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**Date: March 9, 2021**  
**Time: 8:15 a.m.**  
**Dept.: 6**

6 Attorneys for CHELSEA BECKER

7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF KINGS**  
9 **HANFORD DIVISION**

10 THE PEOPLE OF THE STATE OF  
11 CALIFORNIA,  
12 PLAINTIFF,  
13 VS.  
14 CHELSEA BECKER,  
15 DEFENDANT.

**CASE: 19CMS-5304**  
**SUPPLEMENTAL**  
**SUBMISSION IN SUPPORT**  
**OF RENEWED MOTION, IN RESPONSE**  
**TO ORDER TO SHOW CAUSE, TO BE**  
**RELEASED ON PETITIONER'S OWN**  
**RECOGNIZANCE OR FOR**  
**REDUCTION OF BAIL IN SUPERIOR**  
**COURT IN LIGHT OF *In re Humphrey***  
**(2018) 19 Cal.App. 5th 1006, 1041-1045**

**DATE: March 9, 2021**  
**TIME: 8:15 a.m.**  
**DEPT: 6**

16 **TO: THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT, AND**  
17 **TO THE DISTRICT ATTORNEY OF KINGS COUNTY AND/OR HIS**  
18 **REPRESENTATIVE, MELISSA D'MORIAS:**

19 Chelsea Becker, by and through her attorneys, hereby relies on and incorporates by  
20 reference the previously filed Petitioner's Traverse To Respondent's Return To The Order To  
21 Show Cause And Memorandum Of Points And Authorities and Petitioner's Supplemental  
22 Submission To The Traverse To The Respondent's Return To The Order To Show Cause<sup>1</sup>. In  
23 addition, Ms. Becker provides this supplemental submission for the Court's consideration in  
24  
25  
26

27 <sup>1</sup> We have no objection to the prosecution, likewise, relying on and incorporating by reference  
28 their previously filed, Return to the Order to Show Cause in this matter.

1 response to this Court’s February 22, 2021 minute order granting a bail review hearing to  
2 “consider releasing Ms. Becker on her own recognizance or for the reduction of bail in the  
3 superior court in light of *In re Humphrey* (2018) 19 Cal.App.5th 1006, 1041-1045.” See Court of  
4 Appeal, December 3, 2020 Order.

5  
6 Petitioner, Chelsea Becker, respectfully urges this Court to permit Ms. Becker to be  
7 immediately released in this case on her own recognizance consistent with the Constitutions of  
8 the United States and the State of California, the requirements set forth in Penal Code section  
9 1275, and the Court of Appeal’s holding in *In re Humphrey*, (2018) 19 Cal.App.5th 1006, 1041–  
10 1045 [228 Cal.Rptr.3d 513, 538-542] (Section III) (hereinafter “*Humphrey*”) (precedential effect  
11 reinstated by Cal. *In re Humphrey*, (2020) 268 Cal.Rptr.3d 119 [472 P.3d 435].

12  
13 **No Danger to the Community**

14 During the February 22, 3021 hearing (Transcript attached as Exhibit 1) before this Court, the  
15 Court stated that “I don’t find that she’s a danger to the community.” P. 4 L. 19. Therefore, we  
16 will not address that aspect of the prosecution’s earlier objection to Ms. Becker being released  
17 from pre-trial detention.

18  
19 **No Failure to Return to Court, No Felony Conviction, and No Strike Conviction**

20 Likewise, the prosecution has acknowledged in its Return to the Order to Show Cause  
21 filed in Superior Court that at the February 20, 2020 bail hearing held in this matter, that the  
22 Court was provided with several false representations, stating at page 9:

23 At the bail hearing on February 20, 2020, the prosecutor relied on the Bail Report which  
24 mistakenly stated the Petitioner failed to appear in court. Further, in reviewing Petitioner’s  
25 documentation before appearing at Petitioner’s Bail Review Hearing on February 20, 2020, the  
26 Sheriff believed Petitioner suffered a felony Penal Code section 245(a)(1) strike conviction

1 because the Bail Review Report denoted this prior felony conviction; however; upon further  
2 review, that conviction was reduced to a misdemeanor as Petitioner alleges.

3 Ms. Becker has never failed to appear at any scheduled court proceeding. Ms. Becker has  
4 no relevant criminal history. Ms. Becker did not have a conviction that was “reduced.” Rather,  
5 she has never had any felony conviction at all; the only conviction in her juvenile record was the  
6 misdemeanor plea itself. See, Ms. Becker’s Traverse to the prosecution’s Return to the Order to  
7 Show Cause, (Ex. 8) Becker Juvenile Records Part 1:21, 23,33,57 and Part 2:33 (filed in a  
8 separate confidential volume with the court). There was never a strike conviction.

9  
10 **No Flight Risk**

11 There is no evidence that Ms. Becker has ever been a flight risk. Indeed, as the Court is  
12 aware, after her stillbirth and prior to her arrest in this matter, after receiving a call from the  
13 police, she voluntary met with them and discussed the circumstances of her stillbirth. There is no  
14 evidence, none, that she was ever aware, (how could she have been?) of the issuance of an arrest  
15 warrant in this matter until the police arrived to arrest her. The fact that, at the time, she was  
16 homeless, had lost her cellphone and was still seriously suffering from her substance abuse  
17 disorder does not equate with being a flight risk. It equates only with a woman in dire need of  
18 support.

