

1 JEANNINE M. PACIONI
District Attorney
2 MONTEREY COUNTY
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6 Attorneys for Plaintiff

7 SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

8 SALINAS DIVISION

9
10 The People of the State of California

11 Plaintiff,

12 vs.

13 NEIL G KITCHENS

14 Defendant.
15

No. 19CR006456

DA Case: 876980

16 **INFORMATION**

17 ARR: 11/21/2019 8:30 AM

18 By this Information the above named defendant is accused by the District Attorney of the
19 County of Monterey, State of California of the following criminal offenses occurring in the County
20 of Monterey, State of California.

21 **Count 1 EL18203: Submission of False Declaration of Candidacy - FELONY as to Neil G**
22 **Kitchens.**

23 On or about March 2, 2018, in the County of Monterey, the crime of SUBMISSION OF
24 FALSE DECLARATION OF CANDIDACY in violation of EL18203, a FELONY, was committed
25 by NEIL G KITCHENS, in that NEIL G KITCHENS willfully and unlawfully filed and submitted
26 for filing a declaration of candidacy, knowing that it or any part had been made falsely.
27
28

1 **Count 2 PC115(a): Procuring And Offering False Or Forged Instrument - FELONY as to Neil**
2 **G Kitchens.**

3
4 On or about March 8, 2018, in the County of Monterey, the crime of PROCURING AND
5 OFFERING FALSE OR FORGED INSTRUMENT in violation of PC115(a), a FELONY, was
6 committed by NEIL G KITCHENS, in that NEIL G KITCHENS did unlawfully and knowingly
7 procure and offer a false and forged instrument to be filed, registered, and recorded in a public
8 office within this state, which instrument, if genuine, might be filed, registered, and recorded under
9 a law of this state or the United States.

10
11 **Count 3 PC115(a): Procuring And Offering False Or Forged Instrument - FELONY as to Neil**
12 **G Kitchens.**

13
14 On or about March 8, 2018, in the County of Monterey, the crime of PROCURING AND
15 OFFERING FALSE OR FORGED INSTRUMENT in violation of PC115(a), a FELONY, was
16 committed by NEIL G KITCHENS, in that NEIL G KITCHENS did unlawfully and knowingly
17 procure and offer a false and forged instrument to be filed, registered, and recorded in a public
18 office within this state, which instrument, if genuine, might be filed, registered, and recorded under
19 a law of this state or the United States.

20
21 **Count 4 EL18100(a): Voter Registration Fraud - FELONY as to Neil G Kitchens.**

22
23 On or about March 2, 2018, in the County of Monterey, the crime of VOTER
24 REGISTRATION FRAUD in violation of EL18100(a), a FELONY, was committed by NEIL G
25 KITCHENS, in that willfully and unlawfully caused, procured and allowed himself and himself and
26 another person to be registered as a voter, knowing that he and he and the other person were not
27 entitled to registration.

1 **Count 5 PC115(a): Procuring And Offering False Or Forged Instrument - FELONY as to Neil**
2 **G Kitchens.**

3
4 On or about March 2, 2018, in the County of Monterey, the crime of PROCURING AND
5 OFFERING FALSE OR FORGED INSTRUMENT in violation of PC115(a), a FELONY, was
6 committed by NEIL G KITCHENS, in that NEIL G KITCHENS did unlawfully and knowingly
7 procure and offer a false and forged instrument to be filed, registered, and recorded in a public
8 office within this state, which instrument, if genuine, might be filed, registered, and recorded under
9 a law of this state or the United States.

10
11 **Count 6 PC118(a): Perjury By Declaration - FELONY as to Neil G Kitchens.**

12
13 On or about March 2, 2018, in the County of Monterey, the crime of PERJURY BY
14 DECLARATION in violation of PC118(a), a FELONY, was committed by NEIL G KITCHENS, in
15 that NEIL G KITCHENS did unlawfully, under penalty of perjury, declare as true, that which was
16 known to be false, to wit: that he lived at 54 Gardenia Drive, Salinas, CA 93907.

17
18 NOTICE: Conviction of any of the above felony counts requires relinquishment of firearms,
19 ammunition and ammunition feeding devices.

20 Executed on November 13, 2019, at Salinas, California.

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23 JEANNINE M. PACIONI
24 District Attorney

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27 By: Christopher Knight, Bar #:266721
28 Managing Deputy District Attorney

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“No attorney may disclose or permit to be disclosed to a defendant, members of the defendant’s family or anyone else, the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) Section 1054.1 unless specifically permitted to do so by the Court after a hearing and showing of good cause.”

For a list of law enforcement agencies that have agreed to participate in the DA Brady Protocol, please view the Monterey County DA Website at:

FILED IN COURT

NOV 03 2020

CLERK OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA - COUNTY OF MONTEREY

By Angelica Perez

DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

Neil Kitchens

Defendant.

