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RETURN DATE: 7/15/05
DIVISION NO. LX-142

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DIVISION NO. LX-142 HON. JOSEPH S. BIDERMAN, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF,)
)
) VS.)
)
) CARL S. HAMMER,)
)
) DEFENDANT.)

NO. SA053426
PLEA

COPY

LOS ANGELES, CALIFORNIA; TUESDAY, JUNE 21, 2005
A.M. SESSION

UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT
IN COURT AND REPRESENTED BY COUNSEL, VICKI PODBERESKY,
ESQ.; THE PEOPLE BEING REPRESENTED BY EVA JABBER, DEPUTY
DISTRICT ATTORNEY OF LOS ANGELES COUNTY, THE FOLLOWING
PROCEEDINGS WERE HELD:

(CHERYL GRAVES, CSR #10592, OFFICIAL REPORTER.)

1 THE COURT: THIS IS THE MATTER OF PEOPLE VERSUS
2 CARL HAMMER, SA053426. MR. HAMMER, PLEASE COME FORWARD
3 NEXT TO YOUR ATTORNEY.

4 THE RECORD WILL REFLECT THE DEFENDANT IS PRESENT
5 WITH COUNSEL, MS. PODBERESKY; AND FOR THE PEOPLE,
6 MS. JABBER.

7 THE COURT UNDERSTANDS THERE'S A PEOPLE'S MOTION AT
8 THIS TIME TO AMEND THE COMPLAINT TO ADD A NEW COUNT NEXT IN
9 ORDER, A VIOLATION OF PENAL CODE SECTION 236.

10 MS. JABBER: YES.

11 THE COURT: ARRAIGNMENT IS WAIVED?

12 MS. PODBERESKY: YES.

13 THE COURT: SIR, I HAVE SOME QUESTIONS FOR YOU.
14 IF YOU CAN LISTEN CAREFULLY TO THE COURT'S QUESTIONS, AND
15 ANSWER EACH OF THEM OUT LOUD.

16 HAVE YOU HAD SUFFICIENT TIME TO TALK TO YOUR
17 ATTORNEY ABOUT YOUR CASE, INCLUDING THE CHARGES THAT WERE
18 FILED, INCLUDING THIS NEW ONE, ANY DEFENSES YOU MIGHT HAVE,
19 AND YOUR CONSTITUTIONAL AND LEGAL RIGHTS?

20 THE DEFENDANT: YES.

21 THE COURT: YOUR ATTORNEY HAS PROVIDED ME THIS
22 ADVISEMENT OF RIGHTS FORM ON YOUR BEHALF. DID YOU REVIEW
23 EVERYTHING ON THE FORM TODAY WITH HER?

24 THE DEFENDANT: YES.

25 THE COURT: DID YOU READ AND UNDERSTAND EVERYTHING
26 ON THIS FORM, INCLUDING THE PROPOSED DISPOSITION?

27 THE DEFENDANT: YES.

28 THE COURT: ARE THOSE YOUR INITIALS AND SIGNATURE

1 THAT APPEAR ON THE FORM?

2 THE DEFENDANT: YES.

3 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS FOR
4 YOUR ATTORNEY OR FOR THE COURT PRIOR TO ENTERING YOUR PLEA?

5 THE DEFENDANT: NO.

6 THE COURT: HOW DO YOU WISH TO PLEAD IN YOUR CASE
7 TO A VIOLATION OF PENAL CODE SECTION 236, COUNT 3?

8 GUILTY, NOT GUILTY, OR NO CONTEST?

9 THE DEFENDANT: NO CONTEST.

10 THE COURT: COUNSEL, DO YOU CONCUR IN THE PLEA,
11 JOIN IN THE WAIVER, STIPULATE TO A FACTUAL BASIS?

12 MS. PODBERESKY: YES.

13 THE COURT: PEOPLE JOIN IN THE JURY WAIVER?

14 MS. JABBER: YES.

15 THE COURT: THE COURT ACCEPTS THE NO CONTEST PLEA
16 AND FINDS THE DEFENDANT GUILTY, AND MAKES FURTHER FINDINGS
17 AS ARE REFLECTED ON THE ADVISEMENT OF RIGHTS FORM.

18 TIME IS WAIVED FOR SENTENCE UNTIL WHAT DATE?

19 MS. JABBER: JULY THE 8TH.

20 THE COURT: OH, JULY 8TH?

21 MS. JABBER: YES.

22 THE COURT: WE DON'T EVEN NEED A TIME WAIVER, I
23 GUESS, BUT IT WILL BE SO WAIVED UNTIL JULY 8TH.

24 YOU KNOW WHAT, I'M NOT HERE THAT WEEK AND WE'RE
25 NOT SUPPOSED TO SET THAT WEEK ANYWAY. CAN WE DO THE
26 FOLLOWING WEEK?

27 MS. JABBER: THE VICTIM IS COMING IN FROM OUT OF
28 TOWN.

1 THE COURT: THEN WE'D NEED AN ARBUCKLE WAIVER,
2 BECAUSE I'M NOT HERE THAT WEEK.

3 MS. JABBER: WE CAN ACTUALLY DO FRIDAY THE 15TH.
4 HOW'S THAT?

5 MS. PODBERESKY: NO, I'M GONE. 11TH OR 12TH IS
6 AVAILABLE.

7 COULD I HAVE A MOMENT?

8 THE COURT: YES.

9 MS. PODBERESKY: ONE QUICK ONE.

10 THE COURT: OKAY.

11 MS. PODBERESKY: MY CO-COUNSEL MIGHT BE AVAILABLE
12 ON THE 15TH.

13 THE COURT: IS YOUR ASSOCIATE AVAILABLE? DO YOU
14 WANT TO SET IT FOR 10:30, IF THAT'S ALL RIGHT WITH
15 EVERYBODY, FOR JULY 15TH?

16 MS. JABBER: THAT'S FINE.

17 THE COURT: OKAY. SO SENTENCING IS JULY 15TH AT
18 10:30 A.M. IN THIS DIVISION.

19 ARE WE GOING TO DISMISS REMAINING COUNTS AT THIS
20 TIME OR AT SENTENCING?

21 MS. JABBER: YOUR HONOR, AT SENTENCING.

22 CAN WE DO -- IS IT POSSIBLE TO DO IT AT 1:30 ON
23 THE 15TH?

24 THE COURT: THAT WOULD BE ALL RIGHT. I JUST HOPE
25 WE'RE NOT IN THE MIDDLE OF A PRELIM. IT'S UNUSUAL FOR THAT
26 TO BE THE CASE, BUT YOU MAY HAVE TO WAIT A LITTLE WHILE IF
27 WE'RE IN THE MIDDLE OF SOMETHING AT THAT TIME. BUT I CAN
28 DO IT AT 1:30, IF THAT'S FINE WITH YOU, MR. HIRSCH.

1 MR. HIRSCH: THAT'S FINE.
2 THE COURT: 1:30 P.M. ON JULY 15TH.
3 REMAINING COUNTS WILL BE DISMISSED AT SENTENCING.
4 SO TIME IS GOING TO BE WAIVED ON THOSE REMAINING COUNTS?
5 MS. PODBERESKY: YES.
6 THE COURT: YOU HAVE A RIGHT TO HAVE YOUR
7 PRELIMINARY HEARING ON THE REMAINING COUNTS TODAY. DO YOU
8 WAIVE THAT RIGHT, SIR, SO WE CAN SET THOSE OVER FOR YOUR
9 SENTENCING DATE, AT WHICH TIME THE COURT'S UNDERSTANDING IS
10 THAT THOSE COUNTS WILL BE DISMISSED?
11 DO YOU UNDERSTAND AND AGREE TO THAT?
12 THE DEFENDANT: YES.
13 THE COURT: AND COUNSEL JOINS?
14 MS. PODBERESKY: YES, COUNSEL JOINS.
15 THE COURT: THANK YOU ALL FOR BEING HERE THIS
16 MORNING.
17 MS. JABBER: THERE'S A PROTECTIVE ORDER, ALSO,
18 YOUR HONOR.
19 THE COURT: THE COURT IS AT THIS TIME SIGNING A
20 PROTECTIVE ORDER THAT YOU'RE NOT TO ANNOY, HARASS, STRIKE,
21 THREATEN, SEXUALLY ASSAULT, BATTER, STALK, DESTROY THE
22 PERSONAL PROPERTY OF, OR OTHERWISE DISTURB THE PEACE OF
23 ALLISON M. AND YOU'RE NOT TO HAVE ANY CONTACT DIRECTLY,
24 INDIRECTLY OR THROUGH A THIRD PARTY WITH HER.
25 DO NOT HAVE ANY WEAPONS IN YOUR POSSESSION. DO
26 NOT TRY TO PREVENT ANYONE FROM COMING TO COURT OR
27 TESTIFYING OR MAKING A REPORT TO LAW ENFORCEMENT.
28 WE WILL GIVE YOU A COPY OF THAT ORDER. THAT IS A

1 CONDITION OF YOUR CONTINUED RELEASE ON BOND AND WILL BE A
2 CONDITION OF YOUR PROBATION.

3 YOU'RE FURTHER ORDERED NOT TO BE AROUND MINORS
4 WITHOUT A RESPONSIBLE ADULT PRESENT OTHER THAN YOUR OWN
5 CHILDREN. THAT ORDER WILL CONTINUE UNTIL JUNE 21ST OF
6 2010.

7 DO YOU UNDERSTAND THAT, SIR?

8 THE DEFENDANT: YES.

9 THE COURT: PLEASE WAIT FOR A COPY OF THAT ORDER.
10 THANK YOU ALL.

11 MS. JABBER: THANK YOU.

12

13 (THE MATTER WAS CONTINUED TO FRIDAY,
14 JULY 15, 2005 IN DIVISION NO. LX-142.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DIVISION NO. LX-142


HON. JOSEPH S. BIDERMAN, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	SUPERIOR COURT
PLAINTIFF,)	
)	SA053426
VS.)	
)	REPORTER'S
CARL S. HAMMER,)	CERTIFICATE
)	
DEFENDANT.)	

STATE OF CALIFORNIA)	
)	SS
COUNTY OF LOS ANGELES)	

I, CHERYL GRAVES, CSR NO. 10592, OFFICIAL COURT REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON JUNE 21, 2005.

DATED THIS 8TH DAY OF JULY, 2005.



 CHERYL GRAVES, CSR NO. 10592
 OFFICIAL REPORTER

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RETURN DATE: 11/4/05
DIVISION LX-142

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DIVISION NO. LX-142 HON. JOSEPH S. BIDERMAN, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF,)
)
) VS.)
)
) CARL S. HAMMER,)
)
) DEFENDANT.)