19  
20 **Absolute Indigency**

21 Finally and, given the issues discussed above, dispositively, there is no doubt that Ms.  
22 Becker is indigent. She cannot afford any bail. This Court has previously been provided with Ms.  
23 Becker’s Declaration of Indigency. For the Court’s convenience, it is attached hereto as Exhibit  
24 2. Ms. Becker has no assets, no property and no means to provide any funds or collateral to  
25 support even a minimal bail bond. As the trial level court did in the Humphrey case, this Court  
26 has previously determined that releasing Ms. Becker on bail is appropriate. But *Humphrey* is  
27 equally clear that imposing bail:

28  
**Case: 19CMS-5304**

People v. CHELSEA BECKER

SUPPLEMENTAL SUBMISSION IN SUPPORT OF RENEWED MOTION, IN RESPONSE TO ORDER TO SHOW CAUSE,  
TO BE RELEASED ON PETITIONER’S OWN RECOGNIZANCE OR FOR REDUCTION OF BAIL IN SUPERIOR COURT  
IN LIGHT OF *In re Humphrey* (2018) 19 Cal.App. 5th 1006, 1041-1045 - 3

1  
2 for the population unable to afford money bail [...] make[s] a mockery of the Supreme  
3 Court's observation in Salerno that prior to trial "liberty is the norm." (*Salerno, supra*,  
4 481 U.S. at p. 755.) In the present case, as we have said, the prosecution did not present  
5 any evidence, let alone clear and convincing evidence, to establish that "no condition or  
6 combination of conditions of release would ensure the safety of the community or any  
7 person" (*Salerno, supra*, 481 U.S. at pp. 743-744), thereby justifying abridgment of  
8 petitioner's liberty interest while awaiting trial.

9  
10 Section III of *Humphrey, Id.* at 41.

11 Likewise in this case, in this case, the only condition suggested by the prosecution was  
12 that Ms. Becker be drug tested. She has been tested and she is drug free.

13 Section III of *Humphrey, Id.* at 35, also holds that "a defendant may not be imprisoned  
14 solely due to poverty". As explained in *Humphrey*, since it is clear that Ms. Becker can not  
15 afford any bail, setting a bail amount will necessarily violate Ms. Becker's due process rights.  
16 The *Humphrey* court could not have been more clear, under circumstances virtually identical to  
17 the instant case, when it said:

18  
19 And while the court attempted to acknowledge petitioner's circumstances by lowering the  
20 initially set amount of bail, the reduction from \$600,000 to \$350,000 was ineffectual.  
21 The reduction could be meaningful only if the court *had reason to believe it possible for*  
22 *petitioner to post bail in the lower amount; but the court did not find or explain such a*  
23 *possibility, and the record suggests that, as defense counsel stated, petitioner was no*  
24 *more able to post bail in the amount of \$350,000 than he was to post bail in the amount*  
25 *of \$600,000. Nothing in the record suggests petitioner's claim of indigency was not bona*  
26 *fide, and neither the district attorney nor the court questioned the veracity of the claim.*  
27 The court thus reached the anomalous result of finding petitioner suitable for release on  
28 bail but, in effect, ordering him detained (and therefore rendering him unable to  
participate in the treatment program the court had made a condition of release).

Section III of *Humphrey, Id.* at 41

A person facing the exact same charges as Ms. Becker, under the exact same  
circumstances but with access to the financial resources necessary to pay bail or hire a bail bond  
company would not have spent any more than a few days in jail arranging to pay bail.

On February 22, 2021 the Court stated, in reference to his decision to reduce her bail  
from \$5,000,000 to \$2,000,000 that:

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1 It appeared to me that she could probably afford the two million dollar bond, not two  
2 million in cash herself, but certainly bondsmen take payment plans, bondsmen take  
3 reduced fees for that two million, and considering the fact that she has a bevy of lawyers  
4 showing up for her at every hearing, I've never had anybody represented by four  
5 attorneys before, it would appear to me there probably was some financial resources  
6 there. P. 6 L.2-10

7 The Court's assumption is understandable but is completely misplaced. None of the  
8 defense lawyers are being paid for their work on Ms. Becker's behalf. Ms. Becker's case first  
9 came to the attention of the National Advocates for Pregnant Women (NAPW) a not-for profit  
10 which addresses issues related to criminalizing women's behavior with regard to their own  
11 bodies and pregnancies. Mr. Arshack, a consulting attorney to NAPW, reached out to attorneys  
12 Jacqueline Goodman and Roger Nuttall to ask for their pro bono assistance in this important case  
13 and they agreed. All of the attorneys working on this matter are working pro-bono. None of the  
14 attorneys have received or ever will receive any payment for the work done on this matter.

#### 14 A Residential Drug Treatment Placement

15 Sadly, for the last 16 months, Ms. Becker has been in pretrial detention based on her  
16 indigency. During that time she received no institutional support. But, as observed by the Court  
17 on February 22, 2021, she also has not had access to any controlled substances. During the  
18 February 22, 2021 hearing the prosecution requested that Ms. Becker be drug tested before any  
19 release. Ms. Becker consented to the test during the hearing and the next day she was tested. The  
20 Probation report which will be submitted to the Court for the March 9, 2021 bail review hearing  
21 will demonstrate that Ms. Becker had a clean drug test.

22 We agree with the Court's observation during the February 22, 2021 hearing, that:

23 [I]t just seems to me that after *Humphrey* in that 15 to 16 months what should be  
24 explored is whether she has a place to live, whether she has some things set up to deal  
25 with the drug addiction, because just because she's been sober for 15 or 16 months  
26 doesn't mean she's not an addict. And if you just go right back into the street without  
27 some support mechanism, my fear is we'll be right back where we are. But if there's,  
28 [...], some counseling set up or some drug courses, live-in, outpatient, something that  
deals with addressing the addiction, the fact that she's been able to go 15, 16 months in

1 custody which would mean clean and sober is certainly a huge leg up to where she would  
2 have been before, it would help with those type of services.

3 P.9 L.6

4 There was also an acknowledgement and agreement during the February 22, 2021  
5 hearing that it made sense to locate a treatment facility in large metropolitan area well away from  
6 Kings County. During that colloquy the Court correctly observed that, “[I]f you get away from  
7 those old friends, you get away from those old influences.” P.13 L. 5 In order to address this  
8 issue, we have contacted a leading provider of residentially based drug treatment.  
9 HealthRight360 (<https://www.healthright360.org/service/substance-use-disorder-treatment> ) in  
10 San Francisco is a nationally recognized provider of high quality residential drug treatment  
11 services. (See Exhibit 3)

12 Following our February 22, 2021 hearing we were able to arrange with the Kings County  
13 Jail for an extended phone assessment of Ms. Becker by Dr. Natasha Marina, a physician at  
14 HealthRight360. Following that assessment, HealthRight360 issued a letter (Exhibit 4) advising  
15 that Ms. Becker is appropriate for placement in their residential facility and will be accepted. The  
16 program is initially a 90 day highly structured residential treatment program. If longer structured  
17 residential care is required, that can be offered as well. After successful completion, there are a  
18 variety of step down programs into which participants are moved to. These services are all paid  
19 for by MediCal which will be arranged by HealthRIGHT360 upon Ms. Becker’s arrival at their  
20 facility. In a follow up phone call, Dr. Marina informed Mr. Arshack that as soon as she is  
21 released, a bed will be made available to her.