CASE NO. EL 18203

WAIVER OF RIGHTS

19CR006456

PLEA OF GUILTY/NO CONTEST

1. My true full name is Neil Kitchens

Defendant to
Initial Below

2. (a) I am pleading Guilty / No Contest to the following offense(s): VOTER Registration

STAND

EL 18203

(b) I am admitting the following special allegations:

PRISON ELIGIBLE CASES

3. (a) I understand that the maximum sentence of imprisonment in state prison I could receive is:

(b) I understand that any prison sentence will be followed by either a minimum of three (3) years on parole or a maximum of three (3) years on Post Release Community Supervision with return to custody for any violation of any condition of parole or Post Release Community Supervision.

PENAL CODE § 1170(h) COUNTY JAIL CASES

4. (a) I understand that the maximum sentence of imprisonment in county jail that I could receive pursuant to § 1170(h) is:

3 yrs

(b) I understand if I am sentenced to county jail pursuant to § 1170(h), a portion of my term may be suspended and, upon my release from jail, I may be placed on Mandatory Supervision and if I violate any of the terms or conditions of my Mandatory Supervision, I could be returned to county jail for up to the remainder of my suspended term.

PLEA LIMITATIONS

5. I enter this plea on the following conditions: (Check, complete, and initial any applicable limitations.)

☒ I will receive felony probation with up to one year in jail as a condition of probation. If I later violate probation, the Court can sentence me up to the maximum indicated in items number 3 or 4, above.☐ The court will impose and suspend the execution of _____ in prison and place me on felony probation with up to one year in county jail as a condition of probation. If I violate probation, I will go to prison for the term suspended.☐ I will receive no more than _____ in prison/county jail (§1170(h)) and the Court has discretion to grant me felony probation. If the Court grants me felony probation and I later violate probation, the Court can then sentence me up to the maximum indicated in items number 3 or 4, above.☐ I will receive a stipulated sentence of _____ in prison/county jail (§1170(h)).☐ I will receive a split sentence of _____ in county jail (§1170(h)) with the execution of _____ suspended during which time I will be subject to conditions of Mandatory Supervision.☐ (Other) _____

6. I understand that if, without good cause, I fail to show up for court at the time and date set for sentencing or, if I commit a new crime between now and the sentencing date, my plea will remain and the judge who sentences me will NOT be bound by any sentencing agreements or limitations and may sentence me up to the maximum indicated in items number 3 or 4, above.

RIGHTS AND OTHER CONSEQUENCES

7. I understand that as to all charges, allegations, and prior convictions filed against me in this case, I have the following constitutional rights which I now give up in order to enter my plea of Guilty or No Contest:
- (a) I understand and give up my right to a speedy and public trial by jury or court;
 - (b) I understand and give up my right to confront the witnesses against me;
 - (c) I understand and give up my right to present evidence on my own behalf and have witnesses compelled to testify on my behalf;
 - (d) I understand and give up my right to remain silent.
8. I am not under the influence of any drug, alcohol, or medication and my judgment is not impaired.
9. I understand that I will be ordered to pay a state restitution fine of not less than \$200 nor more than \$10,000 and may have a like amount suspended. I understand that I will be ordered to pay restitution to those who suffered financially because of my conduct subject to a hearing and court order.
10. I understand the terms of this plea agreement are not binding on the sentencing judge. However, if the Court withdraws approval of this plea agreement upon further consideration, the Court shall permit me to withdraw my plea, subject to the condition set out in item number 6, above.
11. If I am not a citizen of the United States, I understand that my plea of guilty or no contest will subject me to automatic deportation, exclusion from admission to this country, denial of naturalization or amnesty, and/or denial of re-entry to this country pursuant to the laws of the United States.
12. **Registration:** I understand that I will be required to register with the local police agency or sheriff's department in the city or county where I reside as:
- ☐ An arson offender ☐ A gang member ☐ A narcotics offender
- ☐ A sex offender (lifelong requirement) ☐ Other (specify): _____
13. **Factual Basis:** I agree there is a factual basis for the plea and that I am responsible for committing each element of each crime to which I plead guilty or no contest and of each special allegation I admit. I offer to the court the following as a basis for my plea and admissions:
- ☐ Preliminary Hearing Transcript ☐ Probation Report ☒ Police Report Number: _____
- ☐ Court documents regarding prior offenses Other (specify): _____
- ☐ Or specify facts: _____