NO. SA053426
PROBATION
SENTENCE

COPY

LOS ANGELES, CALIFORNIA; FRIDAY, JULY 15, 2005
P.M. SESSION

UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT
IN COURT AND REPRESENTED BY COUNSEL, RICHARD G. HIRSCH,
ESQ.; THE PEOPLE BEING REPRESENTED BY EVA JABBER, DEPUTY
DISTRICT ATTORNEY OF LOS ANGELES COUNTY, THE FOLLOWING
PROCEEDINGS WERE HELD:

(CHERYL GRAVES, CSR #10592, OFFICIAL REPORTER.)

1 THE COURT: ON THE RECORD IN THE CASE OF PEOPLE
2 VERSUS CARL HAMMER, SA053426. AND HE IS PRESENT IN COURT
3 OUT OF CUSTODY WITH COUNSEL, MR. HIRSCH FOR THE DEFENSE;
4 FOR THE PEOPLE, MS. JABBER.

5 THE CASE IS SET TODAY FOR SENTENCING, AND I HAVE
6 SPOKEN WITH COUNSEL PREVIOUSLY REGARDING THIS CASE. AND I
7 UNDERSTAND THAT THE DISTRICT ATTORNEY'S OFFICE AND THE
8 DEFENSE HAVE BEEN MEETING OVER THE LAST MANY WEEKS OR
9 MONTHS REGARDING TRYING TO RESOLVE THIS CASE IN A MUTUALLY
10 AGREEABLE MANNER, AND THAT AT THE LAST COURT DATE --

11 MS. JABBER: YOUR HONOR, I'M SO SORRY TO
12 INTERRUPT. THE FAMILY IS ACTUALLY -- THEY WERE JUST TAKING
13 A MINUTE, AND THEY'RE STILL OUTSIDE. IF I CAN JUST GRAB
14 THEM.

15 THE COURT: YOU MAY BRING THEM INTO THE COURTROOM.

16 MS. JABBER: THANK YOU.

17 THEY'RE ON THEIR WAY IN. THANK YOU.

18 THE COURT: ALL RIGHT. THAT'S FINE.

19 MS. JABBER: THANK YOU, YOUR HONOR.

20 THE COURT: ALL RIGHT, JUST A MOMENT.

21 CONTINUING ON THE CARL HAMMER MATTER, I INDICATED
22 THAT THE COURT HAS DISCUSSED THE CASE WITH COUNSEL IN
23 DEPTH, AS WELL AS I HAVE REVIEWED THE DOCUMENTS IN THE
24 COURT FILE.

25 AND I LISTENED TO THE JUSTIFICATION GIVEN BY THE
26 DISTRICT ATTORNEY'S OFFICE FOR THE OFFER THAT THEY HAVE
27 MADE TO RESOLVE THIS CASE, AS WELL AS AN EXPLANATION FOR
28 HOW THE FAMILIES INVOLVED FEEL ABOUT THE SENTENCE AND THEIR

1 APPARENT APPROVAL OF THE RESOLUTION WORKED OUT BY THE
2 DISTRICT ATTORNEY'S OFFICE.

3 PRIOR TO IMPOSING SENTENCE, I UNDERSTAND THERE'S A
4 FEW THINGS THAT WE NEED TO DO. THE FIRST OF WHICH IS I
5 UNDERSTAND THE DISTRICT ATTORNEY'S OFFICE CAN STATE ON THE
6 RECORD THE REASON FOR THIS RESOLUTION AND THE DISMISSAL OF
7 THE CHARGES INVOLVING REGISTRATION.

8 MS. JABBER, IF YOU COULD ADDRESS THE COURT
9 REGARDING THE JUSTIFICATION FOR THIS DISPOSITION.

10 MS. JABBER: YES, YOUR HONOR.

11 THE DISPOSITION WAS REACHED WITH THE APPROVAL OF
12 THE FAMILY OF THE VICTIM. WE DID A NUMBER OF THINGS TO TRY
13 TO DISCOVER NOT ONLY WHAT HAPPENED, BUT WHAT WAS THE REASON
14 FOR WHAT HAPPENED. IN DOING SO, THE DEFENSE PROVIDED A
15 REPORT PURSUANT TO PENAL CODE SECTION 288.1, WHICH PROVIDED
16 EDIFICATION ON A NUMBER OF ISSUES THE DEFENDANT WAS
17 SUFFERING AT THE TIME.

18 IT WAS FOUND TO BE IN THE BEST INTEREST NOT ONLY
19 OF THE VICTIM AND THE FAMILY, BUT IN GETTING TREATMENT AND
20 HELP FOR THE DEFENDANT, THAT THIS TYPE OF A RESOLUTION WAS
21 FASHIONED PRIOR TO PRELIMINARY HEARING. AND IT WAS BASED
22 ON INFORMATION CONTAINED IN THE 288.1 REPORT AND HAVING
23 SPOKEN TO THE FAMILY OF THE VICTIM THAT WE FELT THAT THIS
24 WAS AN APPROPRIATE DISPOSITION.

25 AT THE SAME TIME, 290 REGISTRATION, RATHER THAN
26 BEING AVOIDED, WAS ADDED AS A STIPULATION SO THAT THE
27 DEFENDANT WOULD HAVE THE OPPORTUNITY TO PROVE THAT HE
28 DESERVED THE DISPOSITION, AND THAT HE WAS GOING TO CONTINUE

1 ON A GOOD PATH.

2 SO THE 290 REGISTRATION IS NOT IMPOSED, BUT
3 THERE'S THE POTENTIAL FOR IT IN CASE THERE IS A VIOLATION
4 IN THIS CASE. SO IT WAS A RESOLUTION THAT MIXED WHAT WAS
5 IN THE BEST INTEREST OF BOTH PARTIES WITH EQUITY TO
6 SOCIETY.

7 THE COURT: THE COURT ALSO UNDERSTANDS THAT THE
8 DEFENDANT IS 39 YEARS OF AGE AND HAS NO CRIMINAL HISTORY.

9 MS. JABBER: THAT'S TRUE.

10 THE COURT: THAT THERE'S NO REPORT OF ANY OTHER
11 INCIDENTS OF THIS KIND DURING HIS LIFETIME WITH ANY OTHER
12 INDIVIDUAL; IS THAT CORRECT?

13 MS. JABBER: THAT'S CORRECT.

14 THE COURT: AND BASED UPON THE INFORMATION THAT
15 THE PEOPLE HAVE, THAT THE PEOPLE DO NOT FEEL THAT THIS
16 DEFENDANT PRESENTS A SITUATION WHEREBY PENAL CODE SECTION
17 290 REGISTRATION IS EITHER APPROPRIATE OR NECESSARY FOR THE
18 PROTECTION OF THE PUBLIC.

19 MS. JABBER: THAT'S TRUE.

20 THE COURT: I ALSO UNDERSTAND THAT THERE IS ONE OR
21 POSSIBLY MORE FAMILY MEMBERS WHO WISH TO MAKE A VICTIM
22 IMPACT STATEMENT TO THE COURT; IS THAT CORRECT?

23 MS. JABBER: YES.

24 THE COURT: ALL RIGHT. AND WHO DO YOU HAVE?

25 OKAY, IF YOU WOULD COME FORWARD. THANK YOU FOR
26 WAITING THIS AFTERNOON. YOU CAN BE RIGHT NEXT TO THE D.A.,
27 OR ELSE AT THE PODIUM, WHICHEVER IS MORE COMFORTABLE FOR
28 YOU.

1 MINOR'S MOTHER: NO, I WANT TO FACE HIM, IF THAT'S
2 FINE WITH YOU.

3 THE COURT: THAT'S FINE, AS WELL.

4 MINOR'S MOTHER: I THANK THE COURT FOR ALLOWING ME
5 TO MAKE A STATEMENT.

6 THE COURT: COULD YOU TELL US YOUR NAME?

7 MINOR'S MOTHER: BARBARA M. (REDACTED). I'M HER
8 MOTHER.

9 THE COURT: THANK YOU.

10 MINOR'S MOTHER: A YEAR AGO ABOUT THIS TIME, I
11 LOOKED YOU STRAIGHT IN THE EYE AS YOU CAME DOWN THE STEPS,
12 AND I SAID, CARL, HOW DARE YOU. I SAID, YOU OWE ALLIE AND
13 YOU OWE OUR FAMILY AN APOLOGY. AND YOU CLICKED YOUR HEELS
14 ALMOST, AND YOU SAID, YES, MA'AM, TURNED AROUND AND WENT TO
15 THE WAITING VAN THAT YOUR FATHER HAD OUTSIDE.

16 I'M STILL WAITING FOR THAT APOLOGY, AND I'M STILL
17 WAITING TO KNOW WHY YOU DID IT. I HAPPEN TO KNOW THAT YOU
18 CONFESSED. AND I'D LIKE TO GO THROUGH THE SERIES OF EVENTS
19 THAT OUR FAMILY HAS GONE THROUGH SINCE JUNE 6TH.

20 ALLIE WENT THROUGH A FOUR-HOUR ORDEAL WITH YOU,
21 CARL, FOUR HOURS. SHE WAS ALREADY PSYCHOLOGICALLY HURT,
22 NEEDY, AND YOU PUT HER THROUGH FOUR HOURS OF AN ORDEAL
23 BECAUSE YOU AND YOUR WIFE HAD A TERRIBLE MARRIAGE AND YOUR
24 DEPRESSION.

25 I DID NOT LEARN UNTIL JUNE 28TH ON A MONDAY WHAT
26 HAD HAPPENED. THREE WEEKS WENT BY THAT ALLIE WAS SPIRALING
27 DOWN, THREE LONG WEEKS. WE HAD NO CLUE. WE THOUGHT IT WAS
28 A CHANGE OF MEDICATION. WE DIDN'T KNOW WHAT TO BELIEVE.

1 YOU KNEW AND JENNIFER KNEW WHY SHE WAS ILL. SHE HAD BEEN
2 THREATENED TO KEEP HER MOUTH SHUT.

3 THERE WAS A FAMILY REUNION THE WEEK OF JUNE 28TH
4 THAT YOU MADE SURE SHE COULD GO ON. WE THOUGHT THAT WAS
5 WONDERFUL THAT YOU WOULD DO THAT FOR HER, BECAUSE IT WAS
6 YOUR FAMILY'S FAMILY REUNION. SHE BACKED OUT.

7 I FIGURED, HER FATHER FIGURED IT HAD TO DO WITH
8 DEPRESSION AND ANGER AND HER ANXIETY. THAT WASN'T IT AT
9 ALL. SHE WAS AFRAID TO BE IN A HOUSEBOAT WITH YOU BECAUSE
10 SHE DID NOT KNOW IF YOU WOULD TAKE ADVANTAGE OF HER AGAIN,
11 REGARDLESS OF WHO OF YOUR FAMILY WAS GOING TO BE THERE.

12 ON JUNE 28TH, THE DAY YOU LEFT FOR THIS VACATION,
13 I GOT A CALL FROM THE THERAPIST, AND I ALMOST FELL OFF MY
14 COMPUTER CHAIR. CERTAINLY NOT CARL HAMMER. HE DOTTED HIS
15 I'S, CROSSED HIS T'S , GONE ON A MISSION, MARRIED IN THE
16 TEMPLE, THE LIST IS ENDLESS. NOT CARL HAMMER, HE WAS A
17 TRUSTED FRIEND.