22 In addition, we have established a relationship with the Roots Community Health Center  
23 (RCHC) ([www.rootsclinic.org](http://www.rootsclinic.org)) which works closely with HealthRIGHT360 to provide  
24 necessary social services, social supports, job training and employment to individuals  
25 transitioning out of residential drug treatment. In addition to these services, RCHC has agreed to  
26 provide transportation for Ms. Becker from the Kings County Jail to the HealthRIGHT360  
27 residential facility upon her release from jail.  
28

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IN LIGHT OF In re Humphrey (2018) 19 Cal.App. 5th 1006, 1041-1045 - 6

1 **Alternative Conditions of Release**

2 The imposition of bail on an indigent person who cannot afford to pay bail or pay for a  
3 bond and who, if they had sufficient funds, would be released, is contrary the holding in  
4 *Humphrey*. The Court, however, is free to consider alternative conditions of release which will  
5 assure that Ms. Becker returns to court when required to do so. We expect and completely agree  
6 that regular reporting to the Department of Probation and/or the Court from HealthRIGHT360  
7 would be appropriate. Such reporting would describe Ms. Becker's participation in the treatment  
8 program and alert the Department of Probation and/or the Court to any compliance issues which  
9 may arise.

10 We believe that such regular reporting on whatever regular frequency the Court thinks  
11 appropriate, combined with a requirement that the program immediately inform the Department  
12 of Probation and/or the Court of any failure of Ms. Becker to comply with the program's  
13 requirements, is sufficient to keep the Court apprised of Ms. Becker's progress and will permit  
14 the court to change the conditions of release or withdraw it completely if Ms. Becker fails to  
15 comply with the program's requirements.

16 However, in the event the Court would require the Department of Probation to have the  
17 ability to have a more constant monitoring of Ms. Becker's whereabouts and a means to actually  
18 communicate with her, we have made an arrangement with RECONNECT ([www.reconnect.io](http://www.reconnect.io)).  
19 RECONNECT is a nationwide provider of court connected remote participant location  
20 monitoring, voice and face to face communication, check-in, and compliance assurance services  
21 that rely on specially programmed hardware including smartphones and ankle monitors. (See  
22 Exhibit 5). If the court decides to impose electronic monitoring as a condition of release, we have  
23 arranged through RECONNECT for a preprogrammed smart phone and ankle monitor to be  
24 made available for that purpose. RECONNECT provides these services in 32 states. All training  
25 of staff who will interact with the software and hardware will be trained by RECONNECT  
26 experts. RECONNECT is pleased to introduce their capabilities to the court, program staff and  
27  
28



1 court related staff. There will be no cost to the Court nor to Ms. Becker for those items for the  
2 time that such monitoring is required.

3 ///

4 ///

5 ///

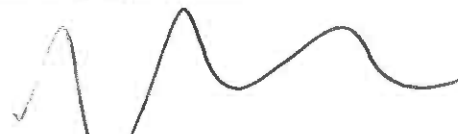
6 **Conclusion**

7 For the reasons stated herein, as well as those stated in her filed Petitioner's Traverse To  
8 Respondent's Return To The Order To Show Cause And Memorandum Of Points And  
9 Authorities and Petitioner's Supplemental Submission To The Traverse To The Respondent's  
10 Return To The Order To Show Cause, Ms. Becker asks this Court to issue an order releasing  
11 her on own recognizance with conditions that 1) She participate and comply with the treatment  
12 program described above and; 2) If the Court imposes electronic monitoring as a condition of  
13 release, that she cooperate and comply with anything that such monitoring may require.

14  
15 Dated: March 4, 2021

Respectfully submitted,

16 NUTTALL & COLEMAN

17 

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19 \_\_\_\_\_  
20 ROGER T. NUTTALL  
21 Attorneys for CHELSEA BECKER



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**CERTIFICATE OF WORD COUNT**

I, Roger T. Nuttall, co-counsel for Chelsea Becker, petitioner and defendant, do hereby certify and verify, pursuant to the California Rules of Court, rule 8.204(c)(1), that the word processing program used to generate this brief indicates that the word count for this document SUPPLEMENTAL SUBMISSION IN SUPPORT OF RENEWED MOTION, IN RESPONSE TO ORDER TO SHOW CAUSE, TO BE RELEASED ON PETITIONER'S OWN RECOGNIZANCE OR FOR REDUCTION OF BAIL IN SUPERIOR COURT IN LIGHT OF *In re Humphrey* (2018) 19 Cal.App. 5th 1006, 1041-1045 is 2,425 words, excluding the cover information, this certificate, the signature blocks and any attachments permitted under rule CRC rule 8.486.

I declare that the foregoing is true and correct to the best of my knowledge and belief at the time of making this verification.

EXECUTED on March 4, 2021, under penalty of perjury under the laws of the State of California, in Fresno, California.



