

## CHRONOLOGY

### PEOPLE V. CARLOS HERRERA-VILLATE

#### COURT OF APPEAL NO. B195347

Attorney: Carico

Client: Herrera-Villate; Abbreviated CVH

DATE	Incident/ Occurrence	What to Do	Source
April 30, 1999	Mother, Lisa Duncan, attempts to take girls from biological father in Kansas and leave for Texas. Alleges that bio father grabbed girls by the hair and dragged them off the bus. She alleges Davis broke her nose three times, but she did not report him.		TRO
July 26, 2001	Lisa Duncan (Herrera) files TRO against girl's biological father claiming physical and emotional abuse. Living in Palmdale with fiancée Carlos Herrera	Find and interview bio father (James Davis) lived in Wichita, Kansas in 1999.  Call Antelope Valley Courthouse and get a copy of the file.	TRO Case No. MDO23850

March 2003	Carlos Herrera notices bizarre behavior in father; accusing Jasmine of drinking alcohol and having sex in front of family; told family he had seen blood on bathroom floor and thought it was due to Jasmine's sexual activity. CVH gave CH literature on beating black people; Jasmine and Jurnee are part black race.	OCJP report, Nurse Wehr, Narrative History
unknown	In Van Nuys at CVH's--Jasmine claims CVH called her into house, rubbed leg and crotch	Sheriff's Incident Report--Interview of Jasmine
August 2003	CVH moves to Palmdale	Sheriff's Supplemental Report--Interview of Carlos Herrera
October 2003	CVH starts to come around the family trailer, and would watch girls while father attended school and wife did errands	Sheriff's Supplemental Report-Interview of CH
November 2003	CH asks father to stay in their trailer because CVH had no heating	Sheriff's Supplemental Report

Nov-Dec. 2003	CVH spends many nights at trailer	Sheriff's Supplemental Report
March 2004	Jasmine-CVH touched leg, crotch, then put her hand on exposed penis, locked herself in bathroom	Sheriff's Incident Report
March 27, 2004	Jurnee-CVH rubbed her butt over underwear; followed her to bedroom, put pinky into her vagina	Sheriff's Incident Report
April 2, 2004 Morning	CVH comes to Wildflower Elementary school and speaks to receptionist about Jasmine having an infection and bleeding. Receptionist refers him to health aid.	Incident Report; Social Worker's Report
April 2, 2004 Morning	CVH asks Berquist about age of onset of puberty for girls; that Jasmine had started her period; he took her to doctor for antibiotics; picks up clothes in their bedroom; Jasmine must have been molested because she put her mouth on his penis; he never touched girls.	Incident Report; Social Worker's Report

April 2, 2004	<p>Health Aide Berquist contacts school counselor Scherick who tells CVH they would look into what he was saying; Scherick (counselor) interviews Jasmine who reports sexual abuse. Jasmine says she will not talk to social worker.</p>	<p>Social Worker report; incident report</p>
April 2, 2004	<p>Scherick contacts child abuse hotline</p>	
April 2, 2004 2:15 p.m.	<p>CSW Pat Clement arrives at school, spoke to Scherick who said that CVH was rambling about Jasmine having an infection</p>	<p>Incident report, and social worker's report</p>
April 2, 2004	<p>CSW interviews Jasmine, Jurnee and Linda.. Linda reports she told her parents more than once that CVH was saying nasty things to the girls; was in their bedroom; and kissing Jurnee all over her face; and CVH told Jurnee he wanted to French kiss her.</p>	<p>Social worker's report</p>

April 2, 2004	CSW calls Palmdale Sheriff's station and requests a deputy; watch commander says "that woman" (Scherick) called 5 times to have a deputy go to the school.	social worker's report
April 2, 2004	Jasmine, Jurnee, Linda interviewed by Sheriff's Deputy Redding. Jasmine reluctant to interview, so Scherick sits in on interview	Sheriff's Incident Report
April 2, 2004	Linda tells Deputy Redding that she told her parents CVH was doing something to Jurnee and Jasmine	Sheriff's Incident Report
April 2, 2004	CVH in the school lobby asking CSW whether girls were "detained." CSW informs Redding CVH is in lobby and CVH is arrested for sexual battery.	Social worker's report
April 2, 2004	children detained and put in temporary foster care by CSW	Social worker's report