18 WITHOUT RESERVATION, CARL, I TRUSTED YOU, JUST
19 LIKE SAMO WOULD HAVE TRUSTED YOU. YOU WERE IN CHARGE OF
20 CHILDREN UNDER THE AGE OF 18 FOR YEARS. WHY WOULD YOU DO
21 THIS? I STILL DON'T KNOW THE EXACT REASON. I KNOW WHAT
22 ANSWERS I'VE BEEN GIVEN.

23 WHEN YOU RETURNED THAT TUESDAY, JUNE 6TH --
24 JULY 6TH, ROB TOLD ME, MY HUSBAND, IT IS BEST THE WAY WE
25 BELIEVE TO LET HIM COME CLEAN ON HIS OWN. I ACTED LIKE
26 NOTHING HAPPENED WHEN I WAS SEETHING INSIDE. I EVEN WENT
27 TO A MEETING WITH YOUR WIFE, AND YOUR WIFE SAID TO ME, CARL
28 SAID THIS WOULD HAPPEN WHEN WE GOT BACK, SHE'D BE GONE.

1 CARL KNEW SHE'D BE GONE BECAUSE HE HAD MOLESTED HER. AND
2 YOU MAY NOT WANT TO CALL IT MOLESTATION, BUT IT WAS. AND
3 YOU WERE LUCKY THAT THE PLEA BARGAIN WAS THE WAY IT WAS.

4 WE WAITED AND WE WAITED, AND YOUR WIFE CALLED AND
5 YOUR WIFE CALLED, AND I WAS NOT HOME. AND FINALLY ON
6 FRIDAY OF THAT WEEK, SHE CALLED, I PICKED IT UP, AND SHE
7 ACTED LIKE NOTHING HAPPENED. SHE GOES, HI. AND I
8 ANSWERED, DO NOT CONTACT ME OR MY FAMILY AND LEAVE ALLISON
9 ALONE, AND I HUNG UP.

10 I HEARD HER RUN -- BECAUSE WE LIVE RIGHT
11 UNDERNEATH -- FROM WHERE I WAS TO THE OTHER ROOM. AND YOU
12 TWO AND YOUR CHILDREN WERE OUT OF THERE LIKE LIGHTNING.
13 AND WE FOUND OUT LATER ON, AS WE WERE TOLD, THAT YOU WENT
14 TO CONFESS.

15 YOU HAD THE AUDACITY TO RETURN TO THE BUILDING. I
16 UNDERSTAND YOU WEREN'T WORKING, AND YOU WEREN'T GETTING
17 PAID, AND JENNIFER WAS AT A PART-TIME JOB AT THE TIME, AND
18 I UNDERSTAND THAT. BUT THEN YOU HAD THE AUDACITY, BECAUSE
19 WE BOTH BELONG TO THE SAME CHURCH, TO SHOW UP TO THE SAME
20 CHURCH KNOWING WE WERE THE VICTIMS, BUT I DON'T THINK YOU
21 CARED.

22 PEOPLE WOULD TELL US, HE CARES ABOUT YOUR FAMILY.
23 NO, YOU DIDN'T, NOT ONE IOTA, OR YOU WOULDN'T HAVE SHOWN
24 UP. DO YOU KNOW HOW HARD IT IS TO PRAY IN THE SAME CHAPEL
25 WITH YOUR CHILD'S MOLESTER? I COULDN'T STOMACH THE SIGHT
26 OF YOU. I STILL CAN'T. I WANT NEVER AGAIN TO SEE YOUR
27 FACE.

28 LET ME TELL YOU SOME OF THE RIPPLE EFFECTS YOU'VE

1 HAD ON THIS FAMILY. IT HAS COST US A PRETTY PENNY TO SEND
2 HER TO UTAH, NOT TO MENTION HER BEING GONE. I HAD TO TELL
3 MY FAMILY, AND I'VE BEEN VERY CAREFUL ABOUT PUTTING GOOD
4 MEMORIES OF THE CHURCH IN THEIR EYES, AND THERE YOU SIT.
5 AND I HAD TO EXPLAIN TO HER GRANDMOTHERS AND GRANDFATHERS
6 WHAT HAD HAPPENED.

7 THERE WERE PEOPLE THAT KNOW YOU, AND THAT STILL
8 CAN'T BELIEVE IT TO THIS DAY WHAT YOU'VE DONE. YOU KNOW
9 HOW MUCH I LOVE YOUR KIDS. I WOULD NEVER IN MY -- NEVER
10 EVER HAVE DONE THIS TO YOURS.

11 WE HAVE A HISTORY, YOU AND I AND JENNIFER, OF OUR
12 FAMILIES BEING CLOSE. YOUR WIFE STOOD BY ME WHEN I HAD A
13 BRAIN TUMOR THREE YEARS AGO. OUR LIVES WERE SO INTERTWINED
14 THAT WHAT WAS A BLESSING BECAME A HINDRANCE AFTER ALL THIS.

15 DO YOU KNOW WHAT IT'S LIKE TO LAY THERE AT NIGHT
16 AND HEAR YOU UPSTAIRS? TO KNOW OUR DAUGHTER IS AWAY AT
17 UTAH, AND TO KNOW WHAT YOU DID TO HER? AS HER MOTHER, I
18 COULDN'T EVEN GO THERE, THE NIGHT OF JUNE 6TH, FOR MONTHS.
19 IT HURT TOO MUCH. AND ONE NIGHT, IN THE MIDDLE OF THE
20 NIGHT, I FINALLY ALLOWED MYSELF TO GO THERE THAT NIGHT.
21 THE TERROR YOU PUT IN THAT CHILD BECAUSE YOU HAD A LOUSY
22 MARRIAGE AND YOU WERE DEPRESSED STINKS.

23 I HAVE MORE TO SAY TO YOU, BUT I DON'T WANT TO. I
24 JUST NEVER WANT TO HAVE TO SEE YOU AGAIN, CARL, EVER, EVER
25 AGAIN. AND I'M GLAD THAT THE STATE OF CALIFORNIA DOES NOT
26 HIRE FELONS, AND THAT YOU CANNOT RETURN TO SAMOHI.

27 THANK YOU.

28 THE COURT: ALL RIGHT. THANK YOU FOR YOUR

1 COMMENTS.

2 IS THERE ANOTHER FAMILY MEMBER WHO'S GOING TO
3 SPEAK, MS. JABBER?

4 MS. JABBER: YES, YOUR HONOR.

5 THE MINOR: MY NAME IS ALLISON M.

6 THE COURT: GO AHEAD.

7 THE MINOR: I THANK THE COURT AND YOUR HONOR FOR
8 LETTING ME SPEAK TODAY.

9 CARL, YOU LIKED ME AS A PUBESCENT 14-YEAR-OLD
10 INNOCENT GIRL. I HOPE YOU NEVER GET THE OPPORTUNITY TO
11 WORK WITH CHILDREN OR YOUNG ADULTS AGAIN. THE COMMUNITY
12 NEEDS TO ABSOLUTELY KNOW WHO AND WHAT YOU ARE ABOUT.

13 THE BOTTOM LINE, NO QUESTIONS ASKED, IS YOU ARE A
14 SEX OFFENDER. NO MATTER WHAT YOU SAY, YOU'RE A DOWNRIGHT
15 LIAR IF YOU DON'T CONSIDER YOURSELF A SEX OFFENDER.

16 WHAT I WANT YOU TO GET FROM THIS SPEECH IS THAT
17 I'M SO GLAD YOU GOT CAUGHT. AND HOPEFULLY AS A RESULT, I
18 MAY BE YOUR LAST VICTIM. YOU SEXUALLY MOLESTED ME. WAIT,
19 LET ME REPEAT THAT, YOU SEXUALLY MOLESTED ME. AND YOU'RE A
20 COWARD FOR NOT TAKING FULL RESPONSIBILITY FOR WHAT YOU HAVE
21 DONE.

22 THE WHOLE POINT NOW IS TO KEEP MY FAMILY AND
23 CHILDREN PROTECTED AND AWAY FROM YOU AND YOUR PERVERTED SEX
24 OFFENDERS AROUND. YOU SAID ON EARLY, 12:00, WHATEVER,
25 MORNING OF JUNE 6TH, 2004 WHEN YOU SEXUALLY ABUSED ME FOR
26 FOUR HOURS LONG, I WISH I COULD DO THIS TO YOU ALL NIGHT.
27 BUT IF I DID, I KNOW I'D BE IN DEEP DOO-DOO. NOW, BECAUSE
28 OF YOUR JUVENILE ACTIONS, YOU ARE IN DOO-DOO.

1 DID YOU THINK I'D KEEP IT QUIET AND LET YOU KEEP
2 MOLESTING ME? I'M SMARTER THAN THAT, CARL. OBVIOUSLY, YOU
3 KNEW WHAT YOU WERE DOING.

4 I REMEMBER WHEN YOU WERE MAKING OUT, MAKING OUT
5 WITH ME WHILE LAYING YOUR 170 POUNDS ON MY BODY WEIGHT, ON
6 AN 87-POUND GIRL, WHEN YOUR DAUGHTER WOKE UP, YOU SEEMED
7 WORRIED WHEN YOU HEARD HER. I CAN ALREADY FEEL YOUR
8 WORRIES WHEN YOU TURNED OFF ALL THE LIGHTS, LOCKED AND
9 CLOSED ALMOST ALL OF THE DOORS IN THE HOUSE, MAKING SURE
10 YOUR WIFE WAS NOT AWAKE AND NOBODY ELSE WAS.

11 IS IT THAT HARD TO ADMIT WHAT YOU INTIMATELY DID
12 WITH ME? YES, IT IS. YOU SHOULD HAVE ADMITTED GUILT TO
13 THE SEX OFFENSE RATHER THAN PLEA BARGAINING DOWN TO FALSE
14 IMPRISONMENT. BUT AT LEAST YOU NOW HAVE A FELONY, WHICH
15 SHOULD PREVENT YOU FROM BEING A TEACHER AND MOLESTING OTHER
16 GIRLS IN THE FUTURE.

17 BUT WHO KNOWS WHAT MISCHIEF YOU'LL DO NEXT? IT
18 FRUSTRATES ME THAT YOU ONLY SUFFER WITH FIVE YEARS OF
19 PROBATION IN RESPONSE TO SEXUALLY ABUSING ME, AND I WILL,
20 IN TURN, SUFFER WITH THIS FOR THE REST OF MY ENTIRE LIFE.

21 I'M SO GLAD I CAME FORWARD WITH THE TRUTH WHEN I
22 DID. BECAUSE I NOW REALIZE IT WOULD HAVE GONE ON AND ON,
23 WORSE SEXUALLY. WHO KNOWS WHAT YOU WOULD HAVE DONE NEXT
24 WITH YOUR WIFE, WHAT LIES YOU WOULD HAVE SAID.