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ROGER T. NUTTALL

# **Exhibit 1**

1 SUPERIOR COURT OF CALIFORNIA  
 2 COUNTY OF KINGS, KINGS COUNTY JUDICIAL DISTRICT  
 3 HONORABLE ROBERT SHANE BURNS, Judge  
 4 DEPARTMENT 6

5 THE PEOPLE OF THE STATE )  
 6 OF CALIFORNIA, )  
 7 Plaintiff, ) No. 19CMS-5304  
 8 vs. )  
 9 CHELSEA CHEYENNE BECKER, )  
 10 Defendant. )

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11 Hanford, California February 22, 2021

12  
 13  
 14  
 15 REPORTER'S TRANSCRIPT

16 of

17 ORDER TO SHOW CAUSE RE BAIL REVIEW HEARING

18  
 19  
 20  
 21  
 22 **WARNING!! PURSUANT TO CALIFORNIA GOVERNMENT**  
 23 **CODE SECTION 69954, NO PARTY OR PERSON SHALL PROVIDE**  
 24 **OR SELL A COPY OR COPIES OF A COURT REPORTER'S**  
 25 **TRANSCRIPT TO ANY OTHER PARTY OR PERSON.**

26  
 27 REPORTED BY:  
 28 CHERI FIKE, CSR #6200, RMR, CRR

||

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 KEITH FAGUNDES  
4 District Attorney, Kings County  
5 BY: MELISSA D'MORIAS, Deputy D.A.  
6 1400 West Lacey Blvd.  
7 Hanford, California 93230

8 FOR THE DEFENDANT:

9 DANIEL ARSHACK, Esq.  
10 Attorney at Law  
11 JACQUELINE B. GOODMAN, Esq.  
12 Attorney at Law  
13 SAMANTHA LEE, Esq.  
14 Attorney at Law  
15 ALEXANDRIA DE LA FUENTE, Esq.  
16 Attorney at Law

17 ---oOo---

18 BE IT REMEMBERED, that the above-entitled  
19 matter came on regularly for hearing in the Superior  
20 Court of California, County of Kings, Kings County  
21 Judicial District, Department 6, before the HONORABLE  
22 ROBERT SHANE BURNS, Judge, on February 22, 2021.

23 The People of the State of California were  
24 represented by MELISSA D'MORIAS, Esq., Deputy District  
25 Attorney for the County of Kings, State of California.

26 The Defendant, CHELSEA CHEYENNE BECKER,  
27 was present in court and was represented by counsel,  
28 DANIEL ARSHACK, Esq., Attorney at Law, JACQUELINE B.  
GOODMAN, Esq., Attorney at Law, SAMANTHA LEE, Esq.,  
Attorney at Law, and ALEXANDRIA DE LA FUENTE, Esq.,  
Attorney at Law.

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1           WHEREUPON, the following proceedings were  
2 had and testimony given, to wit:

3                           ---oOo---

4           THE COURT: Are we ready on the Becker  
5 matter? Is Ms. Goodman up there? Mr. Arshack was  
6 there earlier.

7           MR. ARSHACK: Yes, we're prepared and ready,  
8 Judge.

9           THE COURT: Why don't you bring Miss Becker,  
10 please.

11                       (Pause in the proceedings.)

12           THE COURT: All right. The record will  
13 reflect Miss Becker has joined us by video conference.  
14 Her attorney, Ms. Goodman, is appearing by video  
15 conference; Mr. Arshack is appearing by video  
16 conference; we have Ms. Lee appearing by video  
17 conference; and I believe Mr. Nuttall's office was  
18 appearing by telephone and is still present.

19           Miss Becker, you have a right to be present  
20 in the courtroom today, but because of the virus for  
21 everybody's safety we would like to proceed by video;  
22 is that all right with you?

23           THE DEFENDANT: Yes, your Honor.

24           THE COURT: Thank you, Miss Becker, I  
25 appreciate that.

26           All right. It's here on an order to show  
27 cause why Miss Becker should not be allowed to have  
28 another bail review hearing and I have had a chance to

13

1 read through everybody's pleadings. Let me clear  
2 something up for everyone before we begin, because it  
3 appears to me that both sides are asserting that I  
4 made findings that I never made. And it's my fault, I  
5 don't believe I necessarily explained it on February  
6 20th, although I do believe I clarified it at either  
7 the May 20th or the June 4th bail reviews, but  
8 needless, no matter. At the bail review the defense,  
9 Ms. Goodman argued -- this is on the February 20th one  
10 -- that Miss Becker should be released because 187  
11 didn't apply to her under these circumstances, that  
12 she was a good flight risk and that she was not a  
13 danger to the community and that she could not afford  
14 the five million dollar bail as set by the schedule.

15 Frankly, as you all know, I don't agree with  
16 the analysis that Penal Code Section 187 doesn't apply  
17 to Miss Becker's situation. I did not find, although  
18 both sides seem to assert that, that she's a danger to  
19 the community. I don't find that she's a danger to  
20 the community. Frankly, I didn't think anybody took  
21 that argument serious since this clearly was not an  
22 act where like we typically see, somebody goes out and  
23 attacks somebody else and uses a gun, a knife, a car,  
24 or whatever. This is more of an individual who was  
25 clearly heavily addicted to controlled substances and  
26 that addiction led to the death of a fetus, but it was  
27 more self-abuse as opposed to abuse of others. I did  
28 not accept the argument that she was not a flight

1 risk. That was my concern. She was a flight risk,  
2 and I believe I stated that expressly either at the  
3 May 20th bail review hearing or the June 4th bail  
4 review hearing. I reduced the bail from five million  
5 to two million because I believed she was a flight  
6 risk and I believed through a bondsman she could post  
7 the fee for the two million.

8 The reason why I thought she was a flight  
9 risk was because I was the one who signed the arrest  
10 warrant from October 31st, 2019, and as I recall from  
11 that arrest warrant, her mother made indications she  
12 wasn't allowing her to live there anymore and that  
13 Miss Becker was suffering mental health issues because  
14 of the drug usage. The defendant herself told the  
15 officers that she was homeless and slept in stairwells  
16 at times and that her mother wouldn't let her live at  
17 the house so she had no place to go. That she left  
18 the hospital, as I recall, against medical advice  
19 while still having medical apparatus, although I don't  
20 remember what they were, attached to her. She was  
21 reluctant to speak to Child Protective Services and  
22 the police when they came to check on another child.  
23 After she left the hospital it took cajoling to get  
24 her to show up, and then it took the officers a week  
25 to find her once the arrest warrant was issued, which  
26 is unusual for that charge in this community with  
27 somebody that's grounded in the community. And she  
28 was facing a murder charge, which does have the



1 possibility of a life term.

