

Falk, Herbert Henry 83

1910

CONF001074

DYKES_I_001064

BOY SCOUTS OF AMERICA

DATE June 15, 1988

FULL NAME Herbert Henry Falk SOCIAL SECURITY NUMBER _____
(No initials if you can possibly get full name)

ADDRESS 10221 S. 49th Street

CITY Phoenix, STATE Arizona ZIP CODE 85044

DATE OF BIRTH 3/12/39 (This is important and should be exact)

APPROXIMATE AGE _____ (To be used ONLY when date of birth is not known)

RELIGION Unknown NATIONALITY American

OCCUPATION United Airlines

EDUCATION Unknown

WEIGHT 250 HEIGHT 5' 11" RACE Caucasian

COLOR OF HAIR Blond COLOR OF EYES Blue

OUTSTANDING CHARACTERISTICS OR INTERESTS Extensive O/A involvement/travel to Europe

MARRIED OR SINGLE Single CHILDREN NA

(Number, ages, and names, if possible)

NAME OF SPOUSE NA

SCOUTING CONNECTIONS:

<u>UNIT #</u>	<u>CITY</u>	<u>STATE</u>	<u>POSITION</u>	<u>DATE REGISTERED</u>	<u>DATE RESIGNED</u>
S-0721	Phoenix	AZ	MC	10/87	6/15/88

SPECIAL RECOGNITION Very active in local and area Order of the Arrow

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

Complaints, of "attaching himself" to certain boys in a unit and trying to get them in "one-on-one" situations, by parents led to police investigation which revealed prior conviction on child molestation charges in California; those reports attached to this document.

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE OR SPECULATION):

Signed [Signature]
SCOUT EXECUTIVE
Council [Signature]

RS-509
4/14/83-nah

CONF001075

DYKES_I_001065

REGISTRATION, DESCRIPTION AND STATISTICAL SERVICE

APPENDIX A

BOY SCOUTS OF AMERICA

DATE June 1983

FULL NAME Herbert Henry Fuik
(No initials if you can possibly get full name)

ADDRESS 6364 Parkerfield Court

CITY Stockton STATE California ZIP CODE 95207

DATE OF BIRTH 4/41 (This is important and should be exact)

APPROXIMATE AGE 43 yrs. (To be used ONLY when date of birth is not known)

RELIGION _____ NATIONALITY _____

OCCUPATION Customer Service Agent - United Airlines

EDUCATION _____

WEIGHT 280 HEIGHT 6' RACE W

COLOR OF HAIR Brn COLOR OF EYES _____

OUTSTANDING CHARACTERISTICS OR INTERESTS Skating - World Travel

MARRIED OR SINGLE Single CHILDREN 0
(Number, ages, and names, if possible)

NAME OF SPOUSE _____

SCOUTING CONNECTIONS:

UNIT #	CITY	STATE	POSITION	DATE REGISTERED	DATE RESIGNED
troop 148	Stockton	Cal.	Scoutmaster	3/1950	2/7/83

SPECIAL RECOGNITION Silver Beaver - NESA Scoutmaster

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

Suspected child molestation

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE OR SPECULATION):

Attached

NOIED
SEP 07 '83
JOSEPH L. ANGLIM

Signed William J. France
SCOUT EXECUTIVE
Council 49th Council 052

F. STARON

RS-509

JUN 20 1983

June 29, 1988

J. Reed Brannon
Director of Field Service
Theodore Roosevelt Council, No. 10

PERSONAL AND CONFIDENTIAL

SUBJECT: Herbert Henry Falk

Dear Reed:

Thank you very much for the information which you recently sent us concerning the above named individual. This is complete and will enable us to refuse registration in the future should Mr. Falk attempt to register.

We hope you will tell us if we may be of help in any other way.

Sincerely,

Paul Ernst, Director
Registration Service

ag

cc: Western Region
E. Earl Hays, Scout Executive

*Perry MacMillan
June 30, 1988
Ready for file*

CONF001077

DYKES_I_001067

*Deleted mag record
6/24/88*

```
M S S SESSION COMPLETE
MS04 MEMBERSHIP SUPPORT SYSTEM 06/23/88
MEMBER DETAIL INQUIRE 10:57:44
CNCL 010 PRG/UNIT 9.701 SEQ. 110037
FIRST: HENRY LAST: FALK
ADDR1: 10011 S 49 ST ADDR2: PHOENIX AZ
ADDR3: ADDR4: ZIP: 85044
REG STATUS: P ENROLL: 1087 BIRTH: 0889 SEX: M AGENCY: M ADULT/YOUTH: A
POSITION: MC FINDERCODE: 55 PHONE: 0008831226 BULK: MAG-STATUS:
REN DAT: 1988
TRANSFER FROM = CNCL: PGM/UNIT: SEQ: TRANSFER DATE:
MAGAZINES
--SOURCE-- PRICE SUB STRT --COPIES-- ISSUES TO GO AREAR LAST LABEL EXP
TYPE CNCL P/UNT CODE TRM DATE FIRST LAST ORIG TOTAL COUNT PRINTED DAT
S ----- 0 08 0889 0888 04 004 00 2608 0189
-----
ENTER>CHG PF1>NEXT PF10>PRT PF11>PREV PF12>MENU CLR>END PF6>VAN OVEFRIDE
NEXT LABEL: P.U: SEQ: LST: FALK FST: HENRY
```

*I think this is the same man
we put on the file in 1983. This one
did not kick in either 10/87 or 1/88. He
came through while we were still having
problems with all names kicking.*

