



CRIME-IQ

Work Smarter. Not Harder.

This demonstration contains examples where Crime-IQ was useful in an everyday type of situation, such as evaluating the charges listed in a Complaint. The program's mobility and ease of use makes it a valuable resource to criminal practitioners.

Dept. No.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

PEOPLE OF THE STATE OF CALIFORNIA

NO. COMPLAINT

v.

[Redacted Name]

PFN:

CEN:

IN CUSTODY

Defendant(s).

The Undersigned, being sworn says, on Information and belief, that [Redacted] did, in the County of [Redacted] State of California, on or about August 18, 2009, commit a **Felony**, to wit: TRANSIENT'S FAILURE TO REREGISTER AS SEX OFFENDER WITHIN 30 DAYS WITH PRIOR 290.018(g) CONVICTION, a violation of section 290.011/290.018(g) of the PENAL CODE of California, in that said defendant(s) being a person living as a transient and being a person required to register based on a felony conviction and juvenile adjudication of Lewd and Lascivious Acts Upon A Child in violation of Penal Code Section 288(c)(1), an offense listed under Section 290, subdivision (c), did wilfully and unlawfully violate the registration provisions of Section 290.011(a) and 290.018(g) by failing to reregister every thirty day. It is further alleged that defendant has suffered two previous convictions of this section as follows:

Case Number	Offense	Conviction Date	County	State
[Redacted]	288(c)(1)	9/2/2008	KERN	CA

FIRST PRIOR CONVICTION AS TO DEFENDANT

The undersigned further alleges that before the commission of the offense specified above, said defendant [Redacted], on or about September 2, 2008, was convicted in the Superior Court of the State of California, in and for the County of KERN, of the crime of a **Felony**, to wit: LEWD ACT UPON A CHILD, a violation of section 288(c)(1) of the PENAL CODE of California, and received a sentence of probation therefor.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,

/s/ [Redacted Signature]

EXAMPLE #1

What's wrong with this complaint?

crime-iq.com/MobilQ2011/2_9_0_Offense.php

Print Find Text

PC §290
Sex Registration

[290:](#) Registrable Sex Offenses
[290.005:](#) Out Of State Conviction
[290.006:](#) Court Ordered
[290.007:](#) Withdraw Plea Impact
[290.008:](#) Juvenile Registration
[290.010:](#) 1+ Residences
[290.011:](#) Transient Registration
[290.012:](#) Annual Requirements
[290.014:](#) Internet Change
[290.013:](#) Address Change
[290.015:](#) Custody Release
[290.024:](#) Internet Definitions
[290.018:](#) **Penalties**

Related Statutes:
[290.5:](#) Relief From 290
[290.3](#) Fine
[290.095](#) Required Disclosure
[3003.5](#) Residency Limitations
San Diego Exception:
 In Re Taylor (2015) 60 Cal.4th 1019
[3004](#) GPS
[3008](#) Parolees / Treatment
[3010.10](#) GPS Removal Penalty: 6M CJ
[3053.8](#) Park Exclusion
[136 2\(i\)\(1\)\(E\)10V Stay Aways](#)

crime-iq.com/MobilQ2011/2_9_0_Offense

Penal Code § 290.018

[...]

(f) Any person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, and who fails to verify his or her registration every 90 days as required pursuant to subdivision (b) of Section 290.012, shall be punished by imprisonment in the state prison or in a county jail not exceeding one year.

(g) Except as otherwise provided in subdivision (f), any person who is required to register or reregister pursuant to Section 290.011 and willfully fails to comply with the requirement that he or she reregister no less than every 30 days is guilty of a misdemeanor and shall be punished by imprisonment in a county jail for at least 30 days, but not exceeding six months. A person who willfully fails to comply with the requirement that he or she reregister no less than every 30 days shall not be charged with this violation more often than once for a failure to register in any period of 90 days. Any person who willfully commits a third or subsequent violation of the requirements of Section 290.011 that he or she reregister no less than every 30 days shall be punished in accordance with either subdivision (a) or (b).

This defendant was in custody, went through a PX, was held to answer by the court and had an Information filed before a lawyer, using Crime-IQ, alerted the DA that the charge was a misdemeanor.

Case was dismissed the same day.

Crime-IQ is a valuable tool to quickly check the applicability of filed charges.

People v. Hofsheier (2006) 37 Cal.4th 1185, 39 Cal.Rptr.3d 821; 129 P.3d 29

[No. S124636. Mar. 6, 2006.]

THE PEOPLE, Plaintiff and Respondent, v. VINCENT PETER HOFSCHEIER, Defendant and Appellant.

(Superior Court of Santa Cruz County, No. F07121, ArtI

(The Court of Appeal, Sixth Dist., No. H026217, 117 Cal

(Opinion by Kennard, J., with George, C. J., Werdegar, J, concurring. Dissenting opinion by Baxter, J. (see p. 120

EXAMPLE
#2

l., fn. *

COUNSEL

Paul Couenhoven, under appointment by the Supreme Court, for Defendant and Appellant.

Bill Lockyer, Attorney General, Manuel M. Medeiros, State Solicitor General, Robert R. Anderson, Chief Assistant Attorney General, Gerald A. Engler, Assistant Attorney General, Laurence K. Sullivan, Moona Nandi, Eric D. Share and John H. Deist, Deputy Attorneys General, for Plaintiff and Respondent. [37 Cal.4th 1191]

OPINION

KENNARD, J.-

Defendant, a 22-year-old man, pled guilty to oral copulation with a 16-year-old girl in violation of Penal Code section 288a, subdivision (b)(1) (hereafter section 288a (b)(1).) fn. 1 Under section 290, anyone convicted of certain sexual offenses, including a violation of section 288a (b)(1), must, while residing in California, register for life as a sex offender with the appropriate law enforcement agency. Defendant was therefore ordered to register as a sex offender.