2 It appeared to me that she could probably  
3 afford the two million dollar bond, not two million in  
4 cash herself, but certainly bondsmen take payment  
5 plans, bondsmen take reduced fees for that two  
6 million, and considering the fact that she has a bevy  
7 of lawyers showing up for her at every hearing, I've  
8 never had anybody represented by four attorneys  
9 before, it would appear to me there probably was some  
10 financial resources there.

11 Now, the argument from Ms. Goodman was  
12 simply that she couldn't afford the five million  
13 without any greater explanation or flushing out. I  
14 accepted it as true and I reduced it to what I thought  
15 she could possibly make. Now, it appears to me that  
16 the order from the Fifth is simply that she's to have  
17 a bail -- that there's an order to show cause to see  
18 why she shouldn't have a new bail hearing, although no  
19 new bail hearing was ever asked of the Court, and it  
20 seems patently obvious to me that there are changed  
21 circumstances with Miss Becker, not the least of which  
22 is at each of the bail review hearings *Humphrey* was  
23 not the law.

24 *Humphrey* was passed and it was decided in  
25 2018, and then on May 23rd, 2018, the Supreme Court  
26 took it for review and ordered it not to be cited or  
27 relied upon and it stayed in that status until August  
28 26th, 2020, at which time the Supreme Court reinstated

10

1 the precedential value of Part 3 of *Humphrey*, which is  
2 where we sit today, but that clearly occurred months  
3 after the last time bail was ever discussed on Miss  
4 Becker's case.

5 In addition to that, the concerns I had in  
6 terms of her being a flight risk dealt largely with  
7 what appeared to be a heavy addiction to controlled  
8 substances, which was some 15 months ago. She's been  
9 in custody for about 15 months, I think it is, maybe  
10 closer to 16, which I would assume she's not using  
11 drugs while inside the county jail for the last 16  
12 months, and that would seem to place her in a better  
13 position that she was in back at the February 20th  
14 bail review certainly, but probably even the bail  
15 review in May, and I don't recall the June and she  
16 actually having a bail review, I think it was during  
17 the demurrer the defense also requested a bail  
18 reduction at that time. At least that's how I recall  
19 it, I might have that wrong.

20 So that's kind of where it sits to me is it  
21 looks like just the fact that *Humphrey* has become law  
22 and it wasn't, although the Court may have made a  
23 little bit of a *Humphrey's* analysis in the February  
24 20th bail review because I was aware of the case, it  
25 certainly wasn't flushed out by the parties by either  
26 side and that seems to be different now that *Humphrey*  
27 is the law.

28 Ms. D'Morias, do you want to address those

17

1 concerns from the Court?

2 MS. D'MORIAS: Your Honor, I'm in agreement  
3 with what the Court had previously analyzed when it  
4 came to considering the bail review and the issues  
5 with securing Miss Becker's attendance in court for  
6 the lifetime of this case. I don't believe there's  
7 any changed circumstances.

8 THE COURT: You don't think 16 months of  
9 being in custody --

10 (Disruption in BlueJeans.)

11 MR. ARSHACK: Judge, we seem to be  
12 reconnected now.

13 THE COURT: All right, I'm not sure what  
14 happened there, I apologize to everybody. Do we have  
15 everybody we need? I see Miss Becker, Mr. Arshack,  
16 Ms. Goodman, Ms. Lee, I see the phone number for Ms.  
17 De La Fuente from Mr. Nuttall's office. There's Ms.  
18 D'Morias. I think we're good to go, correct?

19 MR. ARSHACK: Yes, Judge, we were knocked  
20 off just as Ms. D'Morias was saying I think that she  
21 was going to leave it to the Court.

22 THE COURT: No, I think she was saying she  
23 doesn't see a change of circumstances, and I was  
24 starting to ask her the question wouldn't the fact  
25 that, one, *Humphrey* is now the law and it wasn't then  
26 be a change of circumstance, it's a change in legal  
27 standard; and two, and more importantly in my mind,  
28 the fact that Miss Becker's been in custody for 15 or

19

1 16 months would certainly seem to affect her obvious  
2 drug addiction or heavy drug addiction, which was the  
3 primary concern of the Court from 15 or 16 months ago.

4 Today isn't the bail review. Today is the  
5 hearing to see if she should be allowed a bail review,  
6 and it just seems to me that after *Humphrey* in that 15  
7 to 16 months what should be explored is whether she  
8 has a place to live, whether she has some things set  
9 up to deal with the drug addiction, because just  
10 because she's been sober for 15 or 16 months doesn't  
11 mean she's not an addict. And if you just go right  
12 back into the street without some support mechanism,  
13 my fear is we'll be right back where we are. But if  
14 there's, you know, some counseling set up or some drug  
15 courses, live-in, outpatient, something that deals  
16 with addressing the addiction, the fact that she's  
17 been able to go 15, 16 months in custody which would  
18 mean clean and sober is certainly a huge leg up to  
19 where she would have been before, it would help with  
20 those type of services. And it seems to me we've  
21 taken a rather convoluted route to get where we're at.  
22 I think all that really needed to be requested was a  
23 bail review because *Humphrey* is now the law and we've  
24 got some changed circumstances, but be that as it may,  
25 here's where we are.

26 That's what I'd like you to address, Ms.  
27 D'Morias. It's whether she's entitled to a bail  
28 hearing, not whether she should be released today or

19

1 not. Those issues haven't been flushed out by the  
2 parties yet, it's just whether she should be entitled  
3 to have such a hearing. That's what the order to show  
4 cause from the Fifth was.

5 MS. D'MORIAS: Okay, yes, your Honor, I  
6 understand now. And I would agree with the Court's  
7 analysis that if Miss Becker in terms of her addiction  
8 issues has some system or support system in place  
9 where she can be released and maintain her sobriety  
10 and not reoffend, that is an issue the Court should  
11 take up in terms of her custody status.