CONF001078



Theodor Roosevelt Council • Boy Scouts of America

2969 North Greenfield Road • Phoenix, Arizona 85016-7715 • Telephone (602) 264-0621

June 7, 1988

PRESIDENT
Anthony V. Ehmann

COUNCIL COMMISSIONER
Lyle R. Knight

VICE PRESIDENTS
F Rockne Arnett
Nelson A. Bernhoff Jr.
C. E. Pep Cooney
Bob Davies
Dean T. Malan
Irvail L. Mortensen
W. Brian Prew

MEMBERS AT LARGE
J. A. Furnsworth Jr.
Clyde A. Grunow, Sr.
Rowland F. Kornrumph
William G. Payne, M.D.
Gibert B. Perry
Ray L. Russell, D.V.M.
Lawrence F. Snead
H. Stephens Thomas, M.D.

LEGAL COUNSEL
George H. Mitchell

TREASURER
James A. Vogel

ASSISTANT TREASURER
F. Edward Lake

SCOUT EXECUTIVE
E. Earl Sonny Mays

Henry Falk
10221 S. 49th St.
Phoenix, AZ 85044

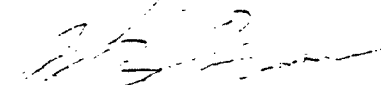
Dear Mr. Falk:

After careful review, we have decided that your registration with the Boy Scouts of America should be suspended. We are, therefore, compelled to request that you sever any relations that you may have with the Boy Scouts of America. A refund of your registration fee is enclosed.

You should understand that BSA membership registration is a privilege and is not automatically granted to everyone who applies. We reserve the right to suspend registration whenever there is a concern that an individual may not meet the high standards of membership which the BSA seeks to provide for American youth.

If you wish to have this decision reviewed by a Council review committee, please write to me explaining your version of the facts supporting your claim that your registration as a BSA member should be reinstated.

Sincerely yours,


Anthony V. Ehmann
President

lg

Enclosure



CONF001079

DYKES_I_001069

Memo Regarding Meeting to Remove Henry Falk from Boy Scouts of America

DATE: Friday, June 17, 1988
TIME: 4:00 - 4:20 p.m.
IN ATTENDANCE: Henry Falk, Evans Farnsworth, J. Reed Brannon, Ralph Pew
LOCATION: Law Office of Evans Farnsworth

Ralph Pew, V.P. Exploring and an attorney and I, met with Mr. Falk and Mr. Farnsworth at 4:00 p.m.

Mr. Farnsworth opened the meeting in a cordial manner, by relating that he had had an incident, two years ago, investigated when Mr. Falk had come to him when he had been accused of improper behavior on a camping trip and was removed from leadership by Red Mountain Methodist Church. He said this investigation proved the allegations were not true and that Mr. Falk was concerned that he was getting the reputation within the Council as a "child molester."

I told Mr. Farnsworth that we had materials unrelated to what he had just spoken of that convinced us that Mr. Falk did not meet the leadership standards of the BSA and that according to our youth protection policies, I was to deliver the letter to Mr. Falk and insist that he cease all Scouting activities. I gave Mr. Falk the letter and asked that he read it in our presence, which he did. I also gave Mr. Farnsworth a copy of the letter. I explained that the appeal procedure was with the letter and that any questions would have to be taken up with our Council attorney, whose card was in both envelopes.

Mr. Pew confirmed that the material we had was not related to the incident Mr. Farnsworth alluded to earlier and he confirmed that this matter was never discussed and was kept confidential.

Mr. Falk said nothing throughout the meeting. Ralph and I left at approximately 4:20 p.m. Mr. Falk remained in the office at Mr. Farnsworth's request.



Signed

6-20-88
Date

CONF001080

DYKES_I_001070

ACROSS THE USA

FROM USA TODAY'S NATIONAL NEWS NETWORK

ALABAMA

MAPLEVILLE — Town finally gets a doctor: Canadian Ted Klauadt became the town's first physician in 25 years. He takes over a clinic paid for by the area's 900 residents. ...

MONTGOMERY — Nearly 100 people attended the second gathering of the Friendly Supper Club, open to anyone bringing a member of the opposite race. The idea was originated by mystery-man "Jack Smith" as a means to ease racial tension. ...

ANNISTON — A \$8 million suit was filed against Dixie Welding Supply, the firm that sells oxygen to Noble Army Hospital. Plaintiff is Sgt. Kenneth Huddleston, whose wife, Charlotte, died after being given welding gas instead of oxygen. No one has explained the mixup.

ALASKA

JUNEAU — No-show legislators on wanted list: Gov. Sheffield dispatched state troopers to round up House members who failed to appear for a joint session he called to confirm 13 Cabinet nominees. ...

WASILLA — A rule requiring that rookie mushers complete a 200-mile race before entering the marathon Iditarod Sled Dog Race was adopted by the Iditarod Trail Committee. Members want to ensure that racers are experienced. ...

EMMONAK — A joint venture with Emmonak Village Corp. to process salmon for sale to Japan is being formed. Callista Fisheries Inc. said. A Japanese firm has already bought this season's expected production.

ARIZONA

evacuated for about an hour after a natural gas line broke. No one was injured and there was no fire. ...

PHOENIX — There are about 3,000 homeless people in the metropolitan area, and up to 60 percent are unemployed, a survey found. About 5 percent were classified as socially maladjusted.

ARKANSAS

LITTLE ROCK — Fewer kids means less aid: The state will lose nearly \$4 million in federal education funds because there are 46,000 fewer children eligible for the aid under new census figures. State officials don't know how they'll make up for the loss. ...