SPECIFIED WAIVERS

14. **(Appeal and Plea Withdrawal Waiver)** I hereby waive and give up all rights regarding state and federal writs and appeals. This includes, but is not limited to, the right to appeal my conviction, the judgment, and any other orders previously issued by this court. I agree not to file any collateral attacks on my conviction or sentence at any time in the future. I further agree not to ask the Court to withdraw my plea for any reason after it is entered.
15. **(Limited Waiver for Non-Stipulated Sentence)** I hereby waive and give up all rights to appeal, writ, litigate, challenge or contest in the future any order issued by this court made *before* the date indicated next to my signature below. I give up the same rights concerning all contents of this waiver of rights form and conditions of my entry of plea and conviction as stated herein. I further agree not to ask the court to withdraw my plea for any reason after it is entered.
16. **(Harvey Waiver)** The sentencing judge may consider the entire factual background of the case, including any unfiled, dismissed, or stricken charges or allegations or cases when granting probation, ordering restitution, or imposing sentence.
17. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea.
18. **(Mandatory DUI Warning)** I understand that if I am pleading guilty or no contest to any charge that includes driving under the influence, the following warning applies: **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.**

DEFENDANT'S STATEMENT

19. I offer my plea of guilty or no contest freely and voluntarily and of my own accord. No one has made any threats; used any force against me, my family, or loved ones; or made any promises to me, except as listed in this form, in order to convince me to plead guilty or no contest. I further understand that a plea of no contest is the same as a plea of guilty for all purposes.

N.K.

I have read, or have had read to me, this form and have initialed each of the items that applies to my case. I have discussed each item with my attorney. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item that I have initialed. The nature of the charges, possible defenses, and the effects of any prior convictions, enhancements, and special allegations have been explained to me. I understand each of the rights outlined above and I give up each of them to enter my plea.

Dated: 11/3/2020

Signed: *[Signature]*

(Defendant)

DOB: 9/6/67

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed this form with my client and have explained each of the items in the form, including the defendant's constitutional rights, to the defendant and have answered all of his or her questions concerning the form and the plea agreement. I have also discussed the facts of the case with the defendant and have explained the nature and elements of each charge, any possible defenses to the charges, the effect of any prior convictions, enhancements, and special allegations, and the consequences of the plea including, if applicable, immigration consequences as set forth in item number 11. I observed the defendant date and sign this form.

I concur in the defendant's decision to waive the above rights and enter this plea, and believe the defendant is doing so knowingly, intelligently, and voluntarily. I concur with the defendant that there is a factual basis for the plea as reflected in item number 13, above.

Dated: 11/3/20

Attorney's Signature *[Signature]*

INTERPRETER'S STATEMENT

I, _____, the interpreter in this proceeding, having been duly sworn, certify that I truly translated the entire contents of this form for the defendant in the following language: _____. The defendant stated that he or she understood the contents of this form, and then initialed and signed the form.

Dated: _____

Interpreter's Signature _____

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and the defendant's attorney concerning the defendant's plea of guilty or no contest and admissions of enhancements, allegations and/or prior convictions, if any, finds that: The defendant expressly, knowingly, understandingly, and intelligently waives his/her constitutional and statutory rights; the defendant's plea, admissions, and waiver of rights are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and that there is a factual basis for the same. The Court accepts the defendant's plea and admissions and the defendant is hereby convicted.

Dated: 11/3/20

Judge's Signature *[Signature]*



SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 19CR006456

People of the State of California vs. Neil G Kitchens

Honorable: **Carrie M. Panetta**
Courtroom Reporter: **Lorlein Carter, CSR12953**

Courtroom Clerk: **Angelica Perez**
Location: Department 4

Date: 2/4/2021

Time: 8:45 AM

Hearing: Sentencing

Charges:

001	EL18203-False Candidacy Declaration	Felony
002	PC115(a)-Offer/Etc False/Forged Instrument To File	Felony
003	PC115(a)-Offer/Etc False/Forged Instrument To File	Felony
004	EL18100(a)-Illegal Registration of Voter	Felony
005	PC115(a)-Offer/Etc False/Forged Instrument To File	Felony
006	PC118(a)-Perjury	Felony

Nature of proceedings: Sentencing.

Deputy District Attorney Robin Duffy is present via video conference.

Defendant appears with Attorney Frank Dice.

Probation Officer Gerardo Rodriguez is present via video conference.

The Court has read and considered the report and recommendation of the Probation Officer, any letters submitted on behalf of the Defendant, and any diagnostic report.

Defendant waives formal arraignment for pronouncement of judgment.

Defendant states there is no legal cause why judgment should not be pronounced.

Imposition of sentence is suspended. Defendant is placed on formal probation for 2 Years.

Defendant is placed on probation under the following conditions:

Obey all laws.

Report to the Probation Officer within 3 days of sentencing or, if you are in custody, immediately upon release; and thereafter when and as required.