12 THE COURT: All right, thank you.

13 Who's going to argue this for the defense?

14 MR. ARSHACK: I will, Judge, Dan Arshack.

15 THE COURT: Mr. Arshack, did you want to be  
16 heard?

17 MR. ARSHACK: I do briefly, Judge. I'm  
18 pleased to say that I agree with you on a number of  
19 points.

20 THE COURT: Let me mark my calendar. Let me  
21 get a calendar, I'll mark that down.

22 MR. ARSHACK: There you go. Of course -- of  
23 course, *Humphrey* was not the law when bail was  
24 originally set, and, of course, I agree with you it is  
25 the law now. I think you would also agree with  
26 *Humphrey* that your reduction of bail from five million  
27 dollars to two million dollars was anchored in the  
28 bail schedule as *Humphrey* uses the term at page 35 of

20

1 its opinion, 36 of its opinion, and that what is  
2 inferred according to *Humphrey* by the fact that your  
3 Honor was inclined to release her on any bail at all  
4 was that, as you said, she's not a danger to her  
5 community, and the amount of bail at that time not --  
6 not configured by *Humphrey* was not calculated based on  
7 what she could conceivably have paid.

8 Judge, you know, a 2 million dollar bail  
9 still requires between 7 and 10 percent. And as you  
10 know, you have an affidavit of indigency from Miss  
11 Becker, she doesn't have anything near that amount.  
12 But I think we may be quibbling over details if I'm  
13 reading and understanding what you're saying  
14 accurately. She has indeed been clean for the last 15  
15 months. Her mother has submitted an affidavit that  
16 you have saying that she's welcome to stay at her  
17 home --

18 THE COURT: Those issues go to whether --  
19 today's issue is whether she should be entitled to a  
20 bail hearing. Those issues go to whether --

21 MR. ARSHACK: I also agree with you, Judge,  
22 that the order from the Court of Appeals is on that,  
23 should she be entitled to a bail hearing. I think  
24 we're all in agreement, including Ms. D'Morias, that  
25 she should be entitled, there's a significant number  
26 of changes of circumstances.

27 I want to alert you to the fact that Miss  
28 Becker has been evaluated for placement in a -- in a

1 residential treatment facility. We completely agree  
2 that that's an appropriate placement and she agrees.  
3 It's something that she wants very much to accomplish.  
4 We couldn't actually obviously pull the trigger on  
5 that --

6 THE COURT: Right.

7 MR. ARSHACK: -- before knowing that the  
8 Court would permit that --

9 THE COURT: Right.

10 MR. ARSHACK: -- and inasmuch as she doesn't  
11 have any money to post for bail. If at the end of a  
12 rehearing, which I'm perfectly prepared to schedule  
13 now, we decide that it makes sense for her to be in a  
14 treatment facility, we will undertake the -- getting  
15 her there and setting up a scheme that informs the  
16 Court how she's doing on a regular and repeatable  
17 basis. So I do join in Ms. D'Morias and your  
18 conclusion that we ought to have a subsequent bail  
19 hearing as soon as possible.

20 THE COURT: Which treatment facility or  
21 residential program have you looked into?

22 MR. ARSHACK: You know, we've looked at  
23 several. The fact is that the treatments within Kings  
24 County are limited.

25 THE COURT: Right.

26 MR. ARSHACK: And the availability of beds  
27 is limited. We may have to go further afield. There  
28 are opportunities in larger metropolitan areas.



1 There's something as well to be said I think for Miss  
2 Becker, and I think she would agree with this, in  
3 having her removed from the community in which she was  
4 an active drug user.

5 THE COURT: Yeah, if you get away from those  
6 old friends, you get away from those old influences.

7 MR. ARSHACK: I totally agree. So because  
8 we haven't been able to actually reserve a bed for her  
9 someplace, we haven't narrowed down the choices. But  
10 if we were to set a date for a hearing within I would  
11 say two weeks, we will be able to at that point  
12 identify facilities that she would be both eligible  
13 and would have a place for her to be.

14 THE COURT: The reason I asked was that, you  
15 know, you're saying that you would undertake getting  
16 her there. Depending on the facilities it's a fairly  
17 common practice, I don't know if I would say within  
18 the county, certainly within my court, I often order  
19 Probation to pick her up from the jail and get her to  
20 the facility.

21 MR. ARSHACK: I don't think we really have  
22 an issue with how she gets there, it's only that she  
23 gets there. Some of the facilities have workers who  
24 come to collect people as well.

25 THE COURT: Right, that's true.

26 MR. ARSHACK: But one way or another, I know  
27 it's what Miss Becker wants, it's clearly I think,  
28 Judge, what you want, I hope it's what Ms. D'Morias

23

1 wants. We'll get her there and she can continue  
2 improving.

3 THE COURT: All right. Ms. D'Morias, do you  
4 want to be heard any further?

5 MS. D'MORIAS: Your Honor, I just -- part of  
6 the analysis that I would like to see at the bail  
7 review hearing is whether -- what a drug test of  
8 Miss Becker right now would come back as. We do know  
9 that drugs are, unfortunately, in the jail at times so  
10 I would like to know whether she's used recently  
11 before we agree that she has been sober for 15 months  
12 and wants to go into treatment.

13 THE COURT: Well, whether she's been sober  
14 for 15 months, she certainly doesn't have the access  
15 to narcotics in the facility as she would while she  
16 was out on the street, right? So that would mean a  
17 diminished nature of the addiction.

18 MR. ARSHACK: We can't hear you, Chelsea.

19 THE COURT: Miss Becker is on mute.

20 MR. ARSHACK: You're muted, Chelsea.

21 THE COURT: Miss Becker, hold on.

22 THE DEFENDANT: I'm willing to take a drug  
23 test right now.

24 THE COURT: Hold on before you speak.

25 THE DEFENDANT: Okay.

26 THE COURT: It's usually beneficial if you  
27 talk to your lawyers, but you kind of blurted it out  
28 anyways, so...

24

1 I guess, Mr. Arshack, and, Ms. Goodman, do  
2 you have any objection to Miss Becker taking a drug  
3 test? We can get a presumptive done as part of the  
4 bail review.

5 MR. ARSHACK: We've been trying to get  
6 Chelsea tested for months at the Kings County Jail.  
7 As long as they're testing her for drugs, let's test  
8 her for COVID as well.