NASHVILLE — Tyson Foods Inc. will lay off 250 workers next week at its food processing plant here and put the others on three-day workweeks. Union distribution of a leaflet criticizing plant sanitation levels is to blame, a company official says. The leaflets carry false claims and two lawsuits against the union are pending in court, Tyson says.

CALIFORNIA

RICHMOND — City loses suit, chief quits: Police Chief Leo Garfield resigned effective July 1 after a \$3 million wrongful death judgment against his department in the slaying of two black men. Survivors get the money. ...

IMPERIAL — High concentrations of pesticides found in cattails indicate the Alamo and New rivers are the state's most toxic, biologists say. DDT, banned in 1972, was one of five pesticides found. ...

LOS ANGELES — Teco Corp. will lay off 15 top executives as part of an effort to trim \$40 million in overhead. The firm lost \$76.8 million in the second quarter.

School Board will decide this week on an ACLU petition to ban invocations at school graduations. ...

HANFORD — Fifty-five striking butchers will return to work at Hanford Meat Packing Co. Monday after agreeing to a \$1.75-an-hour pay cut and giving up four paid holidays. ...

STOCKTON — Herbert Falk, 43, named Scoutmaster of the Year in January, was placed on three years probation after pleading no contest to lewd conduct and child molesting. ...

SOUTH LAKE TAHOE — Councilman John Cefalu was nominated to the Lahontan Regional Water Quality Control Board by Gov. Deukmejian.

COLORADO

DENVER — Theft from mansion befuddles police: Unless property stolen from the state's Executive Mansion turns up, police will end their burglary probe. No leads have developed from the Memorial Day theft of a tea service set and vases. ...

MINTURN — A water-soaked embankment, giving way under an I-70 on-ramp, began spilling onto Highway 6 near here and slowing traffic. Only one lane of I-70 remained closed from a mudslide two weeks ago. ...

FORT COLLINS — Fear of Poudre River flooding is keeping tourists away, say Poudre Canyon resort owners. Major flooding, however, is closer to Greeley and isn't affecting the canyon.

CONNECTICUT

HARTFORD — Fiddle contest may be moved next year: The New England Fiddle Contest is getting too big for Bushnell Park, the foundation operating the park says. Rain-soaked park grounds were severely damaged when 60,000 people attended Sunday's event. Organizers say they'll cooperate. ...

The state House approved a bill setting stiffer penalties for drunken driving and sent it to the governor. ...

BRIDGEPORT — Four Colombians and a Florida man remain in jail awaiting trial in a marijuana smuggling case. Six other Colombians received 120-day prison terms Monday. Their lawyer argued they were duped. A fishing boat contained 1,133 bales of marijuana seized May 1.

Scoutmaster on probation

A Stockton man who was named Scoutmaster of the Year pleaded no contest to sexual battery and was placed on probation for three years. Judge Sandra Butler Smith imposed sentence Monday following the plea by Herbert Henry Falk, 43. He was accused of lewd conduct and four misdemeanor counts of child molesting.

Scoutmaster on probation

A Stockton man who was named Scoutmaster of the Year pleaded no contest to sexual battery and was placed on probation for three years. Judge Sandra Butler Smith imposed sentence Monday following the plea by Herbert Henry Falk, 43. He was accused of lewd conduct and four misdemeanor counts of child molesting.

September 8, 1983

Mr. William J. Hranac
Scout Executive
Forty-Niner Council, No. 52

PERSONAL AND CONFIDENTIAL

SUBJECT: Herbert Henry Falk

Dear Bill:

Thank you for the detailed information concerning the above Scouter. We have reviewed this case with our Attorney and have now placed this man on the Confidential File.

Sincerely,

Paul I. Ernst, Director
Registration Subscription &
Statistical Service

eko

cc: Western Region
Richard M. Chandler, Area Director, Western Region

READY TO FILE

SEP 8 1983

SANDRA DEMPSEY

CONF001082

DYKES_I_001072

RECEIVED
JUN 10 1983
STOCKTON JUDICIAL DISTRICT

RICHARD W. EICHENBERGER
District Attorney
San Joaquin County
By: TERRENCE R. VAN OSS
Deputy District Attorney
Courthouse
Stockton, CA 95202
Telephone: 944-3811

=POLICE CASE# 22 A 9: 32

Richard W. Eichenberger
District Attorney

Attorney for Plaintiff

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
STOCKTON JUDICIAL DISTRICT

The People of the State of California) CASE 83-2677
)
Plaintiff)
)
v.) COMPLAINT
)
HERBERT HENRY FALK)
)
Defendant.)
)
-----)

I, the undersigned, say, on information and belief, that in
the County of San Joaquin, State of California: *Victoria Boyett*
JUN 6 1983 *ct# 1* *in h. court* *complaint amended on 6/13/83 in open court to read a Violation of*
COUNT : 1, On or about 12-18-82, *action 243.4 PC* a Misdemeanor. *ALG*
defendant did commit a
MISDEMEANOR, namely, a violation of Section 647a of the
California Penal Code, CHILD MOLESTING, in that the said
defendant did wilfully and unlawfully annoy and molest a child
under the age of eighteen years, to-wit: [REDACTED]

As further and separate causes of action, being different
offenses from, but connected in their commission with the charges
set forth above, it is alleged that the said defendant committed

CONF001083

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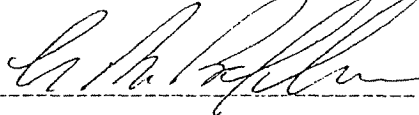
the following further crimes:

COUNT : 2, On or between 07-01-82 and 08-01-82, defendant did commit a MISDEMEANOR, namely, a violation of Section 647a of the California Penal Code, CHILD MOLESTING, in that the said defendant did wilfully and unlawfully annoy and molest a child under the age of eighteen years, to-wit: [REDACTED]

COUNT : 3, On or between 07-01-82 and 08-01-82, defendant did commit a MISDEMEANOR, namely, a violation of Section 647a of the California Penal Code, CHILD MOLESTING, in that the said defendant did wilfully and unlawfully annoy and molest a child under the age of eighteen years, to-wit: [REDACTED]

COUNT : 4, On or between 01-01-83 and 02-01-83, defendant did commit a MISDEMEANOR, namely, a violation of Section 647a of the California Penal Code, CHILD MOLESTING, in that the said defendant did wilfully and unlawfully annoy and molest a child under the age of eighteen years, to-wit: [REDACTED]

COUNT : 5, On or between 01-01-83 and 02-01-83, defendant did commit a MISDEMEANOR, namely, a violation of Section 647a of the California Penal Code, CHILD MOLESTING, in that the said defendant did wilfully and unlawfully annoy and molest a child under the age of eighteen years, to-wit: [REDACTED]



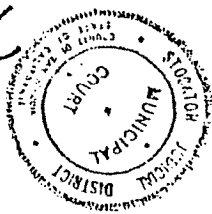
E.M. Belcher
E.M. BELCHER, Complainant

Subscribed and sworn to before me 04/22/83.

ALBERT FLOR, Clerk for the Municipal Court of California
County of San Joaquin, Stockton Judicial District

By: *Madison Lloyd*

Deputy Clerk



CONF001085

DYKES_I_001075

DO NOT DESTROY

MUNICIPAL COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN, STOCKTON JUDICIAL DISTRICT

PEOPLE v. HERBERT HENRY FALK Defendant

Case No. M100695

Date 6-6-83

JUDGMENT/ORDER OF COURT CONDITIONS OF PROBATION

The above named defendant having been convicted of a misdemeanor violation of Section 243.4 PC

IT IS HEREBY ORDERED: (Applicable items checked)

A. COURT ACTION (Sentence and/or terms indicated in Sections B, C, D)

- Imposition of sentence suspended.
PROBATION GRANTED: Placed under care and supervision of the Probation Officer for a period of years from the date of this order.
SUMMARY PROBATION GRANTED FOR 3 years.
PROBATION granted on MODIFIED.
Original terms in full force and effect except as modified herein.
Defendant found in violation of probation.
PROBATION REVOKED/CONTINUED.
PROBATION REINSTATED: Original terms in full force and effect except as modified herein.
PROBATION TERMINATED.
OTHER

B. FINE/JAIL RESTITUTION

- PAY A FINE OF \$ including Penalty Assessment or one day for each \$30.00 of said fine.
\$ suspended.
\$ Adm. fees by
To Clerk of Court - Room 100
To Probation Dept. - Room 501
AS CONDITION OF PROBATION
SERVE in the County jail days; days suspended.
CTS balance suspended.
AS CONDITION OF PROBATION
MAKE RESTITUTION, payable to:
Treasurer-Tax Collector-Room 150
Probation Department-Room 501
Employment Development Department
Department of Public Assistance
AS CONDITION OF PROBATION

C. FURTHER ORDERS AS FOLLOWS:

- STANDARD TERMS
DO NOT COMMIT same/similar offense
FOLLOW all orders of the Probation Office and report as directed
SEEK and maintain employment and notify Probation Officer of any changes in employment status.
NOTIFY Probation Officer immediately of any changes in residence address.
ABSTAIN/REFRAIN from excessive use of alcoholic beverage
PROGRAM TERMS
REPORT to Alcohol Recovery Clinic within for evaluation and treatment and continue until released by Director.
Report to San Joaquin County Mental/Drug Program Director within days and participate in program designated.
REPORT to Opportunity House within days to complete hours of alternative services within days.
Participate in a treatment program approved by the Probation Officer until otherwise directed, terminated, or transferred to similar treatment agency by the Probation Officer.

D. OTHER TERMS

- SUBMIT person, vehicle, place of residence or area over which he has control to search for and seizure of narcotics, drugs, or other contraband at any time day or night, with or without search warrant, probable cause or defendant's consent, as directed by Probation Officer or any peace officer.
DO NOT illegally use or possess any drug, narcotic or marijuana and that he not associate with persons known to so use, possess, or traffic in same.
DO NOT OPERATE MOTOR VEHICLE at any time after consuming alcoholic beverages.
DO NOT OPERATE A MOTOR VEHICLE without a valid California driver's license in possession.
Report to San Joaquin County Drunk Driving Program within days. If program not completed, defendant's driver's license will be suspended for years.
Attend the Driving While Intoxicated Rehabilitation Course
DO NOT OWN, POSSESS, or CONTROL any firearms
DO NOT ANNOY, harass, or threaten
Defendant to report to Jail on time and not under the influence of drugs nor alcohol.
OTHER
Ordered driver's license restricted days to drive only between residence and place of employment and in course of employment and to and from treatment program.
Ordered weapon confiscated and destroyed.
Work Furlough Program/Honor Farm recommended
Sentence to run concurrently with
Sentence to run consecutively with
Register address 290 PC 11590 H&S
Credit for time served Days
Defendant to report to Probation Department on at to sign order.
Defendant to sign probation order at the Jail

I, have interpreted this form to the above named defendant UPON SATISFACTORY COMPLETION OF PROBATION YOU MAY APPLY TO THE COURT TO HAVE YOUR CONVICTION SET ASIDE PURSUANT TO SECTION 1203.4 OF THE PENAL CODE. UPON APPLICATION FOR PUBLIC OFFICE OR STATE OR LOCAL LICENSE, YOU MUST DISCLOSE THIS CONVICTION IF ASKED.

