

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

COURTROOM 25

HON. JAMES P. CLONINGER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CARLO PARLANTI, )  
 )  
 Defendant. )

Case No. 2002026651

REPORTER'S TRANSCRIPT OF RESENTENCING HEARING

Monday, December 10, 2007

For the People:

GREGORY D. TOTTEN  
 District Attorney  
 BY: GILBERT ROMERO  
 Deputy District Attorney  
 800 South Victoria Avenue  
 Ventura, California 93009

For the Defendant:

CHARLES KELLY KILGORE  
 Attorney at Law  
 9025 Wilshire Boulevard  
 Penthouse Suite  
 Beverly Hills, California 90211

Reported By:

CHRISTIE O'NEILL, CSR 4921  
 Official Reporter  
 800 South Victoria Avenue  
 Ventura, California 93009

1 VENTURA, CALIFORNIA; MONDAY, DECEMBER 10, 2007

2 THE COURT: 1:54 P.M.

3 MR. KILGORE: --oo0oo--

4 There are some letters that I just received

5 THE COURT: Good afternoon.

6 MR. ROMERO: Good afternoon, your Honor.

7 MR. KILGORE: Good afternoon, your Honor.

8 THE COURT: Let's go to the case of People versus

9 Parlanti.

10 THE COURT: Counsel, would you state your appearances,  
11 please?

12 MR. ROMERO: Gilbert Romero appearing on behalf of  
13 the People.

14 MR. KILGORE: Thank you, your Honor. Charles  
15 Kilgore for Mr. Parlanti.

16 THE COURT: Folks, we're getting a late start.  
17 I have a preliminary hearing on a homicide case that the  
18 parties are coming back on at two.

19 what's your estimate for argument,  
20 Mr. Kilgore, on this case?

21 MR. KILGORE: Short, your Honor. Generally, when  
22 I have briefed everything and gotten it to the court -- and  
23 I understand all the parties have received it. Mr. Romero  
24 has, including the supplement that I have provided.

25 THE COURT: Uh-huh.

26 MR. KILGORE: Generally, I think that that's  
27 sufficient. I think it's redundant to continue to argue.  
28 I believe that I made that comment when we were here

1 earlier. So --

2 THE COURT: I believe you did.

3 MR. KILGORE: I think it would be relatively short.

4 There are some letters that I just received,  
5 that Mr. Romero received from an attorney in Italy.

6 Mr. Romero said he would give these letters to the court.  
7 And I'm reviewing those, and I have no objection. This is  
8 the first time that I've seen these.

9 May we approach?

10 THE COURT: Sure. Come on up.

11 MR. KILGORE: Thank you.

12 (Discussion held at the bench.)

13 THE COURT: All right. I have received a letter  
14 from counsel from Mr. Giovanni Di Stefano, last name  
15 D-i, new word, S-t-e-f-a-n-o.

16 Actually, two letters, one of which has some  
17 handwriting on it.

18 I take it that the handwritten notes are one  
19 of you two?

20 MR. ROMERO: I believe they're mine, your Honor.

21 THE COURT: What do you want me to do with these  
22 letters?

23 MR. ROMERO: Your Honor, I indicated to Mr. Di  
24 Stefano I would, if co-counsel agreed, pass those on to the  
25 court. I don't -- I don't believe that they have any real  
26 significance in our proceedings, and I just ask that they  
27 just be lodged in the file.

28 THE COURT: Mr. Kilgore?

1 MR. KILGORE: I agree, your Honor. And that's fine  
2 with the defense.

3 THE COURT: Either party requesting that I consider  
4 these on the subject of sentence?

5 MR. ROMERO: No, your Honor.

6 MR. KILGORE: I don't.

7 THE COURT: All right. Then they're ordered lodged  
8 in the file. I won't consider them.

9 Let's move on to the subject of sentence.  
10 I'll hear first from the People.

11 MR. ROMERO: Your Honor, the only thing that I would  
12 add that is not in my sentencing brief is -- well, two  
13 things. One in response to defense counsel's supplemental  
14 motion.

15 He cites *People vs. Cardenas*. And I looked  
16 it up. It's cited as 155 Cal.App.4th 1468. And it deals  
17 with misdemeanors, which Mr. Parlanti has -- his  
18 convictions are misdemeanors. And my understanding is that  
19 that case indicates that the court can rely on misdemeanor  
20 convictions to impose the aggravated term.

21 However, the People must argue to the court  
22 that that is something that we would like to do, and the  
23 court must in its reasoning indicate that it is basing its  
24 decision to impose the aggravated term on those  
25 misdemeanors.

26 Now, in terms of Mr. Parlanti's case, the  
27 misdemeanor convictions related to the 1108 -- I'm sorry,  
28 1109, 1101(b) victims that the People moved to allow this

1 court to admit into evidence, which I believe you allowed  
2 the three -- all three prior victims to testify. That was  
3 your ruling.

4                   However, the People only called one,  
5 Ms. Sandra Lavagnino, who did testify and I think whose  
6 testimony carried great -- great weight with the jury in  
7 their determining of the defendant's guilty.

8                   And I believe she testified to not only the  
9 incident involving the misdemeanor conviction that  
10 Mr. Parlanti suffered in relation to her, but other --  
11 other acts of violence between them.

12                   And I believe that the court based on her  
13 live testimony and the misdemeanor convictions can find by  
14 a preponderance of evidence that that -- that meets one of  
15 the -- or that is one of the factors that the court can  
16 rely on to impose the aggravated term.

17                   That's my understanding of *Cardenas*, and I  
18 believe factually we have that in this case as well.

19                   The second thing that I would add is there is  
20 an alternative sentencing scheme that I don't believe we've  
21 ever discussed before, which is because of the forcible sex  
22 crime that the defendant was convicted of, I believe, under  
23 667.6 -- I'm not sure if it's (c) or (d) -- the court has  
24 the discretion whether or not to impose full-term  
25 consecutive sentencing because you have the forcible sex  
26 crime, which is the 261, and you have a 273.5 with a 23- --  
27 with a 236 being 654.

28                   Under that sentencing scheme I believe the