9 THE COURT: Well, you can take that up with  
10 the county, that's a little bit beyond me. I don't  
11 mind ordering a test for the drugs because that would  
12 be related to the circumstance of whether or not she  
13 should be released on bail. So it sounds like then  
14 everybody is in agreement in whether we have and I'm  
15 going to order a bail review hearing.

16 My only question, Mr. Arshack, Ms. Goodman,  
17 when do you want to have that? We can do it as soon  
18 as a couple days, but if you're looking at a program  
19 and you wanted to have a little bit more concrete  
20 terms towards that, you might want a little more time.

21 MR. ARSHACK: I had suggested two weeks,  
22 that works for me. I don't know about the rest of our  
23 crew. But before we do that, Judge, there is one  
24 additional ask that I would make, and that is, as I  
25 said, we had had Miss Becker evaluated by an addiction  
26 physician earlier on. Since that point in time the  
27 ability to have a longer evaluation by someone from a  
28 program has been limited and I was going to ask

25

1 whether your Honor would be willing to enter an order  
2 to permit Miss Becker to have a longer conversation.  
3 You know, if I speak to her on the legal line, I'm  
4 limited to 20 minutes with her and I can't third party  
5 in somebody into that conversation. They will want to  
6 speak to her for at least an hour and a half, and the  
7 first time we had her evaluated they did that by  
8 providing her with a phone in a private room and they  
9 spoke to her and were able to perform that evaluation,  
10 but that was several months ago. And if we could have  
11 an order from your Honor asking for that arrangement  
12 to be made again, that would facilitate her being able  
13 to be placed.

14 THE COURT: I think the Sheriff has a due  
15 process right to be heard on whether or not I order an  
16 hour and a half phone call, so I'm not going to make  
17 that order. My guess is, though, knowing my Sheriff,  
18 if you make that request, they'll make it available.  
19 If not, if you just place the matter back on calendar  
20 and, you know, we can even bypass maybe the -- well,  
21 you just put it back on calendar, we can do an order  
22 shortening time and the Sheriff can be heard as to why  
23 he can't accommodate a longer phone call, but I don't  
24 think you're going to run into a problem with that.

25 MR. ARSHACK: I appreciate that.

26 THE COURT: But I do think it's problematic  
27 for me to order that since that's outside the normal  
28 custodial function without him or that department

26

1 having a right to be heard.

2 MR. ARSHACK: I understand. I'll convey  
3 your sentiment to the jail as well.

4 THE COURT: Absolutely. In fact, we can put  
5 on the minute order that the Court approves of letting  
6 her have an extended phone call with an addiction  
7 specialist for purposes of the bail hearing, but I  
8 won't order that at this time since the Sheriff hasn't  
9 been heard, so it's clear in the minute order that the  
10 Court approves of that particular mechanism, but I'm  
11 not going to order it without them having a chance to  
12 be heard on it. Would that help?

13 MR. ARSHACK: I think that ought to do the  
14 trick, I appreciate that.

15 THE COURT: Okay, so then is there anything  
16 else we need to take up? You said about two weeks,  
17 how about two weeks and a day, maybe March 9th?

18 MR. ARSHACK: That works for me, yes.

19 THE COURT: Ms. D'Morias, does that work for  
20 you?

21 MS. D'MORIAS: Yes, your Honor.

22 THE COURT: Mr. Valentine, that should give  
23 you plenty of time, correct?

24 PROBATION OFFICER VALENTINE: Yes, your  
25 Honor, March 9th.

26 THE COURT: March 9th, and you understand  
27 what I want addressed in the bail review report,  
28 correct?

27

1           PROBATION OFFICER VALENTINE: I have made  
2 those notes, your Honor.

3           THE COURT: Okay. Is there anything else we  
4 need to take up, Mr. Arshack?

5           MR. ARSHACK: I think we're good, Judge.

6           THE COURT: Ms. Lee?

7           MS. LEE: No.

8           THE COURT: No? Ms. Goodman?

9           MS. GOODMAN: No, thank you.

10          THE COURT: Ms. De Le Fuente? I'm going to  
11 guess from the silence that means no.

12          Ms. D'Morias?

13          MS. D'MORIAS: No, your Honor.

14          THE COURT: All right. Mr. Arshack, it was  
15 nice to see you, I hope you're feeling better.

16          MR. ARSHACK: Thank you so much. Thanks for  
17 asking.

18          THE COURT: I hope it was nothing serious.

19          MR. ARSHACK: Take care.

20          THE COURT: Everybody have a nice day. Good  
21 luck to you.

22          Ms. Becker, good luck to you. I'll see you  
23 on the 9th.

24          THE DEFENDANT: Thank you.

25          PROBATION OFFICER VALENTINE: Judge?

26          THE COURT: Probation officer.

27          PROBATION OFFICER VALENTINE: Real quick, I  
28 never heard if there was an order specific to the drug

20

1 testing.

2 THE COURT: Yes.

3 PROBATION OFFICER VALENTINE: Okay.

4 THE COURT: She's volunteered to do a drug  
5 test.

6 PROBATION OFFICER VALENTINE: Thank you.

7 (Matter concluded.)

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4 I, CHERI FIKE, a Certified Shorthand  
5 Reporter, DO HEREBY CERTIFY:

6 That the foregoing and annexed pages  
7 constitute a full, true, and correct transcript of the  
8 proceedings had and testimony given in the hearing of  
9 the matter entitled as upon the first page hereof.