25 CURRENTLY, I AM ON HIGH DOSAGES OF MEDICATION THAT
26 I HAVE TO TAKE DAILY. IF I FORGET TO TAKE THEM, IT MESSSES
27 MY DAY OR EVEN WEEK UP. AND THIS, AGAIN, IS A RESULT TO
28 YOUR ASININE ABUSE.

1 CARL STEVEN HAMMER, YOU HAVE A PH.D., WHICH
2 OBVIOUSLY YOU DON'T DESERVE IF YOU CAN'T TAKE PROPER CARE
3 OF YOUR CHILDREN, MEANING MYSELF. AGAIN, YOU SHOULD HAVE
4 KNOWN BETTER. A LOT OF MONEY HAS BEEN LOST AS A RESULT OF
5 YOUR EXCRUCIATING CHOICES.

6 YOU HAVE LOST YOUR CAREER. MY FAMILY AND I NOW
7 HAVE TO PAY FOR THE EMOTIONAL EXPENSES, AS WELL AS THE
8 FINANCIAL EXPENSES INCLUDED. A RESIDENTIAL TREATMENT
9 CENTER IS NOT CHEAP, BUT IT WAS A SAFE ENVIRONMENT AWAY
10 FROM YOU AND YOUR SNEAKY, INTIMATE DESIRES.

11 I CANNOT BELIEVE THE AUDACITY YOU AND YOUR FAMILY
12 HAVE TO CONTINUE LIVING TOGETHER IN THAT SAME VERY
13 APARTMENT ABOVE US. THIS WHOLE YEAR WHEN I VISITED MY
14 FAMILY, I HAD TO GO ELSEWHERE TO AVOID SEEING YOU AND YOUR
15 THREATENING, MANIPULATIVE WIFE, AND REMEMBERING THE
16 HORRIBLE THINGS YOU AND YOUR LOVE BUG PUT ME THROUGH.

17 IF YOU WERE TRULY APOLOGETIC FOR YOUR ACTIONS, YOU
18 WOULD HAVE MOVED AWAY SO MY FAMILY AND I COULD HAVE SOME
19 PEACE. I'M SO GLAD THAT NOW THE SITUATION WILL BE
20 REVERSED, AND YOU WILL HAVE TO STAY AWAY FROM ME OR SUFFER
21 THE CONSEQUENCES YOU UTTERLY DESERVE.

22 IN REALITY, YOU DESERVE TO BE SEEN BY THE WORLD AS
23 THE SEX OFFENDER YOU ARE, ON THE SEX OFFENDER REGISTRY. I
24 HAVE OFTEN WONDERED IF YOU HAVE ABUSED YOUR VERY OWN
25 DAUGHTER, OR IF YOU HAVE OTHER VICTIMS OUT THERE.

26 I HAVE HAD TO BE AWAY FROM MY FAMILY FOR OVER A
27 YEAR. AND YOU HAVE GOTTEN TO STAY WITH YOUR TROUBLE MAKING
28 FAMILY FOR THIS LAST YEAR. THIS IS EXTREMELY UNFAIR, AND

1 YOU PROBABLY REALIZE IT.

2 IF YOU THINK THIS HAS BEEN HARD FOR YOU DURING
3 THIS TIME, WHY DON'T YOU PUT YOURSELF IN MY SHOES. I HAVE
4 BEEN FEELING SCARED AND UNABLE TO TRUST OTHERS SINCE THAT
5 VERY NIGHT YOU DECIDED TO GET WHAT YOU WANTED OUT OF ME.
6 KNOWING YOU AND HOW SELFISH YOU ARE, YOU'RE PROBABLY ONLY
7 FEELING SORRY FOR YOURSELF AND THE CONSEQUENCES YOU ARE
8 EXPERIENCING RATHER THAN THE PAIN YOU HAVE PUT YOUR ALLIE
9 CAT THROUGH.

10 I WORRY THAT PEOPLE I MEET OR EVEN SEE ARE ALSO
11 GOING TO HURT ME JUST THE SAME WAY YOU DID. WHEN WILL I
12 EVER BE ABLE TO DATE AND FEEL COMFORTABLE? I WONDER IF YOU
13 EVEN CARE. HOW WILL THIS EFFECT MY FUTURE RELATIONSHIP
14 WITH MY HUSBAND THAT I WILL TRUST?

15 I THINK IT'S KIND OF OUT OF THE ORDINARY THAT ONE
16 OF THE THREE BOOKS YOU READ TO ME ALMOST EVERY NIGHT WAS
17 ABOUT WHY BAD THINGS HAPPEN TO GOOD PEOPLE. WAKE UP, CARL,
18 SMELL THE COFFEE. YOU CREATED A BAD EVENT IN MY LIFE AND
19 MADE THAT BOOK A REALITY FOR MY LIFE.

20 AS A RESULT OF THIS DISGUSTING SEXUAL ABUSE, I
21 HAVE EXPERIENCED MORE DEPRESSION, MORE ANXIETY, AND A
22 DESIRE TO HAVE COSMETIC SURGERIES TO HIDE WHAT MEN WILL BE
23 ATTRACTED TO, NIGHTMARES OF BEING KIDNAPPED AND RAPED,
24 SUICIDAL THOUGHTS, DIFFICULTIES IN A PUBLIC SCHOOL, THAT IS
25 BECAUSE YOU WERE A TEACHER WORKING IN A PUBLIC SCHOOL.

26 I HAVE ALSO STRUGGLED WITH AN EATING DISORDER,
27 DIFFICULTY OF PLAYING MY NEW PIANO AND VIOLIN, AS ONE OF MY
28 MEMORIES OF PLAYING PIANO WAS HAVING MY BRA STRAP IN THE

1 WAY BECAUSE MY TEACHER CARL COULDN'T SCRATCH THE WAY HE
2 WANTED TO WITH IT ON.

3 I ESPECIALLY REMEMBER THE WAY YOU WOULDN'T LET --
4 YOU WOULDN'T EVEN LET YOUR WIFE, YOUR OWN WIFE, CARL, YOU
5 WERE MARRIED TO HER, YOU WERE NOT MARRIED TO ME, YOU WOULD
6 NOT LET HER IN HER OWN BEDROOM, HER OWN HOUSE WHILE WE WERE
7 IN THE SAME ROOM GIVING THE PIANO LESSON BECAUSE IT WAS OUR
8 TIME, NOT HERS.

9 BUT I HAVE TO ASK, WHEN WAS IT HER TIME? YOU
10 TREATED YOUR WIFE LIKE CRAP. YOU PROBABLY STILL DO. SHE
11 DOES NOT DESERVE THIS, AND NEITHER DO I. I AM PUTTING MY
12 FOOT DOWN, MR. HAMMER. I WILL NOT LET ANYONE DO MY
13 LAUNDRY. NOW REMEMBERING THE FACT THAT YOU ENJOYED FOLDING
14 MY BRAS AND UNDERWEAR, THAT'S REALLY DISGUSTING.

15 REACH DEEP INSIDE AND REMEMBER YOUR SELFISH
16 BEHAVIORS OF YOU NOT LETTING YOURSELF DO REALLY ANYTHING
17 AROUND THE HOUSE BECAUSE IT WAS CONSIDERED JENNIFER'S. THE
18 ONLY TIMES YOU WOULD DO THE LAUNDRY IS WHEN MINE WAS PART
19 OF THAT CHORE. YOU TREATED YOUR WIFE LIKE A SLAVE.

20 I WONDER IF YOUR KIDS STILL LOOK AT YOU THE SAME
21 WAY, WITH THEIR HEAD DOWN ON THE FLOOR EVERY TIME THEY'RE
22 ASKED TO DO SOMETHING OR YOU CALL THEIR NAME FOR ATTENTION.
23 I THOUGHT YOU COULD HAVE BEEN IN THE ARMY NATIONAL GUARD,
24 DEREK, MADELINE (PHONETIC), EVEN WHEN IT WAS EVEN SOMETHING
25 POSITIVE.

26 YOU WERE GROOMING ME, AND I DIDN'T KNOW IT THEN,
27 BUT NOW I DO. DON'T YOU EVER, EVER CALL ME YOUR ALLIE CAT
28 AGAIN, BECAUSE I'M DONE WITH THE GROOMING THAT ENTAILS

1 PETTING, KISSING, HUGGING, LOVING, OR HAVING SEXUAL
2 INTIMACY WITH ME.

3 YOU ARE A SICK, PERVERTED INDIVIDUAL. I WONDER IF
4 YOU HAVE EVEN TOLD THE WHOLE TRUTH OF THE ABUSE HONESTLY,
5 WORD FOR WORD HONESTLY TO YOUR BETRAYING WIFE AND OTHER
6 FAMILY MEMBERS. I DOUBT IT.

7 I HOPE I WILL NOT HAVE TO LOOK AT YOUR FACE. I
8 REMEMBER ONE TIME AFTER COMING FROM A CHURCH ACTIVITY
9 SEEING YOU JUST STARE AT ME OUT OF THE WINDOW LIKE YOU WERE
10 THE MAN OF THE BLOCK. YOU'RE NOT. I KNOW THIS WHOLE TIME,
11 YOU GUYS ARE IN DENIAL.

12 HOW DO YOU THINK MY BROTHER AND MY SISTER FEEL
13 ABOUT THIS? DO YOU HONESTLY THINK ABOUT IT? OR DO YOU
14 JUST THINK ABOUT YOURSELF? DOES YOUR WIFE GET A CHANCE
15 ANYMORE? OR IS SHE JUST LIVING THERE TO LIVE THERE? I
16 HOPE SHE'S TREATED WITH RESPECT FOR ONCE, OR YOUR KIDS.

17 THANK YOU.

18 THE COURT: ALL RIGHT. THANK YOU FOR YOUR
19 COMMENTS.

20 MS. JABBER: YOUR HONOR, THERE'S ONE MORE.

21 THE COURT: ALL RIGHT, THANK YOU.

22 MINOR'S FATHER: I THANK THE COURT FOR THIS
23 OPPORTUNITY TO SPEAK.

24 THE COURT: IF YOU COULD GIVE US YOUR NAME,
25 PLEASE, SIR.

26 MINOR'S FATHER: ROB M. I'M ALLISON'S FATHER.

27 THE COURT: THANK YOU.

28 MINOR'S FATHER: MY FAMILY HAS HAD AN OPPORTUNITY

1 TO GET FEELINGS BUILDING UP AND FESTERING OVER THE PAST
2 YEAR. FEELINGS ARE WHAT THEY ARE, AND THEY'RE PART OF THE
3 DAMAGE.

4 THROUGHOUT THIS ORDEAL, I'VE BEEN RELATIVELY
5 SILENT. I'M NOT SURE ANYONE REALLY UNDERSTANDS HOW I FEEL
6 ABOUT IT ALL. BEFORE I KNEW THE TRUE CAUSE, I WATCHED MY
7 DAUGHTER, I WATCHED HER SUFFERING INCREASE WITHOUT KNOWING
8 WHY. AND BECAUSE OF MY IGNORANCE OF THE SECRETS BEING
9 SUPPRESSED, I WAS TOTALLY INCAPABLE OF HELPING HER.