I have received a copy, read and understand the above conditions of probation in X Herbert Henry Falk
Address 6364 PORTERFIELD CT, STOCKTON, CA 95207 Telephone No. 309 478 865

TO THE SHERIFF: The foregoing certified copy of judgment in the above entitled action is your authority for the execution thereof. If the defendant named herein appears in response to this commitment in an intoxicated condition or if the defendant is more than one hour late, you are hereby ordered to book the defendant and cause him to appear in this Court on the next following court day.
Court finds defendant has the ability to pay, and defendant agrees to pay jail administrative costs as a condition of weekend jail sentence. Court orders defendant to pay \$ per each weekly period of confinement to the Sheriff of San Joaquin County.
IF NOT PAID, DEFENDANT ORDERED TO SERVE STRAIGHT TIME

Sandra Ruth Smith Judge
I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.
ATTEST: Date May 26 1983
ALBERT FLOR, Clerk, Municipal Court, Stockton Judicial District
By Adlene Doyd Deputy Clerk

154C 758 (4-83)

CONF001086

DYKES_I_001076

MUNICIPAL COURT OF CALIFORNIA
County of San Joaquin Stockton Judicial District

MISDEMEANOR DOCKET
CRIMINAL

PEOPLE OF THE STATE OF CALIFORNIA vs.

Case No. M-100695

HERBERT HENRY FALK

Arresting Agency S.P.D.

Defendant.
COUNTS: #1-647a P.C. NA amended 243.4 PC #3-647a P.C. Duan
#2-647a P.C. Duan #4-647a P.C. Duan

#5-647a P.C. Duan

Complaint filed 6-22-83 Warrant issued _____ to _____ Bail \$ _____
Bail posted on _____ Amount \$ _____ By _____
To appear: _____ at _____ M. Bond No. _____ Receipt No. _____

Defendant having failed to contest the alleged violation, bail is hereby ordered forfeited and no further proceedings shall be had. Receipt No. _____ Amount \$ _____ Judge _____

Cont. On	Attorney	Cont. to	Cont. for	Status	Time	Def. ord. present	PTC held	Judge
PR 2 5 1983	P/NP <u>Charges 5-16-83 - 9am</u>	<u>5-16-83</u>	<u>9am</u>	<u>PTC</u>	<u>10:00</u>	<u>NO</u>		<u>Smith</u>
1 6 1983	P/NP <u>Charges 5-23-83 - 9am</u>	<u>5-23-83</u>	<u>9am</u>	<u>PTC</u>	<u>10:00</u>	<u>YES</u>		<u>SMITH</u>
2 3 1983	P/NP <u>Charges 6-6-83 - 8:45</u>	<u>6-6-83</u>	<u>8:45</u>	<u>PTC</u>	<u>10:00</u>			<u>SMITH</u>
	P/NP							
	P/NP							
	P/NP							
	P/NP							
	P/NP							

ARRAIGNMENT

Defendant not present. Ordered dropped from calendar. Judge _____

Defendant present/not present without/by attorney _____

No complaint filed for 2 5 1983 Ordered discharged Bail exonerated.

Defendant present/not present without/by attorney Arrested Charges In custody.

Arraign and advisement of Constitutional Rights waived. True name as amended.

Defendant advised of code registration requirements upon conviction.

Defendant informed of charges, arraigned, and advised of following rights: En Masse Thru Interpreter

To an attorney at all stages of proceedings; and if he cannot afford an attorney, an attorney will be provided.

To release on reasonable bail. To release on O.R.

To speedy and public jury or court trial within 30/45 days per Sec. 1382 P.C.

To produce witnesses and confront and cross-examine witnesses against him.

To privilege against self-incrimination.

To probable cause detention hearing prior to posting bail.

To minimum and maximum penalties.

To consequences of conviction pursuant to Section 1016.5 P.C. (Alien)

Defendant advised that upon conclusion of the case, Court will determine the defendant's ability to pay for all or any part of the cost of appointed counsel and any such order could be enforced as a civil judgment.

Court found defendant understood his right to a court appointed attorney if he were unable to obtain his own.

Defendant waived counsel.

Public Defender Alt. Public Defender L.R.S. appointed. Obtain private counsel.

Motion for O.R. release granted/denied. See O.R. Agreement. Bail set at \$ _____ Includes _____

Defendant to report to jail by _____ to be booked, processed and released.

Defendant ordered to report to the Public Defender and County Collector for interviews before next appearance.

JUDGE Smith CLERK Burns DDA Jeger INTERPRETER _____

FUR. ARR.

Defendant present/not present without/by atty. _____

Public Defender/A.P.D. declared a conflict.

Pub. Def./A.P.D. relieved; Private counsel to be obtained A.P.D. LRS Pub. Def. appointed.

DDA stated defendant is/is not eligible for diversion.

Defendant to report to Probation Office on _____ at _____

JUDGE _____ CLERK _____ DDA _____ INTERPRETER _____

NOT GUILTY PLEA

Defendant present/not present without/by atty. _____

Defendant pleads NOT GUILTY to _____

Defendant demands jury trial.

