/hrs County Jail. suspended
- Credit for days/hrs served. lieu fine Advised jail fees
- Consecutively concurrently with
- Report for processing today by 4 00 PM Booking only
- Stay granted to

SALECTIONS

- Bail Bond
- Property Bond
- Cash Bail
- Forfeiture set aside Reinstated Exonerated Applied Fine Restitution Fine Restitution Transfer

- Pay a fine of \$ or serve 1 day jail for each \$30 not p.
- Pay next fine per 1202 4 PC \$
- Credit \$ for 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

Motion granted denied withdrawn conce

- Defendant arraigned on Probation violation Conditional Sentence violat
- Arraignment waived on violation. Violation denied admitted Court finds violat
- Defendant Re-Referred to
- Defendant pleads guilty to 40508 (b) VC
- Fine increased No additional penalty assessed
- Probation Conditional Sentence revoked terminated
- Probation Conditional Sentence extended
- Probation Conditional Sentence reinstated same terms and condior
- Probation modified Conditional Sentence modified Reler Order

- Probation Report order
- Defendant to report to Probation
- Probation to contact defendant in custody Probation to notify victim
- Consolidated with
- Preliminary Examination is Waived. Defendant is Held to Answer.

Motion date assigned Response to be filed by

Motion(s) to be filed by Reply to be filed by

NEXT APPEARANCE DATE		OPP	OPP Ct. Rules
9-19-97	at 9:00		for Prelim
9-11-97	at 8:15		for Bail Rev
	at		for

- Confirm/Vacate
- Defendant fingerprinted.
- Booking fee reimbursement ordered.
- Public Defender relieved Counsel relieved
- Attorney fee reimbursement ordered \$
- Court finds no ability to pay attorney fees.
- Pretrial Release Report ordered Supplemental

POSTBOND STATUS

- Remanded custody Sheriff. Bail \$ 10,000
- To be transported to
- Release to

- Ordered discharged
- Released on O/R Conditional O/R Probation Conditional Serv
- Remain at liberty on O/R Cond. O/R Case Notice Bail bo
- Cash bail LTA Conditional Sentence Probation

SIGNATURE ADDRESS



Amwest Surety Insurance Company

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

Tony Diaz Bail Bonds

P.O. BOX 251 (408) 424-2500
SALINAS, CA 93901

BAIL BOND No. X30-2-67445
(POWER OF ATTORNEY WITH THIS NUMBER MUST BE ATTACHED.)

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 DIV. NO. S7-09694
Defendant.
Defendant CHRISTOPHER SINGER
(Name of Defendant) 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 11378th (202VE), DOCKE, 422
(Date of Appearance) (state "misdemeanor" or "felony") charge/s: 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 amendable 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 492E
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 9-08-97
(date)
at SANTA CRUZ CA
(location)
[Signature]
(signature of licensed agent)

The Premium Charged for this Bond is \$ 1000 Per Annum Approved this 08 day of SEP, 1997
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.

COURT COPY EB-101



AMWEST SURETY INSURANCE COMPANY
P.O. BOX 4500, WOODLAND HILLS, CA 91365-4500 (818) 704-0444

POWER OF ATTORNEY

THIS POWER VOID IF NOT USED BY: 12-31-97 04' 679

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. Tony Diaz Bail Bonds these presents does make, constitute and appoint John E. Savage by

P.O. BOX 251 (408) 424-2500

SALINAS, CA 93902, 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 SALINAS, CA 93902 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, lines, 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 9-08-97, State Executed CA

DEFENDANT SINGER CHRISTOPHER

APPEARANCE DATE 9-11-97 COURT DEPT #6 @ 0815th CITY LANDA CRUZ

CASE NO. 57-09694 CHARGES 11378 HS, 12021(E), 12021(E) 422, 422

BOND AMOUNT \$ 10,000 646.9(A) P.C.

PREMIUM \$ 100



By: John E. Savage
John E. Savage
Attorney-in-Fact

BAIL CHANGE FORM

FILED
CLERK OF COURT
SUPERIOR/MUNICIPAL

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

AM 8:07 213

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 #15/12022(E) P.C. / 12021(E) P.C. / (2) counts 422 P.C. / 646.9 P.C.
Charge

Bail revocation
Brief summary of alleged crime:

\$ 10,000. —
Bail on Bail Schedule:

\$ 250,000
Requested Bail:

Reason for increasing or reducing bail
(cross out one)

PRIOR RECORD + WEAPONS CHARGES

case #
709694

Application mode by:

Arresting agency

Booking agency

cl

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 \$3,000 further order of court by Judge

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