Do not change place of residence from Monterey County or leave the State of California without notifying the Probation Officer.

Report any change of residence, address or telephone number to the Probation Officer within 24 hours.

Report any new law violation, arrest or citation by law enforcement to the Probation Officer within 24 hours.

Totally abstain from the use of alcohol, marijuana, or other controlled substances without the express permission of your probation officer or the court. Do not traffic in, or associate with persons known to you to use or traffic in controlled substances.

Submit to and complete any field sobriety test or alcohol/narcotics testing of your blood, breath, or urine at the request of any probation officer or peace officer.

Do not associate with any individuals who are on any form of probation, mandatory supervision, post release community supervision or parole supervision.

Accept a period of up to ten days of flash incarceration imposed by the Probation Officer for any violation of probation. If you do not agree to accept a recommended period of flash incarceration, the Probation Officer may file a declaration or revocation request with the court (PC 1203.35).

Give your true name and date of birth when asked by a peace officer.

Seek and maintain gainful employment or enroll as an active full-time student as available.

Provide all identifying information required by PC 296(a)(1).

Permit the search of your person, car, personal effects, or place of residence, night or day, without the necessity of a search warrant, at the direction of any probation officer or peace officer.

Do not possess, receive or transport any firearm, ammunition or any deadly weapon. Immediately surrender any firearms or ammunition you own or possess to law enforcement (PC 29800).

Enroll in and complete any counseling or substance abuse program the Probation Officer deems

necessary, including approved residential treatment. No credit for time served in any residential treatment program shall be applied toward any future local jail sentence or to any future prison commitment, should probation be revoked. By accepting probation, Defendant permanently waives his/her right to receive such credit. Should the Defendant leave the program or be discharged, (s)he shall report to the Probation Department in person immediately or no later than the next business day.

Participate in any assessment necessary with Behavioral Health to receive MediCal funded substance abuse treatment.

Serve 0 Days in County Jail.

Credits are for time served of 0 Days; plus good/work time of 0 Days; for a total of 0 Days.

Pay a restitution fine of \$300.00 for the State Restitution Fund (PC 1202.4(b)).

Pay an additional restitution fine in the same amount assessed pursuant to PC 1202.4(b). This restitution fine shall be suspended unless probation/parole/supervision is revoked (PC 1202.44/PC 1202.45).

Defendant shall pay; if and as directed by the arresting agency; in accordance with his/her ability to pay; the criminal justice administration fee incurred in Defendant's arrest and booking (GC 29550.1/GC 29550.2).

The following fees and/or assessments are ordered but are not conditions of probation/supervision:

Pay a Court Operations Assessment of \$40.00 times the number of convictions; for a total of \$40.00 (PC 1465.8(a)(1)).

Pay a Court Facilities Assessment of \$30.00 times the number of misdemeanor/felony convictions; for a total of \$30.00 (GC 70373).

Defendant is ordered to pay \$864.00 for the cost of preparation of the probation report plus \$81.00 per month as the cost of supervised probation in accordance with his/her ability to pay. Defendant is ordered to provide the Probation Officer with financial information for evaluation of his/her ability to pay and is ordered to pay the amount Probation determines (s)he can afford. In January 2000; the Board approved Ordinance No. 04051; amending chapter 2.93 of the Monterey County Code regarding Probation's authority to assess fees to recover the average costs of probation services based on a determination of the client's ability to pay. The recommended Probation Fee Schedule/Article XVIII; updated February 2009 to the current amounts; is on file with the Clerk to the Board.

Unless otherwise stated; contact the Monterey County Revenue Division (located at 168 West Alisal St.; 1st Floor; Salinas; CA 93901) within 3 days; or if in custody; within 3 days of release; make arrangements to pay all fines and fees; and pay as directed by the Revenue Division.

The Defendant is prohibited from owning, purchasing, receiving, possessing, or having under his or her custody any firearms, ammunition, and ammunition feeding devices, including but not limited to magazines, and shall relinquish all firearms pursuant to PC 29810.

The Court finds as follows:

Defendant has completed a Prohibited Persons Relinquishment Form.

Defendant has no reportable firearms per the probation officer's report.

Count 002 is dismissed upon motion of the People. Reason for dismissal: furtherance of justice (PC 1385).

Count 003 is dismissed upon motion of the People. Reason for dismissal: furtherance of justice (PC 1385).

Count 004 is dismissed upon motion of the People. Reason for dismissal: furtherance of justice (PC 1385).

Count 005 is dismissed upon motion of the People. Reason for dismissal: furtherance of justice (PC 1385).

Count 006 is dismissed upon motion of the People. Reason for dismissal: furtherance of justice (PC 1385).

Defendant accepts terms and conditions of probation.