Defendant understood his right to a jury trial and waived that right.

District Attorney waives right to jury trial.

JUDGE _____ CLERK _____ DDA _____ INTERPRETER _____

WARRANTS: ISSUANCE & DISPOSITION

Defendant not present Attorney _____ present. Non-appearance not excused.

Bail forfeited O.R. revoked Public Defender/A.P.D. relieved. Add 853.7 P.C.

Bench Warrant ordered issued. Bail \$ _____ Judge _____

Bench Warrant issued _____

Surety, Bondsman, D.A. notified of bail forfeiture _____

Warrant recalled. Recall # _____ Abstract of Warrant ret. & filed. _____

Bench Warrant recalled. # _____ Abstract of Bench Warrant ret. & filed. _____

Bail forfeiture set aside & bail reinstated Surety, Bondsman, D.A. notified of bail reinstatement.

Motion of bondsman or surety company to set aside forfeiture and reinstate/exonerate bail denied/granted on Condition bondsman pay \$ _____ expenses on bail forfeiture by _____

Expenses on bail forfeiture paid by bondsman _____

Receipt _____ Amount _____ Bond No. _____

CONF001087

DYKES_I_001077

Maria Pless
PEOPLE OF THE STATE OF CALIFORNIA vs.

Case No. M100695

HERBERT HENRY FALK
(Name of Defendant)

WRITTEN PLEA AND WAIVER
(Misdemeanor)

Initial

1. I desire to enter a plea of guilty/nolo contendere to the charge(s) of (specify): 243.4 PC
- 1a I understand that a Nolo Contendere plea shall be considered the same as a guilty plea and that the Court shall find me guilty. I further understand the legal effects of a Nolo Contendere plea. LAH/
2. My lawyer representing me in these proceedings is A. CHARGIN LAH/
3. I have read the charges against me, and discussed them with my lawyer. I understand the charges. LAH/
- 4a I understand that the possible consequences of a conviction of this offense include the following: _____
- 4b The indicated judgment, after a negotiated plea, is IMP 35 J YLS LAH/
5. As to each charge, I understand I have the right to plead (a) NOT GUILTY (b) NOT GUILTY BY REASON OF INSANITY (c) GUILTY, or (d) NOLO CONTENDERE LAH/
6. I have been advised, understand and knowingly and intelligently WAIVE (Give Up) each of my following rights:
 - a. To be tried by a jury. LAH/
 - b. To be confronted by witnesses against me, that is to SEE, HEAR, AND QUESTION ALL WITNESSES AGAINST ME and to present witnesses in my own behalf. LAH/
 - c. Not to incriminate myself, that is, I CANNOT BE COMPELLED TO PLEAD GUILTY OR TESTIFY AGAINST MYSELF. LAH/
 - d. To a speedy and public trial. LAH/
 - e. To have a lawyer represent me at all stages of the proceeding. (DO NOT INITIAL if represented by a lawyer.) LAH/
7. My decision to enter this plea of guilty/nolo contendere has been made freely and voluntarily, without threat or fear to me or to anyone closely related to or associated with me. No promises or inducements have been made to me in connection with this plea except:
 - a. The District Attorney has stated he will make a motion to dismiss _____
If I plead guilty/nolo contendere to _____
 - b. The District Attorney has stated he will move to amend the complaint to charge a violation of _____
If I agree to plead guilty/nolo contendere to such charges. LAH/
 - c. The District Attorney has stated he will recommend to the Court as follows: _____
(e.g., suspended sentence, probation, etc.) LAH/
 - d. Although a recommended sentence has been made I understand the Court is NOT bound by any agreement or recommendation of the District Attorney and may impose any judgment it deems proper. LAH/

I am aware of and understand each of the above items. I have initialed those items as proof thereof. I declare under penalty of perjury that the foregoing is true and correct and that this waiver was executed on JUN 6 1993, 19____, in the County of San Joaquin, California.

Herbert Henry Falk
(Signature)
HERBERT HENRY FALK
(Type/print name)

I have gone over the above WRITTEN PLEA and WAIVER with my client, the above mentioned defendant, and I represent to the Court that said defendant understands it and it is voluntarily and understandingly made.

Dated: _____
Judith Chargin
(Attorney's Signature)

(Type/print name and address)

I, _____ have interpreted the Guilty Plea Waiver Form to the above named defendant.

FINDINGS AND ORDER

The Court finds that:

1. Defendant has knowingly, intelligently, and understandingly waived his rights, including his right to jury trial, his right to confront witnesses against him, his right to present witnesses in his own behalf, his right against self-incrimination, his right to be represented by an attorney and his right to a speedy and public trial.
2. There is a factual or legal basis for the plea(s).
3. Defendant's waivers of his rights, and his plea(s) are free and voluntary.

IT IS ORDERED THAT:

Defendant's plea(s) of (guilty) (nolo contendere) be entered and filed.

JUN 6 1993

Dated _____

Sandra Ruth Smith
(JUDGE'S SIGNATURE)

ADJUDICATION HEARINGS AND ORDERS

Defendant present/not present without/by attorney _____

1538.5 motion heard. Motion to dismiss heard. Motion to disclose informant heard. Granted. Denied.

Oral motion for discovery heard. Compliance by _____ heard. Granted. Denied.

Minutes attached and made a part of the Docket.

Diversion hearing held. Granted under supervision of Probation Officer for _____ years. Denied.

Diversion proceedings and agreement attached and made part of the docket.