10  
11 Dated: February 23, 2020

12  
13  
14 /s/ CHERI FIKE, CSR

15 Official Reporter Pro Tempore #6200  
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# **Exhibit 2**

1 JACQUELINE GOODMAN  
Attorney at Law  
2 SBN: 172308  
THE GOODMAN LAW BUILDING  
3 712 N. Harbor Blvd.  
Fullerton, California 92832  
4 Telephone: 714.879.5770

5 Attorney for Defendant CHLESEA BECKER  
6  
7

8 IN THE SUPERIOR COURT OF THE COUNTY OF KINGS  
9 STATE OF CALIFORNIA, HANFORD COURTHOUSE  
10

11 THE PEOPLE OF THE STATE OF  
12 CALIFORNIA,  
13 Plaintiffs,  
14 vs.  
15 CHLESEA BECKER,  
16 Defendant.  
17

Case No. 9TR04184

DECLARATION OF DEFENDANT  
CHELSEA BECKER RE HER CURRENT  
FINANCIAL CONDITION

THE LAW OFFICE OF JACQUELINE GOODMAN  
712 N. HARBOUR BLVD.  
FULLERTON, CALIFORNIA 92832  
TEL: 714.879.5770

18  
19 DECLARATION OF DEFENDANT

20 I, CHELSEA BECKER, declare:

- 21 1. I am the defendant in the above-entitled case.
- 22 2. I have been incarcerated since being arrested on these charges on November 6, 2019,  
23 because I am unable to the afford bail as currently set in the amount of \$2 million.
- 24 3. I am now and have been indigent for virtually all of my life. I have had no source of  
25 income whatsoever since the time of my incarceration.
- 26 4. I do not have any saving or bank accounts with funds or other assets on deposit.
- 27 5. I own no interest in stocks or bonds and never have.
- 28 6. I own no real property and never have.

32  
DECLARATION OF DEFENDANT  
**EXHIBIT 2**

THE LAW OFFICE OF JACQUELINE GOODMAN  
712 N. HARBOR BLVD.  
SUNLIEVEN, CA 95832  
T. (916) 879-4778

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7. I do not own a car.

8. The personal property I own is worth a total of approximately \$ 100<sup>00</sup>.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

Executed this (date) 5-8-2020, at (city) Hanford, California.

Chelsea Becker  
CHELSEA BECKER  
Defendant/Declarant

33

DECLARATION OF DEFENDANT

EXHIBIT 2

# Exhibit 3

## Residential Services Include

- Individual and group therapy
- Family therapy
- Individualized case management
- Treatment planning
- Drug and alcohol counseling
- Re-entry and aftercare
- HIV treatment
- Medication support
- Infectious disease prevention services



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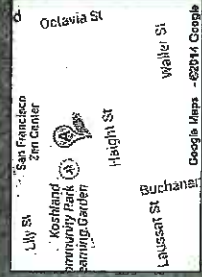
For more information, please contact:  
Henry Uyehara, Admissions Director  
[huyehara@healthRIGHT360.org](mailto:huyehara@healthRIGHT360.org)  
415-762-3700



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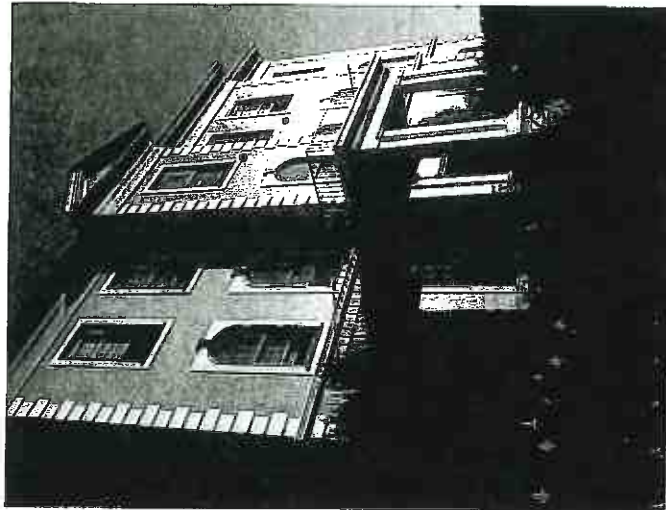
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36

- Former client



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HealthRIGHT 360 gives hope, builds health, and changes lives for people in need. We do this by providing compassionate, integrated care that includes primary care, mental health, and substance use disorders treatment.



### **HealthRIGHT 360 Residential Behavioral Health Treatment**

HealthRIGHT 360 offers residential treatment services designed to serve individuals with substance use disorders, co-occurring mental health disorders, and/or HIV/AIDS.

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- connect to supportive services
- visit our clinics for medical needs
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HealthRIGHT 360 delivers culturally responsive, compassionate, integrated care to clients in the San Francisco Bay Area, Los Angeles, and the Central Valley.

Most of our clients are uninsured and face additional challenges from homelessness, incarceration, or poverty.



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**GET BETTER. DO BETTER. BE BETTER.**

**GET BETTER. DO BETTER. BE BETTER.**



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**PROOF OF SERVICE**

STATE OF CALIFORNIA, )                      **19CMS5304**  
COUNTY OF FRESNO.    )                      CHELSEA BECKER

I am employed in the County of Fresno, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is: 2333 Merced Street, Fresno, California 93721.

On March ~~4~~<sup>5</sup>, 2021, I served the foregoing document described as: SUPPLEMENTAL SUBMISSION IN SUPPORT OF RENEWED MOTION , IN RESPONSE TO ORDER TO SHOW CAUSE, TO BE RELEASED ON PETITIONER'S OWN RECOGNIZANCE OR FOR REDUCTION OF BAIL IN SUPERIOR COURT IN LIGHT OF *In re Humphrey* (2018) 19 Cal.App. 5<sup>th</sup> 1006, 1041-1045 on the interested parties in this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

Xavier Becerra California Attorney General's Office Post Office Box 944255 Sacramento, California 94244 <b>[X] BY U.S. MAIL</b>	Melissa D'Morias Assistant District Attorney 1400 W. Lacey Blvd., Bldg. 4 Hanford, CA 93230 <b>[X] Via Email to melissa.d'morias@co.kings.ca.us &amp; U.S. Mail</b>
Hon. Robert Shane Burns, Judge Kings County Superior Court 1649 Kings County Dr. Hanford, California 93230 <b>[X] [By Hand]</b>	Clerk of the Court, Kings County Superior Court 1640 Kings County Dr. Hanford, CA 93230 <b>[X] [By Hand]</b>

I declare under penalty of perjury, under the laws of the State of California the above is true and correct. EXECUTED on March ~~4~~<sup>5</sup>, 2021, at Fresno, California.

  
DENISHA MURRAY