April 5, 2004	children returned to parents with a voluntary 301 contract.	Social worker's report
April 6, 2004	CSW Clement told by SCSW that there is a history of problems with the family; parents were informed of specific instances of abuse, and failed to take action; children to go to foster care on 5/6/04	CSW report
April 9, 2004	Jasmine, Jurnee and Carlos Herrera interviewed by Detective Tania Owen	Supplemental Report
April 23, 2004	SART exam with Nurse Wehr scheduled. Step-father appears but mother cannot make it, so Wehr reschedules appointment	OCJP Form, Narrative History, Nurse Wehr
April 26, 2004	SART Exam with Wehr; mother interviewed, said Linda told her CVH saying nasty things to them, kissing them, and going into their room. Mother moved CVH to the living room	OCJP report, narrative history

April 28, 2004	Pre-plea probation report completed		probation report
April 29, 2004	Carlos Herrera calls probation officer. Girls have started counseling (who is counselor?) Says both girls were possibly physically and emotionally abused, as was wife, from biological father. Says Jasmine does not want counseling, and Jurnee feels they are picking on her.	Find out name of counselor, and obtain records.  Interview biological father	
May 11, 2004	Attorney reviews supplemental police report and notes there were no tape recordings of interviews.	Ask Rubel if he is aware of AG standards for child abused interviews, and whether he requested police officer training records for Tania Owen.	Trial counsel's file
August 25, 2004	Investigation Request to Interview: Sherick, Lisa, Carlos, Linda, Jasmine & Jurnee	Interview Attorney Rubel and ask if this investigation was ever done and who asked for it.	Trial Counsel's File
June 22, 2005	Court appoints Kory Knapke, M.D. and Jack Rothberg, M.D. to do PC 1368 evaluations of CVH:		Augmentation Motion

July 7, 2005	Rothberg examines CVH. Rothberg concludes CVH has a delusional disorder, possibly schizophrenia, and that he should be on an anti-psychotic to reduce symptoms.	Check with Rubel to see if client was on anti-psychotics at the time of trial.	Augmentation motion.
July 12, 2005	Knapke examines CVH. Knapke suspects the defendant has grandiose and delusional thoughts about working in brain research, but could not validate or invalidate because he had no documentation. Defendant says that while working at Sepulveda VA a metal plate came out of an air duct and struck him in the head. Said he was taking classes at the University in Northridge, CA. CVH claimed a second job working with handicapped children. CVH denied auditory hallucinations. Knapke cannot rule out dementia due to organic cause for CVH's condition and wants a neuro-psychiatric workup. CVH does not know what a plea bargain is.	Find out from attorneys if they ever tried to interview VA Hospital staff to determine if what CVH said was true.	Augmentation Motion.
		Did they ever ascertain whether he attended Cal. State Northridge?	
		Interview brother or son and find out if CVH worked with handicapped children.	
		Did attorneys ever tell the 1368 doctors that CVH was having hallucinations?	
		Did they find anything out about the psychiatric history from the VA records they subpoenaed?	
		Was a neuro-psychiatric exam ever sought?	

November 28, 2005	Proceedings suspended for another PC 1368 proceeding on competency	Augmentation
December 6, 2005	Gordon Plotkin, M.D. examines CVH. Concludes he has a major mental disorder and is not competent. Interviews CVH for 45 minutes. CVH did not understand pleas, plea bargains. Did not know how he would defend the charge. Talks about his auditory hallucinations about hearing a girl in a room below the jail. Finds him incompetent.	Augmentation
January 18, 2006	Offer to plea—34 years. CVH says there is a tunnel under the mobile home leading to a neighborhood boy's house and that he molested the girls. Attorney Rubel notes that the defense is no molestation or penetration	Trial counsel's file PD-caseolog.pdg
January 20, 2006	Kory Knapke, M.D. examines CVH at Men's Central Jail	Augmentation

January 24, 2006	<p>Knapke files report. Notes that he received no documentation that CVH had a medical workup he recommended. His brother states that he believes his brother is not in his "right-mind." Knapke asks CVH if he can read minds, and CVH states that inmates in other cells are repeating words he stated to figure out if he is a spy. Knapke concludes defendant has a low grade psychosis, but does not believe it interferes with ability to cooperate with attorney. CVH now understands plea bargains.</p>	<p>Ask Rubel if there was a medical workup</p>	<p>Augmentation</p>
March 21, 2006	<p>Attorney Walter Katz emails Rubel and says he has not had a doctor or anybody review interviews of the girls</p>	<p>Find out if Phil Esplin reviewed the reports of girl's interviews, ask for his notes if any.</p>	<p>Email from Katz to Rubel</p>
May 4, 2006	<p>Attorney handwritten note that CVH was having delusional thoughts. Could hear one of the girls crying. Told attorney that a neighbor boy used an underground tunnel so that he could sneak into the house to molest the girls. Note says CVH is not a 1365 because he knows who the attorney and DA are</p>		<p>Trial counsel file PD-caselog.pdg</p>