Defendant appealed. He contended that he was denied the constitutionally guaranteed equal protection of the laws because a person convicted of unlawful sexual intercourse with a minor (? 261.5) under the same [37 Cal.4th 1192] circumstances would not be subject to mandatory registration. The Court of Appeal agreed and ordered the trial court's order granting probation modified to eliminate the registration requirement. Because the Court of Appeal's holding conflicted with *People v. Jones* (2002) 101 Cal.App.4th 220 (*Jones*), we granted review to resolve the conflict.

We now hold, in accord with the decision of the Court of Appeal in this case, that to subject defendant to the mandatory registration requirement of section 290, subdivision (a)(1)(A) would deny defendant the equal protection of the laws. We direct the Court of Appeal to remand the case to the trial court, however, to exercise its discretion to determine whether defendant should be required to register as a sex offender under section 290, subdivision (a)(2)(E).

On Thursday, January 26, 2015, a person who pled to a 288a(b)(1), was not required to register as a sex offender. By Friday, January 27th, the California Supreme Court stated: "[W]e acknowledge that Hofsheier was wrong." (*Johnson v. Dept. of Justice* (2015) 60 Cal.4th 871.)

Crime-IQ was immediately updated, users were alerted to the changed 290 registration rule when they accessed their mobile devices and desktops.

EXAMPLE
#3

crime-iq.com/MobilQ2011/Credits.php

Find Text

CUSTODY CREDITS

50% County Jail [AB 109]
Crimes After October 1, 2011
[\[PC §4019\]](#)
Exceptions:
Violent Felony §667.5(c):
[15% / 2933.1](#)
Flash Incarceration:
[\[PC §4019\(i\)\]](#)
Inclusions [\[PC §4019\(a\)\(7\)\]](#) After 1/1/15:
Electronic Monitoring [1203.016](#)
Work Release [4024.2](#)

50% State Prison [ABX1 17]
Operative October 1, 2011
[\[PC §2933\]](#)

On January 1, 2015, PC4019(a)(7) went into effect.

In some courtrooms, no one knew, including the sheriff, that Electronic Monitoring and the Sheriff's Work Release Programs had become half time eligible, until a Crime-IQ user pointed it out.....



crime-iq.com/MobilQ201: Search

List Find Text

AGGRAVATED FELONY [8 USC 1227(a)(2)(A)(iii)]

Aggravated Felony Offenses

Consequences Of Conviction

Who Is Deportable?

Strategies To Avoid Conviction

*ILRC: Offense Quick Reference Chart

EXAMPLE #4

* Hyperlink access to this information is made available with permission of the Immigration Legal Resource Center, San Francisco, CA; 415-255-9499; www.ilrc.org. All such material is available for internal use only and not for commercial use or mass distribution.

In U.S. v. Rodriguez-Vega, (9th Cir., Aug. 14, 2015) No. 13-56415, the Ninth Circuit held that a lawyer was ineffective for not telling client expressly that she would be deported, where she pled to an aggravated felony. It was not enough to rely on the language in the plea form or the judge's admonition when taking the plea that the conviction "may have the consequences of deportation," when in fact the conviction was certain to have the consequences of deportation.

As of January 1, 2016, Penal Codes 1016.2 and 1016.3 require both the defense and prosecution to accurately understand and affirmatively consider the immigration consequences of a criminal plea disposition. Crime-IQ provides quick access to easily understood immigration charts and practice guides.

EXAMPLE

#5

SECOND COUNT

The Undersigned further deposes and says on Information and belief, that said [redacted] and [redacted] did, in the County of [redacted] State of California, on or about August 2, 2011, commit a Felony, to wit: POSSESSION OF MARIJUANA FOR SALE, a violation of **section 11359** of the HEALTH AND SAFETY CODE of California, in that said defendant(s) did unlawfully possess marijuana for sale.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

PERSONALLY ARMED/FIREARM CONTROLLED SUBSTANCES CLAUSE AS TO DEFENDANT

It is further alleged as to count two, that in the commission and attempted commission of the above offense the defendant [redacted] was/were personally armed with a firearm within the meaning of Penal Code section **12022(c)**.

Penal Code 12022:

[...]

(c) Notwithstanding the enhancement set forth in subdivision (a), a person who is personally armed with a firearm in the commission of a violation or attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for three, four, or five years.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me, _____

Print Find Text

**PC §12022 Et. Seq.
Firearm Enhancements**

12022: Firearm/Deadly Weapon

Range:

- (a)(1) +1Y Consecutive [\[1170\(h\)\(1\)\]](#)
[Armed w/ Gun + Felony]
 - (a)(2) +3Y Consecutive [\[1170\(h\)\(1\)\]](#)
[Armed Assault Weapon + Fel.]
 - (b)(1) +1Y Consecutive SP
[Personal Use DW + Fel.]
 - (b)(2) +1, 2, 3 Consecutive SP
[Personal Use DW + 215]
 - (c) +3, 4, 5 Consecutive [\[1170\(h\)\(2\)\]](#)
[Armed Firearm + Drug Offense]
Discretionary: [\[12022\(f\)\]](#)
 - (d) +1, 2, 3 Consecutive [\[1170\(h\)\(2\)\]](#)
[Co-D Armed Gun + Drug Case]
Discretionary: [\[12022\(f\)\]](#)
- Serious Felony: [1192.7\(c\)\(23\)](#)
SP Mandatory: Strike/290 [\[1170\(h\)\(3\)\]](#)



Crime-IQ makes it easy to check the legality of an enhancement. H&S 11359 is not a qualifying offense for PC 12022(c) which carries an additional 3, 4, 5 year consecutive term.