Defendant to report to Probation Department _____

Certified to Superior Court pursuant to Section _____

Defendant found to be a juvenile. DOB _____ Defendant certified to Juvenile Court.

Jury/Court trial held. Minutes attached and made a part of the Docket.

Defendant found guilty/not guilty of _____

JUDGE _____ CLERK _____ DDA _____ INTERPRETER _____

GUILTY PLEA/CHANGE OF PLEA

UN 6 1983 Defendant present/not present without/by atty. Anthony Chargin PTC held

Upon motion DDA, complaint ordered amended to CF#1 - violation of Section 243.4 PC

Defendant requested and granted permission to withdraw not guilty plea and

Defendant pleaded guilty nolo contendere to CF#1 (243.4 PC)

Court found that defendant understood that a Nolo Contendere plea shall be considered the same as a guilty plea and explained the legal effects of a Nolo Contendere plea.

Prior convictions admitted denied stricken for purpose of sentencing.

Upon motion DDA, Court ordered case/count(s) # 2, 3, 4, 5

dismissed in the interest of justice insufficient evidence in view of plea to CF#1

other: _____

UN 6 1983 Counsel stipulated/Court found there was probable cause for arrest.

Defendant advised of and personally and expressly, knowingly, understandingly, and voluntarily waived all the following rights:

To an attorney at all stages of the proceedings

To a speedy and public jury or court trial within 30/45 days.

To produce witnesses, confront, and cross-examine witnesses against him.

To privilege against self-incrimination.

To minimum and maximum penalties. Advised as to Code registration.

To consequences of conviction pursuant to Section 1016.5 P.C. (Alien)

Defendant advised of and understands if he is charged with this same offense, he could be prosecuted as a felon and be subject to punishment in State Prison.

Defendant advised of and understands if he is convicted of this same offense, the mandatory sentence shall be 45 days in the County Jail.

Court reviewed arrest report.

Counsel stipulated that there was a factual basis for the plea.

Court found that there was factual basis for the charge(s), that defendant was aware of the nature of the charge(s), and consequences of his plea.

Court found that a crime of violence was involved, that there was bodily injury, and that the defendant had the ability to pay.

Court accepted plea. Pre-sentence Probation Report ordered. Def. to appear at Prob. Dep. on _____ at _____

Written waiver of constitutional rights filed and incorporated herein.

Defendant waived time for sentence. No legal cause appearing why judgment should not now be pronounced.

JUDGE _____ CLERK _____ DDA _____ INTERPRETER _____

JUDGMENT:

Defendant present/not present without/by atty. _____

JN 6 1983 Defendant waived time for sentence. No legal cause appearing why judgment should not now be pronounced.

IMPOSITION of sentence suspended for 3 years.

Formal probation granted Summary probation granted

JUN 6 1983 JUDGMENT/ORDER OF COURT CONDITIONS OF PROBATION ATTACHED AND MADE PART OF THE DOCKET.

Commitment issued.

Defendant furnished copy of conditions of probation. Judgment

Judgment given to Attorney _____ to be signed and returned.

ORDERED to pay \$ _____ fine.

1. Payable at the rate of \$ _____ per month commencing _____

2. Stay of execution to _____

Bail Exonerated Bail applied to fine Balance of bail exonerated

Court waived payment of attorney fees pursuant to Sec. 987.8 P.C.

Ordered to pay \$ _____ for attorney fees.

JUDGE Smith CLERK Guerra DDA Corbett INTERPRETER _____

JUN 9 1983 Arrest disposition Report completed and forwarded to Sheriff S.P.D.

Abstract mailed to DMV.

Fine paid. Receipt No. _____ Amount \$ _____ Account No. _____

Special Trust Account check number _____ to _____

in the amount of \$ _____ Receipt No. _____

CONF001089

DYKES_I_001079

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

83 5
Deprt. No.

Court Met At: Stockton, California

HON. K. PETER SAIIERS
JUDGE

Carlson

Jennifer Wilbur
Reporter

Rosemary Klipfel
Deputy Clerk

People of the State of California

Counsel for People

49.25

vs.

Deputy/Assistant District Attorney

Anthony Christian

HERBERT HENRY FALK OR
Defendant

MINUTE ORDER

A&P

Action No. 74169

Felony

To Wit: NO INFORMATION FILED

Misdemeanor

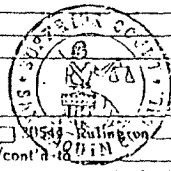
PEOPLE REPRESENTED AS ABOVE, AND
DEFENDANT PRESENT WITH COUNSEL.

- 30501 Defendant not appearing as ordered.
- Copy Information/_____ to Deft/Counsel.
- 30504 Court appoints 30505 relieves Public Defender
- 30506 Court appoints counsel through L.R.S.
- 30507 Court informs defendant of legal rights.
- 30509 Defendant states true name _____
- Information is read. Reading waived.
- 30514 Defendant withdraws plea of _____
- 30515 On People's motion/P.C. 17/information count amended Section _____
- 30516 Defendant pleads Guilty Contendere as charged in count(s) _____
- 30517 Defendant pleads Not Guilty as to count(s) _____
- 30518 Defendant pleads Guilty _____ offense of _____ included
- 30519 Defendant pleads Not Guilty and Not Guilty by reason of insanity _____
- 30520 Defendant Admits 30521 Denies use of weapon.
- 30522 Defendant admits prior convictions of felony _____
- 30523 Defendant denies prior convictions of felony _____
- 30524 Court fixes degree of the offense as _____
- 30525 People move to dismiss count(s) _____ and the motion is by the Court granted _____

