



County of Santa Cruz

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OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda October 26, 1999

To: Board of Supervisors

Re: Claim of Chris Kilgus, No. 900-043

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 ^X . Deny the claim of Chris Kilgus, No. 900-043 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 the balance, if any, and refer to County Counsel.
- 5 . Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Ron Ruiz, District Attorney

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Samuel Torres, Jr.

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

Claimant Name: Chris Kilgus
Address: 11455 Oceanview Ave.
Felton, CA 95018
Phone No: 831.335.1869
Occurrence: Loss of property in custody.
Date: March 18, 1999 **Place:** Santa Cruz, CA

***Circumstances of occurrence or transaction giving rise to claim:***

All of my financial records for 1996, and part of 1997, were taken into evidence during a raid on my home June 20, 1997. On March 18, 1999, a date that is less than six months ago, Judge Thomas E. Kelly ordered the records returned. I have made repeated requests to the Sheriffs department and the District Attorney's office for the return of the records. They have concluded that the records are lost.

General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:

The cost of replacing all the records (some can never be replaced). The loss of these records has caused me to be late on my 1996, 1997 and 1998 state and federal income tax returns. I have been accruing penalty and interest charges even though I had refunds coming back, if I could have filed a return. There is a FTB lean on my house. My credit rating has been ruined. I have been unable to refinance my home during a period of historically low interest rates. I have been unable to obtain loans or lines of credit for my business and it has suffered as the result. This is all the result of negligence on the part of the Sheriff and District Attorney's offices.

Names of employees causing injury, damage or loss, if known:

Deputy District Attorney Lisa Agliano
Sheriff Sargent Hart
Sheriff Deputy Dan Campos

Amount claimed now: \$25,000

Estimated amount of future loss: unknown

Basis for computations:

Based on the cost to replace records, penalty and interest to the IRS and FTB, excess interest payments on house and loss of business due to poor credit rating.

If the amount is over \$10,000, indicate the court of jurisdiction:

Santa Cruz County Superior Court

CLAIMANT'S SIGNATURE: CHARS Kilgus

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

MINUTE ORDER / WORKSHEET

of the State of California

☐ Probation ☐ Cond. Sentence revoked

People of the State of California vs.
CHRISTOPHER KILGUS, dob 07/04/47
aka DAVID HICKEN CANNON
--- MORE AKA's for this defendant ---
1) 11359 HS-F C, 2) 11358 HS-F D, 3) F12020(A) PC-F D
999) 667.5(B) PC-F K

Case No.

57-09243

MODIFICATION OF PROBATION

TAX RECORDS

Dept. 3
Hon Thomas E. Kelly
L. Agliano
C. Davey

DEF:
RPT:

03/18/99 8:15 am

\$75,000.00

N/A

J. Iversen

A. Allen

☒ Defendant present ☐ not present ☐ Interpreter
☐ with ☐ rep. by Minister
☒ Defendant arraigned ☐ on amended complaint ☐ on amended information/indictment
1 PD appointed ☐ present
1 Conflict of counsel declared ☐ PD relieved ☐ Counsel relieved
1 Alt. PO appointed ☐ present
1 PD/Appt. Counsel Registration Fee ordered \$25 ☐ \$
1 Defendant fingerprinted
1 Defendant to obtain counsel.
Copy provided to defendant/counsel CI complaint ☐ information ☐ indictment
1 Reading/Arraignment waived ☐ on amended complaint CI on amended infmrn/indictment
1 Test results ☐ Waiver of personal appearance filed
1 O/R motion CI granted ☐ denied
1 Bail ☐ increased ☐ reduced to-\$
1 Complaint ☐ Information ☐ Indictment is amended:
Arraigned ☐ waives arraignment amended complaint/information/indictment
1 Defendant pleads Not Guilty Ct(s)
1 Denies priors ☐ ct.
1 Denies allegations ☐ ct.
1 Time NOT Waived. Last day ☐ Est. Length ☐
1 Time waived. ☐ 10 + 60 ☐ Jury Waiver filed.
1 Deferred Entry of Judgment Motion by D.A. ☐ Def. offers guilty plea Ct. ☐
1 Deferred Judgment Granted Ct. ☐ for ☐ months. ☐ Def. to enroll in ALTO
within 14 days ☐
☐ Ct(s) ☐ stayed pending completion of diversion.
Diversion ☐ denied ☐ terminated ☐ completed.
1 Criminal proceedings reinstated. ☐ Stayed Ct(s) ☐ activated.
1 Stipulation to Commissioner ☐ filed / ☐ on record.
Def. found ☐ Guilty Ct(s) ☐ Not Guilty Ct(s)
1 Defendant pleads Guilty Ct(s)
Defendant pleads Nolo Contendere Ct(s) ☐ Alford Plea
1 Admits prior(s) ☐ ct. ☐ Ct. ☐
1 Admits allegation(s) ☐ Ct. ☐
1 Plea/admission(s) entered on condition: ☐ No state prison be imposed
☐ be dismissed
3 Protective Order Issued.

☐ Pay a fine of \$ or serve 1 day jail for each \$30 not p.
☐ Citation fee ordered - ☐ O/R fee ordered
☐ Pay Rest. fine per 1202.4 PC \$
☐ Credit \$ for days jail sen
☐ Suspend \$ balance due \$
☐ Pay today ☐ Stay to
☐ Pay \$ per month beginning
☐ Pay to the Clerks office, Room ☐ Pay as directed by Proba
0 Enroll with Volunteer Service within 14 days and
Perform hrs by ☐ in lieu of
☐ Off calendar for W/A affidavit 0 DA to file FTA
FTA added ☐ 40508(a) VC ☐ es.3.7 PC ☐ 1320(a) PC
☐ O/R revoked ☐ For FTA ☐ For Viol. Terms ☐ Probation revoked ☐ Cond. Sentence revol
☐ Bail bond forfeited ☐ Cash bail forfeited
0 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 ☐
CI Courts Motion
Motion ☐ granted ☐ denied ☐ withdrawn ☐ conce
☐ held. ☐ Refer hearing min.

Defendant arraigned on ☐ Probation violation ☐ Conditional Sentence violati
☐ 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:
0 revoked ☐ terminated
☐ extended ☐ reinstated 0 Same terms and conditions
☐ modified ☐ Refer Order
☐ Probation Report ordered:
☐ Presentence ☐ Short per 1203 (c) PC ☐ Pre-plea ☐ Supplemental re:
☐ 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

0 Confirm/Vacate:

CI Booking fee reimbursement ordered.

☐ Public Defender relieved ☐ Counsel relieved

1 Stipulated sentence
1 Rights waived on record ☐ Written waiver of rights filed.
1 Court in factual basis for plea. ☐ Stipulation to factual basis.
1 (s) dismissed

☐ Int. Justice ☐ Insufficient Evidence ☐ View plea

1 Prior(s) stricken Ct.