10 IT HURTS ME TO KNOW THAT DURING THAT TIME, CARL,
11 WHEN I WAS POWERLESS TO HELP HER AND ALLISON WAS SPIRALING
12 DOWN INTO DEEPER AND DEEPER DEPRESSION, YOU AND JENNIFER
13 POSSESSED THE POWER TO AT LEAST PARTIALLY RELIEVE SOME OF
14 HER SUFFERING, AND IN FACT WERE THE VERY CAUSE OF HER
15 INCREASED SUFFERING.

16 AS A RESULT OF THIS BETRAYAL OF TRUST AND ABUSE OF
17 INNOCENCE AND CONCERN FOR YOURSELVES, MY DAUGHTER'S PAIN,
18 MOSTLY I THINK THROUGH YOUR BETRAYAL OF TRUST AND
19 FRIENDSHIP, HAS BEEN GREAT. I'VE SUFFERED WITH HER TO THE
20 EXTENT THAT I CAN UNDERSTAND AND TO THE EXTENT THAT I'M
21 CAPABLE. I'VE WATCHED MY FAMILY SUFFER AND HAVE SUFFERED
22 WITH THEM. I'VE ALSO SUFFERED WITH YOU AND YOUR FAMILY.

23 IF YOU'VE EVER WATCHED A CANDLE CEREMONY WHERE ONE
24 CANDLE IS LIT AND THE LIGHT IS PASSED FROM ONE TO ANOTHER
25 TO ANOTHER, WELL THIS ORDEAL HAS BEEN THE ANTITHESIS OF
26 THAT. THE PAIN AND HURT HAVE BEEN PASSED FROM ONE PERSON
27 TO ANOTHER, SPREADING IN AN EVER WIDENING CIRCLE.

28 I'VE WATCHED AS FAMILY MEMBERS ON BOTH SIDES HAVE

1 BEEN DRAWN INTO THIS CIRCLE. I'VE WATCHED LOVING PEOPLE
2 STILL IN BLISSFUL IGNORANCE WALKING TOWARD MEETINGS WHERE
3 THEY WOULD SOON BE WELCOMED INTO THAT CIRCLE OF PAIN. I'VE
4 HURT FOR THEM AS I'VE REALIZED, YOU DON'T KNOW YET. YOU
5 DON'T HURT YET, BUT NOW YOU WILL.

6 CARL, I WANT YOU TO KNOW THAT I KNEW EARLY ON THAT
7 YOU WOULD NOT LIE. I WAS TOLD BY THERAPISTS, SOCIAL AND
8 CASEWORKERS, POLICE AND LAWYERS THAT YOU WOULD MOST LIKELY
9 LIE AND TRY TO MAKE ALLIE TAKE THE FALL. THEY INSISTED
10 THERE WAS TOO MUCH AT STAKE FOR YOU, AND THAT YOU HAD EVERY
11 REASON TO LIE TO COVER IT UP.

12 I STUCK TO MY GUNS BECAUSE I KNEW YOU WERE NOT
13 RAISED THAT WAY. I ALSO HAD THE LORD'S WITNESS THAT HE
14 KNEW YOU, AND HE CONFIRMED TO ME MORE THAN ONCE THAT YOU
15 WOULD NOT LIE. NOTWITHSTANDING THIS, I KNOW THAT
16 THROUGHOUT THIS EXPERIENCE, THERE HAS EXISTED TOO MUCH
17 WILLINGNESS TO COVER SINS THROUGH INACTION.

18 I ALSO KNOW THAT THERE WAS WILLINGNESS TO COVER
19 SINS THROUGH SPECIFIC ACTIONS OF COERCION, INTIMIDATION AND
20 UNLAWFUL RESTRAINT. IN FACT, THOUGH PERHAPS BRIEF, MORE
21 THAN JUST ONE INCIDENT OF FALSE IMPRISONMENT TOOK PLACE.
22 THE PENALTY IMPOSED BY THIS COURT REGARDING FALSE
23 IMPRISONMENT IS THEREFORE MORE APPROPRIATE THAN IT MIGHT
24 FIRST APPEAR TO ME.

25 AT ANY RATE, THE END RESULT OF THIS SUPPRESSION OF
26 TRUTH HAS RESULTED IN INCREASED SUFFERING FOR ALL INVOLVED.
27 THROUGH ALL OF THAT, A TROUBLED YOUNG GIRL, MY OWN
28 DAUGHTER, HAD TO BEAR THE WEIGHT OF KNOWING THAT HER

1 FEELINGS AND HER WELFARE WERE NOT IMPORTANT ENOUGH TO YOU,
2 WHOM SHE TRUSTED, TO OUTWEIGH THE DESIRES AND PRESSURES AND
3 FEARS OF THE MOMENT.

4 AT ONE TIME WHILE THESE SECRETS WERE STILL BEING
5 SUPPRESSED, I SAT WITH MY DAUGHTER, SHE WAS HEARTBROKEN AND
6 SOBBING AND HYSTERICAL, AND I WAS TRYING TO UNDERSTAND AND
7 CONSOLE AND COMFORT HER WITHOUT SUCCESS. ALL SHE WOULD
8 TELL ME WAS THAT PEOPLE SHE THOUGHT WERE HER FRIENDS, WHO
9 SHE THOUGHT LOVED HER, WERE NOT THE FRIENDS SHE THOUGHT
10 THEY WERE.

11 YET SHE WAS STILL TRYING TO HONOR AND BE TRUE TO
12 HER OWN PROMISES TO YOU AND JENNIFER, EVEN THOUGH THEY WERE
13 PROMISES EXTRACTED UNDER DEPRESSION, DURESS AND PHYSICAL
14 EXPENSE. IT HURTS ME DEEPLY TO KNOW THAT YOU FEEL ALLIE
15 WAS THE ONE WHO BETRAYED HER LOYALTY TO YOU BY BREAKING
16 DOWN AND BREAKING THOSE PROMISES AND SPEAKING UP ABOUT WHAT
17 YOU DID TO HER. IF YOU FEEL SO, IT IS AN INDICATION OF
18 DENIAL ON YOUR PART IN THE EXTREME.

19 MY GREATEST FEAR FOR YOU IS THAT THE SPIRIT OF
20 COVERING ONE'S SINS IN THE SPIRIT OF DENIAL RATHER THAN
21 OUTRIGHT LIE, ALTHOUGH PERHAPS LYING TO YOURSELVES, COULD
22 STILL PREVAIL. THIS SPIRIT WAS TAKING ITS TOLL UPON YOUR
23 FAMILY BEFORE THE CRIMES ADDRESSED BY THIS COURT WERE EVER
24 COMMITTED. THIS SPIRIT OF SECRECY CONTINUED IN AN EFFORT
25 TO CONCEAL THE EXISTENCE OF THESE CRIMES.

26 EVIDENCE OF FEAR OF BEING CAUGHT WAS PLAINLY
27 WRITTEN ON YOUR FACE, CARL, WHEN BARB CALLED YOUR NAME THAT
28 SUNDAY MORNING, AND YOU FROZE IN FEAR, AND YOUR FACE

1 DRAINED OF COLOR, THOUGH WE DID NOT YET KNOW WHAT HAD
2 HAPPENED, SO THE CRIME REMAINED COVERED.

3 AFTER THE WEIGHT THAT ALLIE WAS CARRYING FOR BOTH
4 OF YOU BECAME TOO GREAT FOR HER TO BEAR ANY LONGER, YOUR
5 SECRETS BECAME KNOWN. THOSE WHO NOW KNEW WHAT HAD HAPPENED
6 MADE EFFORTS TO GIVE YOU BOTH TIME AND SPACE FOR
7 VOLUNTARILY COMING FORWARD, BECAUSE THAT IS NECESSARY IN
8 THE SPIRIT OF TRUE REPENTANCE. BUT INSTEAD OF COMING
9 FORWARD, FEARFUL EFFORTS WERE MADE TO FIND OUT JUST HOW
10 MUCH WAS ALREADY KNOWN.

11 IT WAS PLAIN THAT IF OTHERS DID NOT KNOW YET,
12 MAYBE YOUR SECRETS COULD STILL REMAIN HIDDEN. ONLY WHEN
13 THE WOUNDED COULD NO LONGER DISGUISE THEIR HURT AND ANGER
14 AND YOU COULD NO LONGER HOPE THAT YOUR SECRETS WERE STILL
15 HIDDEN DID YOU SCRAMBLE TO CONFESS. THIS ATTITUDE MAKES
16 COMPLETE REPENTANCE MORE DIFFICULT. THAT IS WHY I FEEL
17 LIKE THIS STATEMENT IS NEEDED.

18 I WANT TO BELIEVE, CARL, THAT YOU SLIPPED. I WANT
19 TO BELIEVE THAT YOU NOW UNDERSTAND OR WILL COME TO
20 UNDERSTAND HOW YOUR PREVIOUS ACTIONS AND INACTIONS IN
21 DROPPING YOUR GUARD LED UP TO THIS SIN. THAT YOU AND YOUR
22 WIFE MADE SOME SERIOUS MISTAKES, WHICH YOU NOW FULLY
23 REGRET, AND FOR WHICH I WANT TO BELIEVE YOU WILL HAVE OR
24 WILL SOON HAVE FULLY REPENTED.

25 I WANT TO BELIEVE THAT YOU WILL NOT FOR ANY REASON
26 SUBJECT ALLISON TO BE FURTHER TRAUMATIZED BY EITHER YOUR
27 ACTION OR YOUR INACTION. HAVING FAILED TO CONSIDER HER
28 FEELINGS BEFORE WHEN SHE NEEDED YOU MOST, I GREATLY DESIRE

1 TO SEE ON YOUR PART MORE CONCERN FOR HOW SHE IS FEELING
2 NOW, RATHER THAN CONTINUING TO FOCUS ON YOUR OWN RIGHTS AND
3 FEELINGS.

4 I TAKE NO PLEASURE IN THE SUFFERING OF THE HAMMER
5 FAMILY. I EXPECT THAT HEARING ALL THESE STATEMENTS IS
6 PAINFUL FOR EVERYONE, BUT MORE ESPECIALLY FOR YOU, WHO ARE
7 BOTH THERE AND ARE RESPONSIBLE FOR THE SINS YOU'VE HEARD,
8 TO HEAR ONLY BY OUR DESCRIPTION. YOU KNOW WHAT YOU DID.

9 I HOPE THAT SOON THE PAIN THAT HAS BEEN FELT WILL
10 BE THE END OF THE PAIN THAT IS REQUIRED. I KNOW THAT OUR
11 SAVIOR, JESUS CHRIST, HAS PLACED HIMSELF BETWEEN THE
12 FAITHFUL AND THE FULL WEIGHT OF PAIN THAT ALL OF OUR SINS
13 DEMAND, BUT WHICH PAIN HAD TO BE FULLY FELT BY HIM.