- 30526 Proceedings are/have been heretofore suspended for the purpose of determining whether or not defendant is: _____
- 30527 Court appoints Drs. _____ to examine the defendant.
- 30529 C.C. Aft. & MO will be served on Defendant within 24 Hours.
- 30530 Deft. waives personal service Ptn. & MO.
- Defendant waives statutory time/procedural defects.
- Waiver personal appearance executed in open Court.
- 30533 Referred 30534 Waiver to Probation Officer for presentence report.
- 30535 Defendant report to P.O. for interview on _____

30536 Motion Granted 30537 Denied
*DA is filing social charge on
 stkn breach cont.*
*This case transferred to
 Allen Bureau Ch. Tolson at 9am
 Sept. 0*

- 30538 Bench warrant is issued for arrest of defendant.
- 30539 Bench warrant issued _____ is recalled.



- 30540 P.T.C. 30541 Trial setting 30542 Jury Trial set
- 30547 P&J is set for _____
- 30444 Defendant is remanded back to _____ for further hearing on _____
- Defendant is remanded to the custody of the 30549 Sheriff 30446 D.V.I.
- 30447 Defendant is permitted to remain at liberty 30552 on own recognizance
- 30452 on bail heretofore posted.
- 30452 Bail is fixed in the amount of \$ _____ cash or surety or double if personal bond
- Bail Bond No. _____ in the amount of \$ _____ in 30457 forfeited 30454 exonerated.
- Reduction in 30554 bail 30555 O.R. release _____

- 30543 Hearing 30544 Ruling on motion is set for/cont'd _____
- Hearing on doctors' reports is 30440 set for 30441 continued

Dated: APR 25 1983

[Signature]
 Judge of the Superior Court

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
STOCKTON JUDICIAL DISTRICT

Courthouse,
222 E. Weber Avenue, Stockton, California 95202

NOTICE, REFERRAL, O.R. AGREEMENT

PEOPLE vs. HERBERT HENRY FALK Case No. M-100695

COURT APPEARANCE DATE 5-16-83- 9 P.M. (A.M.) Dept. d Date 4/25/83

Charges XXXX 647a P.C., 5 counts Judge Smith

To Wit: _____ D.D.A. _____
For: _____ Counsel Chargin

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Obtain/appoint. atty. | <input type="checkbox"/> PTC | <input type="checkbox"/> Prob. Rep./Pia Plea Rep. | Interpreter _____ |
| <input type="checkbox"/> PD <input type="checkbox"/> PC <input type="checkbox"/> LRS <input type="checkbox"/> APD | <input type="checkbox"/> Pre. Exam. | <input type="checkbox"/> Judg. | |
| <input checked="" type="checkbox"/> Fur. Arr. | <input type="checkbox"/> Fur. Pre. Exam. | <input type="checkbox"/> Div. Hear./Mental/Drug | <input type="checkbox"/> M <input type="checkbox"/> F |
| <input type="checkbox"/> Bail Review | <input type="checkbox"/> Court Trial | <input type="checkbox"/> Guilty plea/Nolo/Verdict | DOB _____ |
| <input type="checkbox"/> Plea/Tr. Sett. | <input type="checkbox"/> Jury Trial | <input type="checkbox"/> OSC/VOP Sett/Hear. | |

REFERRALS (Addresses on reverse)

- Report to Probation Department on _____ at _____ with completed Face Sheet.
- Report immediately to Collection Department for interview for Court appointed attorney fees.
- Report to Public Defender. Report to Talley, Holloway, Tauman & Holmes

CUSTODIAL STATUS

- Remanded Bail \$ _____ Bail Continued M.O.R. Cited O.R. Continued Probation continued.

DEFENDANT, BEING RELEASED ON HIS OWN RECOGNIZANCE, AGREES THAT:

- (conditions applicable only when circled)
1. He will appear at all times and places as ordered by the Court or Magistrate releasing him and as ordered by any Court in which, or any Magistrate, before whom, the charge is subsequently pending.
 2. He will stay away from the victim(s) and will not contact victim, nor have anyone contact victim in his behalf.
 3. He will not harass, annoy or threaten victim.
 4. He will refrain from the consumption of alcoholic beverages and narcotics.
 5. He will refrain from associating with drug dealers and drug users.
 6. He will submit his person, vehicle, place of residence or area over which he has control to search for and seizure of narcotics, drugs, or other contraband at any time of the day or night, with or without a search warrant, probable cause or defendant's consent, as directed by any peace officer.
 7. He will be subject to urine testing for narcotics by any peace officer during pendency of this matter.
 8. He will not leave this State without this Court's permission.
 9. He waives extradition if he fails to appear as required and is apprehended outside the State of California.
 10. He understands that the willful failure to appear to answer the misdemeanor charge(s) hereon is a separate violation for which punishment may be six months in jail and/or \$500.00 fine, regardless of the disposition of this case.
 11. He understands that the willful failure to appear to answer the felony charge(s) hereon is a separate violation for which punishment may be one year in State prison or County jail and/or \$5000.00 fine, regardless of the disposition of this case.
 12. _____

I, _____, have interpreted this form to the above named defendant.

I have received a copy, read and understand the above conditions of agreement.

Herbert Henry Falk
DEFENDANT'S SIGNATURE

6364 Pacific Ct
STREET ADDRESS

TELEPHONE NO. _____

Stockton, Ca 95207
CITY AND STATE

SMC 259 (5 80)