14 I KNOW THAT HIS DESIRE IS THAT WE SUFFER THE LEAST
15 AMOUNT NECESSARY TO BRING TRUE REPENTANCE, AND THAT WE
16 MIGHT MOVE FORWARD TOWARD THE GREATEST POSSIBLE REWARD THAT
17 HE CAN GIVE US.

18 IT IS MY HOPE THAT THE SUFFERING ENDURED BY ALL
19 THUS FAR AND THAT IS AFFIXED BY THIS COURT MIGHT SOON BE
20 CONSIDERED BY GOD TO BE SUFFICIENT, AND THAT THE WIDENING
21 CIRCLE OF PAIN MIGHT FROM THAT MOMENT CEASE TO SPREAD, AND
22 THE PAIN BEGIN TO SUBSIDE FOR ALL AND HEALING PREVAIL, AND
23 THIS ORDEAL WILL BECOME ONLY A SOBERING MEMORY. HOPEFULLY
24 ALL INVOLVED ON BOTH SIDES WILL BE ABLE TO PUT THIS BEHIND
25 THEM AND MOVE FORWARD.

26 I MAY NEVER FULLY UNDERSTAND ALL THAT MY DAUGHTER
27 HAS HAD TO GO THROUGH. BUT I'M HOPEFUL ABOUT ALLISON. I
28 PRAY THAT SHE MAY BE ABLE TO PUT THIS BEHIND HER, AND THAT

1 THE SCARS OF HER TRAUMA MAY NOT GET IN THE WAY OF HER
2 FUTURE HAPPINESS.

3 AND MY FINAL WORD IS JUST THAT I HOPE THAT NONE OF
4 US EVER HAVE TO GO THROUGH THIS AGAIN. AND THAT'S MY HOPE
5 AND MY PRAYER. THANK YOU.

6 THE COURT: THANK YOU, SIR.

7 MS. JABBER, ANY FURTHER STATEMENTS?

8 MS. JABBER: NO, YOUR HONOR, NO FURTHER
9 STATEMENTS.

10 WE JUST REQUEST THAT THE RECORD REFLECT THE LAST
11 NAME OF THE FAMILY AS M, PERIOD, M LIKE MARY, FOR THE
12 CONFIDENTIALITY OF THE VICTIM.

13 THE COURT: THE RECORD WILL BE REDACTED FOR THAT
14 PURPOSE, AND IN THAT WAY.

15 MS. JABBER: THANK YOU.

16 THE COURT: MR. HIRSCH, ANYTHING PRIOR TO
17 IMPOSITION OF SENTENCE?

18 MR. HIRSCH: MAY I JUST HAVE A MOMENT?

19

20 (COUNSEL AND DEFENDANT CONFERRED.)

21

22 MR. HIRSCH: MR. HAMMER WOULD LIKE TO SAY
23 SOMETHING, YOUR HONOR.

24 THE COURT: ALL RIGHT.

25 GO AHEAD, SIR.

26 MR. HIRSCH: DO YOU WANT HIM TO STAND, YOUR HONOR?

27 THE COURT: HOWEVER YOU WANT TO DO IT. YOU CAN
28 SIT OR STAND, IF YOU PREFER.

1 THE DEFENDANT: I WANT TO EXPRESS MY DEEP SORROW
2 AND REMORSE OVER THE SITUATION THAT BRINGS US HERE TODAY.
3 I HAVE BEEN AND CONTINUE TO BE SADDENED TO SEE SO MANY
4 PEOPLE SUFFERING AND UNHAPPY.

5 I DECIDED IT WAS BEST TO ACCEPT THE TERMS OF THIS
6 PLEA AGREEMENT TO AVOID PROLONGING THE STRESS AND THE
7 HARDSHIP THAT WOULD BE BROUGHT ON ALL PARTIES BY
8 CONTINUING, AND THE FAMILIES BY CONTINUING THIS PROCESS.

9 OUR FAMILY AND THE M. FAMILY ENJOYED A LONG, HAPPY
10 RELATIONSHIP TOGETHER FOR MANY YEARS. OUR TWO FAMILIES
11 HELPED EACH OTHER IN COUNTLESS WAYS, BOTH SMALL AND LARGE.
12 OUR LIVES WERE INTERMINGLED, AND THE SOCIALIZATION WAS
13 ENJOYABLE AND BENEFICIAL TO BOTH FAMILIES.

14 I WANT TO TAKE THIS OPPORTUNITY NOW TO EXPRESS TO
15 ALLIE AND TO HER FAMILY MY DEEP SORROW AND REGRET OVER THIS
16 INCIDENT. WHEN I LEARNED THAT ALLIE FELT VICTIMIZED OR
17 ABUSED BY ME, I WAS FILLED WITH REMORSE. I FIND THE
18 POSSIBILITY OF ME HURTING OTHER PEOPLE TO BE REPULSIVE, AND
19 RECOIL AT THE IDEA THAT MY ACTIONS MAY HAVE CAUSED ALLIE
20 PAIN OR SORROW.

21 I REGRET MORE THAN ANYTHING ELSE IN MY LIFE THAT
22 MY ATTEMPTS TO COMFORT ALLIE CREATED AN INAPPROPRIATE
23 CLOSENESS. I WILL NEVER ALLOW MYSELF TO BE PLACED IN SUCH
24 COMPROMISING CIRCUMSTANCES AGAIN.

25 I APOLOGIZE WITH EVERY FIBER OF MY BEING IF I HAVE
26 HURT YOU OR YOUR FAMILY. YOU ARE OUR BEST FRIENDS. MOST
27 OF OUR DAY-TO-DAY LIVING REVOLVED AROUND TRYING TO HELP
28 EACH OTHER OUT, DOING NICE THINGS FOR EACH OTHER, AND

1 SUPPORTING EACH OTHER IN ALL OF OUR ACTIVITIES. I WOULD
2 NEVER WANT TO DO ANYTHING, SAY ANYTHING OR DO ANYTHING,
3 THAT WOULD HURT YOU OR YOUR FAMILY. AND I AM SO SORRY IF
4 ANY OF MY ACTIONS BROUGHT SORROW TO YOU.

5 IT IS MY SINCERE HOPE THAT SOME DAY WE WILL BE
6 ABLE TO RECONCILE AND MOVE ON WITH OUR LIVES AND
7 FRIENDSHIP, RATHER THAN HOSTILITY.

8 OVER THE PAST YEAR, I HAVE EXPERIENCED DEPTHS OF
9 PAIN, SORROW, FEAR AND SADNESS THAT I NEVER WOULD HAVE
10 IMAGINED POSSIBLE. MY FAMILY STRUCTURE HAS BEEN
11 THREATENED, MY NAME HAS BEEN MALIGNED IN MY COMMUNITY, AND
12 I HAVE BEEN UNABLE TO TEACH MUSIC, A PROFESSION WHICH I
13 HAVE ALWAYS PERFORMED EFFECTIVELY AND HONORABLY.

14 MY WIFE HAS HAD TO GIVE UP HER WORK AS A
15 HOMEMAKER. SHE ALWAYS WANTED TO BE HOME FOR THE CHILDREN.
16 I HAVE BEEN UNABLE TO ATTEND ANY OF MY CHILDREN'S SCHOOL
17 EVENTS, AND I'VE BEEN REQUIRED TO LEAVE MY HOME ON NUMEROUS
18 OCCASIONS AND TOLD NOT TO ATTEND MY OWN CHURCH.

19 OUR CHILDREN HAVE FELT OUR ANXIETY AND HAVE DEALT
20 WITH A GREAT SORROW ASSOCIATED WITH THIS CASE, AND OUR
21 FINANCES ARE DEVASTATED. ALL OF MY LIFE, I HAVE PREPARED
22 TO TEACH MUSIC, AND I LOVE MY LIFE AS A MUSIC TEACHER.
23 WITH A FELONY CONVICTION AND PROBATION RESTRICTIONS
24 ASSOCIATED WITH MINORS, THE PROSPECTS FOR RESUMING MY
25 TEACHING DUTIES LOOK BLEAK, AND I EXPECT JOB PROSPECTS IN
26 GENERAL TO BE PRETTY LIMITED.

27 I WOULD LIKE TO THANK MY FAMILY, FRIENDS, SCHOOL
28 AND CHURCH ASSOCIATES AND COUNSELORS WHO HAVE EXPRESSED SO

1 MUCH CARING THROUGH THIS ORDEAL. WE HAVE EXPERIENCED MANY
2 TOUCHING AND MEANINGFUL EXPRESSIONS OF LOVE AND CONCERN
3 FROM PEOPLE IN OUR COMMUNITY.

4 THERE ARE TEACHERS WHO MADE SURE THAT MY DAUGHTER
5 MADE IT TO AND FROM SCHOOL SAFELY. ONE OF MY SON'S
6 TEACHERS EVEN WENT OUT OF HER WAY TO MAKE SURE MY SON WAS
7 IN HER CLASS SO THAT SHE COULD KEEP AN EYE ON HIM THROUGH
8 THIS DIFFICULT YEAR. THERE WERE MANY BOY SCOUT LEADERS
9 THAT HELPED MY SON OUT, MADE SURE HE WAS TAKEN CARE OF.
10 AND OUR FAMILY, FRIENDS AND CHURCH MADE SURE THAT THERE WAS
11 FOOD ON OUR TABLE THIS YEAR.

12 PEOPLE WENT OUT OF THEIR WAY TO MAKE SURE I WAS
13 STILL IN TOUCH WITH SCHOOL AND CHURCH EVENTS. AND THE MANY
14 LETTERS I RECEIVED ON MY BEHALF TOUCHED AND ENCOURAGED ME
15 THROUGHOUT THIS YEAR. THERE HAVE BEEN A CONSTANT FLOW OF
16 CARDS, LETTERS, E-MAILS AND PHONE CALLS FROM MY FAMILY, MY
17 FRIENDS, MY STUDENTS, PARENTS OF MY STUDENTS, MY FORMER
18 PROFESSORS AND MY COLLEAGUES AND MEMBERS OF MY CHURCH, ALL
19 EXPRESSING THEIR LOVE AND CARING FOR ME AND MY FAMILY IN
20 THIS DIFFICULT TIME.

21 AND I ESPECIALLY WANT TO THANK MY ATTORNEYS,
22 RICHARD HIRSCH AND VICKI PODBERESKY, BECAUSE FROM THE
23 BEGINNING, THEY HAVE TRIED TO MINIMIZE THE RANCOR AND
24 CONTENTION AND TRIED TO SEEK A FAIR AND JUST OUTCOME AS
25 EARLY AS POSSIBLE.

26 I HAVE APPEARED BEFORE FOUR JUDGES, AND EACH JUDGE
27 HAS BEEN COURTEOUS AND RESPECTFUL IN CARRYING OUT THEIR
28 DUTIES, BOTH IN MATTERS RELATING TO ME AND ALL I SAW COME

1 BEFORE THEM. AND SUCH COURTESY UNDER CONDITIONS WHERE ONE
2 FEELS EXTREMELY VULNERABLE IS NOTICED AND APPRECIATED.

3 BUT MOST OF ALL, I WANT TO THANK MY WIFE AND MY
4 DAD FOR WALKING WITH ME STEP BY STEP AS I PASSED THROUGH
5 THE VALLEY OF THE SHADOW OF DEATH THIS LAST YEAR. AND
6 THERE'S NO WORDS THAT CAN EXPRESS WHAT THAT HAS MEANT TO
7 ME.

8 THE COURT: ALL RIGHT. THANK YOU.

9 ANYTHING FURTHER, MR. HIRSCH, REGARDING
10 SENTENCING?

11 MR. HIRSCH: NO, YOUR HONOR.

12 THE COURT: NO LEGAL CAUSE AT THIS TIME?

13 MR. HIRSCH: NO, YOUR HONOR.

14 THE COURT: ALL RIGHT. I HAVE LISTENED TO ALL THE
15 STATEMENTS, AND I APPRECIATE HAVING HEARD ALL THE
16 STATEMENTS FROM THE FAMILY INVOLVED.

17 MR. HAMMER, I WILL SAY THIS: I AM NOT FAMILIAR
18 INTIMATELY WITH THE DETAILS OF THIS CASE, AND I'M RELYING
19 UPON THE INFORMATION PRESENTED TO ME BY THE DISTRICT
20 ATTORNEY'S OFFICE AND YOUR ATTORNEY AND DOCUMENTS IN THE
21 FILE.

22 I THINK FOR YOU TO BE SUCCESSFUL ON PROBATION,
23 THAT YOUR ATTITUDE WILL REQUIRE SOME ADJUSTMENT, LOOKING AT
24 THIS NOT SO MUCH AS IT EFFECTS YOU, BUT AS IT HAS EFFECTED
25 OTHER PEOPLE. AND IT IS YOUR ACTIONS THAT HAVE CREATED
26 THIS SITUATION. I DIDN'T HEAR MUCH RECOGNITION OF THAT IN
27 YOUR STATEMENT.

28 I WILL GO ALONG WITH THE DISTRICT ATTORNEY'S

1 RECOMMENDATION IN THIS CASE AND IMPOSE A SENTENCE THAT HAS
2 BEEN AGREED TO BETWEEN THE PARTIES. THE IMPOSITION OF THE
3 SENTENCE IS SUSPENDED. YOU ARE GRANTED PROBATION FOR A
4 FIVE-YEAR PERIOD ON THE FOLLOWING TERMS AND CONDITIONS:

5 THAT YOU SERVE 60 DAYS OF JAIL TIME, WHICH MAY BE
6 SERVED IN A LIVE-IN PROGRAM AT THE GATEWAYS TREATMENT
7 CENTER. YOU ARE TO SURRENDER THERE ON OR BEFORE AUGUST
8 15TH OF THIS YEAR.

9 ADDITIONALLY, YOU ARE TO PAY A RESTITUTION FINE OF
10 \$200 AS REQUIRED BY PENAL CODE SECTION 1202.4(B) THROUGH
11 (E), AND A COURT SECURITY FEE OF \$20, AS WELL AS THE COSTS
12 OF PROBATION SERVICES AS DETERMINED BY THE PROBATION
13 OFFICER, SUBJECT TO A HEARING, IF REQUESTED.

14 OBEY ALL LAWS, ORDERS OF THE COURT, RULES AND
15 REGULATIONS OF THE PROBATION OFFICER.

16 COOPERATE WITH PROBATION IN A PLAN FOR ONE-YEAR
17 SEX THERAPY COUNSELING THROUGH A LICENSED PSYCHOLOGIST OR
18 PSYCHIATRIST.

19 YOU ARE TO SEEK AND MAINTAIN TRAINING, SCHOOLING
20 OR EMPLOYMENT AS DIRECTED BY THE PROBATION OFFICE.

21 MAINTAIN RESIDENCE AS APPROVED BY THE PROBATION
22 OFFICER, AND KEEP THE PROBATION OFFICER ADVISED OF YOUR
23 WORK AND HOME ADDRESS AND TELEPHONE NUMBERS AT ALL TIMES.

24 YOU ARE TO SUPPORT DEPENDENTS AS DIRECTED BY THE
25 PROBATION OFFICER.

26 AND REPORT TO THE PROBATION OFFICER WITHIN
27 48 HOURS OF YOUR RELEASE FROM CUSTODY AT THE LOS ANGELES
28 AIRPORT COURTHOUSE PROBATION OFFICE.

1 YOU'RE FURTHER ORDERED TO SUBMIT YOUR PERSON AND
2 PROPERTY TO SEARCH AND SEIZURE AT ANY TIME OF THE DAY OR
3 NIGHT BY ANY LAW ENFORCEMENT OFFICER OR PROBATION OFFICER,
4 WITH OR WITHOUT A WARRANT, PROBABLE CAUSE, OR REASONABLE
5 SUSPICION.

6 YOU ARE NOT TO OWN, USE, THREATEN TO USE, POSSESS,
7 BUY OR SELL ANY DEADLY OR DANGEROUS WEAPON, INCLUDING, BUT
8 NOT LIMITED TO FIREARMS, KNIVES OR OTHER WEAPON.

9 YOU ARE TO USE ONLY YOUR TRUE NAME, WHICH IS
10 CARL HAMMER; IS THAT CORRECT?

11 THE DEFENDANT: YES.

12 THE COURT: YOU'RE NOT TO GIVE FALSE INFORMATION
13 TO ANY LAW ENFORCEMENT OFFICER AT ANY TIME.

14 YOU ARE TO PROVIDE TWO SPECIMENS OF BLOOD, A
15 SALIVA SAMPLE, A RIGHT THUMB PRINT AND A FULL PALM PRINT
16 IMPRESSION OF EACH HAND FOR LAW ENFORCEMENT IDENTIFICATION
17 AND ANALYSIS AS REQUIRED BY PENAL CODE SECTION 296.

18 YOU ARE TO OBEY A PROTECTIVE ORDER THAT STATES YOU
19 ARE NOT TO ANNOY, HARASS, STRIKE, THREATEN, SEXUALLY
20 ASSAULT, BATTER, STALK, DESTROY THE PERSONAL PROPERTY OF,
21 OR DISTURB THE PEACE OF THE PROTECTED PERSONS OF ALLISON,
22 COURTNEY AND MATTHEW.

23 YOU ARE NOT TO ATTEMPT TO OR ACTUALLY PREVENT OR
24 DISSUADE ANY VICTIM OR WITNESS FROM ATTENDING A COURT
25 HEARING, TESTIFYING, OR MAKING A REPORT TO ANY LAW
26 ENFORCEMENT AGENCY OR PERSON.

27 YOU MUST SURRENDER TO LOCAL LAW ENFORCEMENT OR
28 SELL TO A LICENSED GUN DEALER ANY FIREARM IN OR SUBJECT TO

1 YOUR IMMEDIATE POSSESSION OR CONTROL WITHIN 24 HOURS AFTER
2 ISSUANCE OF THIS ORDER.

3 YOU'RE NOT TO HAVE PERSONAL, TELEPHONIC OR WRITTEN
4 CONTACT WITH THE PROTECTED PARTIES. YOU'RE NOT TO HAVE
5 CONTACT WITH THEM THROUGH A THIRD PARTY EXCEPT AN ATTORNEY
6 OF RECORD. AND DO NOT COME WITHIN 100 YARDS OF ANY OF
7 THESE PARTIES.

8 YOU ARE NOT TO BE AROUND MINORS WITHOUT A
9 RESPONSIBLE ADULT PRESENT OR BE ALONE WITH -- ACTUALLY, IT
10 IS PERMISSIBLE, OF COURSE, FOR YOU TO BE ALONE WITH YOUR
11 OWN CHILDREN SUBJECT TO ANY ORDERS THAT MAY OR MAY NOT BE
12 MADE BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES.

13 THIS ORDER WILL BE IN EFFECT BEGINNING TODAY, AND
14 EXPIRES ON JULY 15TH OF 2010. AGAIN, IT IS A CONDITION OF
15 THE SENTENCE IN THIS CASE. YOU'LL BE SERVED WITH A COPY OF
16 THIS PROTECTIVE ORDER IN COURT.

17 I FURTHER NOTE THAT ANY VIOLATION OF THIS
18 CRIMINAL -- OF ANY -- ANY VIOLATION OF ANY CRIMINAL LAW
19 PROVEN BY A PREPONDERANCE OF THE EVIDENCE AS A VIOLATION OF
20 PROBATION, THAT COUNSEL ARE STIPULATING THAT THIS WILL
21 RESULT IN THE DEFENDANT HAVING TO REGISTER PURSUANT TO 290
22 OF THE PENAL CODE AS A SEX OFFENDER, AND THAT THIS CASE
23 WOULD THEN BE DEEMED ONE FOR THE PURPOSES OF SEXUAL
24 GRATIFICATION.

25 IT'S SO STIPULATED, MR. HIRSCH?

26 MR. HIRSCH: YES, YOUR HONOR.

27 THE COURT: AND MS. JABBER?

28 MS. JABBER: YES.

1 THE COURT: SIR, DO YOU UNDERSTAND AND AGREE TO
2 THESE TERMS AND CONDITIONS OF PROBATION?

3 THE DEFENDANT: YES.

4 THE COURT: ALL RIGHT. WE WILL GIVE YOU A COPY OF
5 YOUR PAPERWORK TODAY.

6 AND THE REMAINING COUNTS, HAVE THEY PREVIOUSLY
7 BEEN DISMISSED?

8 MS. JABBER: NO, I DON'T BELIEVE SO. PEOPLE'S
9 MOTION TO DISMISS PURSUANT TO CASE SETTLEMENT.

10 THE COURT: ALL RIGHT, PURSUANT TO THE MOTION OF
11 THE PEOPLE, THE REMAINING COUNTS ARE DISMISSED IN THE
12 INTEREST OF JUSTICE PURSUANT TO 1385 OF THE PENAL CODE.

13 THANK YOU. I'LL GIVE YOU A COPY OF YOUR
14 PAPERWORK.

15 MS. JABBER: I'M SORRY, YOUR HONOR, DID YOU WANT
16 TO SET A RESTITUTION HEARING?

17 THE COURT: YOU WANT TO SET A PROGRESS REPORT?

18 MS. JABBER: PROGRESS REPORT AND RESTITUTION
19 HEARING.

20 THE COURT: OKAY, THERE'S RESTITUTION.
21 RESTITUTION IS TO BE DETERMINED BY THE COURT AS AN
22 ADDITIONAL CONDITION OF PROBATION.

23 MR. HIRSCH: YES, YOUR HONOR.

24 THE COURT: ALL RIGHT. YOU'RE FURTHER ORDERED,
25 SIR, AS A CONDITION OF PROBATION TO MAKE RESTITUTION TO THE
26 VICTIM AS REQUIRED BY PENAL CODE SECTION 1202.4(F) IN AN
27 AMOUNT AND MANNER PRESCRIBED BY THE COURT.

28 DO YOU WISH TO SET A HEARING AT THIS TIME,

1 MS. JABBER?

2 MS. JABBER: YES, YOUR HONOR.

3 THE COURT: OKAY.

4 MR. HIRSCH: WE WERE DISCUSSING A DATE AFTER
5 MR. HAMMER WILL BE RELEASED FROM THE CORRECTIONS FACILITY.

6 THE COURT: SO YOU'LL BE TALKING ABOUT LATER ON
7 OCTOBER?

8 MR. HIRSCH: EARLY NOVEMBER. I THINK MS. JABBER
9 WON'T BE AVAILABLE IN OCTOBER. SHE'S JUST CHECKING.

10 MS. JABBER: YOUR HONOR, HOW IS FRIDAY,
11 NOVEMBER 4TH FOR EVERYBODY?

12 THE COURT: THAT'S FINE.

13 FINE FOR YOU, MR. HIRSCH?

14 MR. HIRSCH: YES, YOUR HONOR.

15 THE COURT: SIR, DO YOU UNDERSTAND AND AGREE TO
16 THIS ADDITIONAL TERM OF PROBATION TO PAY RESTITUTION
17 PURSUANT TO COURT ORDER?

18 THE DEFENDANT: YES.

19 THE COURT: OKAY, NOVEMBER 4TH. THAT WILL BE FOR
20 PROOF OF COMPLETION OF THE GATEWAYS RESIDENTIAL PROGRAM AND
21 RESTITUTION HEARING IN THIS COURT AT 8:30 A.M.

22 MS. JABBER: WOULD THE COURT LIKE TO SET IT AT
23 11:00 OR AT 1:30 FOR THE COURT'S CALENDAR?

24 THE COURT: DEPENDING UPON THE TIME ESTIMATE OF
25 THE HEARING, IF IT IS NOT A BRIEF HEARING, IT WILL PROBABLY
26 BE SENT TO THE MATRIX COURT OR ANOTHER OPEN COURT.

27 1:30 IS ACTUALLY A MORE DIFFICULT TIME TO SET
28 CASES, BECAUSE WE HAVE FEWER COURTS OPEN ORDINARILY IN THE

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AFTERNOON.

MS. JABBER: CAN WE SET IT THEN FOR -- DO YOU THINK 10:00 IN THE MORNING WOULD BE MORE REALISTIC?

THE COURT: ACTUALLY, MORE REALISTIC IS FIRST THING IN THE MORNING, BECAUSE IT TAKES EASILY AN HOUR FOR CASES NORMALLY TO GET READY TO GO.

SO I WOULD JUST SAY 8:30.

MS. JABBER: OKAY. AND WE WILL HAVE PROOF OF ENROLLMENT IN THE SEX OFFENDER THERAPY, AS WELL, THAT DAY.

MR. HIRSCH: MAY I JUST CHECK WITH MS. JABBER?

THE COURT: ALL RIGHT.

(COUNSELS CONFERRED.)

MR. HIRSCH: YES, YOUR HONOR.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

MS. JABBER: THANK YOU.

(THE MATTER WAS CONTINUED TO FRIDAY, NOVEMBER 4, 2005 IN DIVISION LX-142.)

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DIVISION NO. LX-142

HON. JOSEPH S. BIDERMAN, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 PLAINTIFF,)

7 VS.)

8 CARL S. HAMMER,)

9 DEFENDANT.)

) SUPERIOR COURT

) SA053426

) REPORTER'S
) CERTIFICATE

10
11 STATE OF CALIFORNIA)

) SS

12 COUNTY OF LOS ANGELES)

13
14
15 I, CHERYL GRAVES, CSR NO. 10592, OFFICIAL COURT
16 REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
17 FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
18 FOREGOING PAGES COMPRISE A FULL, TRUE AND CORRECT
19 TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN THE
20 ABOVE-ENTITLED MATTER ON JULY 15, 2005.

21
22 DATED THIS 23RD DAY OF AUGUST, 2005.

23
24 
25 _____
CHERYL GRAVES, CSR NO. 10592
26 OFFICIAL REPORTER
27
28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. LX-F

HON. JAMES R. DABNEY, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 PLAINTIFF,)

7 VS.)

NO. SA053426

8 CARL HAMMER,)

9 DEFENDANT.)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 JULY 29, 2008

13
14
15
16 APPEARANCES:

17 FOR THE PEOPLE:

STEVE COOLEY, DISTRICT ATTORNEY
BY: BRAD MC CART, DEPUTY
18 18000 FOLTZ CRIMINAL JUSTICE CENTER
19 210 WEST TEMPLE STREET, 18TH FLOOR
LOS ANGELES, CALIFORNIA 90012

20 FOR THE DEFENDANT:

NASATIR & HIRSCH
BY: RICHARD HIRSCH, ATTORNEY AT LAW
21 2115 MAIN STREET
22 SANTA MONICA, CA, 90405

23
24
25
26 JOYCE KATHLEEN RODELA
27 CSR NO. 9878
28 OFFICIAL REPORTER

COPY

1 CASE NUMBER: SA053426
 2 CASE NAME: PEOPLE VS. CARL HAMMER
 3 LOS ANGELES, CALIFORNIA TUESDAY, JULY 29, 2008
 4 DEPARTMENT LX-F HON. JAMES R. DABNEY, JUDGE
 5 REPORTER: JOYCE K. RODELA, CSR NO. 9878
 6 TIME: A.M. SESSION

7 APPEARANCES:
 8 DEFENDANT WITH HIS COUNSEL, RICHARD HIRSCH,
 9 ATTORNEY AT LAW; BRAD MC CART, DEPUTY DISTRICT
 10 ATTORNEY OF THE COUNTY OF LOS ANGELES,
 11 REPRESENTING THE PEOPLE OF THE STATE OF
 12 CALIFORNIA.

13
 14 THE COURT: ON THE RECORD ON PEOPLE VERSUS CARL STEVEN
 15 HAMMER.

16 MR. HIRSCH: GOOD MORNING.

17 MR. HAMMER IS PRESENT IN COURT WITH RICHARD
 18 HIRSCH.

19 MR. MC CART: BRAD MC CART, DEPUTY DISTRICT ATTORNEY,
 20 FOR THE PEOPLE.

21 THE COURT: ALL RIGHT. NOW --

22 MR. MC CART: I BELIEVE A POINT MADE WHEN WE WERE HERE
 23 LAST SEPTEMBER, THE PEOPLE WOULD NOT BE OPPOSED TO TERMINATE
 24 AFTER THREE YEARS, JULY 15TH, 2008. I NOTED THAT ON THE
 25 COURT FILE. AND THE PLEA AGREEMENT, MS. JABBER HAD WRITTEN
 26 IN THE FILE THE DEFENDANT COULD ACTUALLY DO SO, YOUR HONOR,
 27 SO THAT IS FINE.

28 I'VE RUN A RAP SHEET. THERE'S BEEN NO ARRESTS

1 SINCE THE DATE OF INVESTIGATION. IT APPEARS HE'S HAD
2 EXCELLENT REPORTS FROM PROBATION, AND I CONFIRMED THAT HIS
3 BALANCE IS ZERO. NOW, AS FAR AS PROBATION IS CONCERNED,
4 THERE WAS A MINUTE ORDER THAT RESTITUTION HAD BEEN COMPLETED.

5 THE COURT: OKAY.

6 MR. HIRSCH: I'LL JUST SAY THIS, YOUR HONOR, IN ALL MY
7 YEARS, WHICH IS 39 YEARS OF PRACTICE, I'VE NEVER SEEN A
8 PROBATIONER SO PERFECTLY COMPLY WITH ALL HIS TERMS AND
9 CONDITIONS, SO...

10 THE COURT: GIVEN THE CIRCUMSTANCES THAT HE WAS IN, IT
11 WAS TO HIS BEST INTEREST THAT HE DO SO.

12 MR. HIRSCH: RIGHT.

13 THE COURT: THE MATTER IS REDUCED TO A MISDEMEANOR
14 PURSUANT TO 17(B). PROBATION IS TERMINATED PURSUANT TO
15 1203.4 THE MATTER IS EXPUNGED PURSUANT TO 1203 -- EXCUSE
16 ME -- TERMINATED PURSUANT TO 1203.3, AND EXPUNGED PURSUANT TO
17 1203.4

18 LET'S SEE. THE EXPUNGEMENT, REDUCTION TO A
19 MISDEMEANOR MAKES THIS A MISDEMEANOR FOR ALL PURPOSES,
20 MR. HAMMER, SO YOU NO LONGER HAVE ANY OF THE DISADVANTAGES OF
21 HAVING BEEN CONVICTED OF A FELONY.

22 HOWEVER, THE EXPUNGEMENT DOES NOT COMPLETELY
23 ERASE THE CONVICTION FROM YOUR RECORD. YOU WILL STILL NEED
24 TO DISCLOSE THE CONVICTION ON ANY DIRECT QUESTIONNAIRE ON ANY
25 APPLICATION FOR PUBLIC OFFICE, FOR LICENSURE WITH ANY STATE
26 OR LOCAL AGENCY, OR WITH THE STATE LOTTERY.

27 DO YOU UNDERSTAND THAT?

28 THE DEFENDANT: YES.

1 THE COURT: YES?

2 THE DEFENDANT: YES.

3 THE COURT: GOOD LUCK TO YOU.

4 MR. HIRSCH: I SUPPOSE JUST TO BE SAFE, I SHOULD
5 PROBABLY FILE THE 1203.4 FORMS.

6 THE COURT: PROBABLY YOU SHOULD.

7 MR. HIRSCH: I'LL DO THAT. THANK YOU VERY MUCH.

8

9 (END OF PROCEEDINGS.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT LX-F

HON. JAMES R. DABNEY, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINIFF,)
)
) VS.)
)
) CARL HAMMER,)
)
)
) DEFENDANT.)


REPORTER'S
CERTIFICATE
NO. SA053426

STATE OF CALIFORNIA)
) SS
COUNTY OF LOS ANGELES)

I, JOYCE KATHLEEN RODELA, CSR #9878, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THRU 3 COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY REPORTED BY ME IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON JULY 29, 2008.

THIS TRANSCRIPT WAS PREPARED IN COMPLIANCE WITH 237(A)(2) OF THE CODE OF CIVIL PROCEDURE, AND ALL PERSONAL JUROR IDENTIFYING INFORMATION HAS BEEN REDACTED.

DATED THIS 30TH DAY OF JULY, 2008.


_____, CSR #9878
JOYCE KATHLEEN RODELA, OFFICIAL REPORTER