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FILED
KERN COUNTY
SEP 18 2017
TERRY McNALLY, CLERK
BY _____ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

RUSH MELLITI

(DOB: 02/21/66; CDL: A8553606)

Defendant.

Case No. BM906166A

**PEOPLE'S MOTION FOR BAIL
CONDITION PREVENTING
DEFENDANT FROM WORKING
WITH ELDERLY OR DISABLED**

(AG Docket No. FR2017105407)

Date: October 10, 2017
Time: 8:30 a.m.
Dept: LM

DISTRICT ATTORNEY
RECEIVED
2019 SEP 18 PM 3:59

TO THE COURT AND TO THE DEFENDANT HEREIN:

PLEASE TAKE NOTICE that on October 10, 2017 or as soon as the matter can be heard, in the Law and Motion Department of the above-entitled Court located at 1215 Truxtun Avenue, Bakersfield, California, the People will move this Court for a bail condition preventing Defendant from working with the elderly or disabled.

**PEOPLE'S MOTION FOR BAIL CONDITION PREVENTING DEFENDANT FROM
WORKING WITH ELDERLY OR DISABLED**

1 justification. He ended up in the hospital which aggravated his psychological issues and required
2 that he be physically restrained. He spent a week in the hospital. James M. was discharged from
3 the nursing home without notice or medication instructions. He was unable manage his care and a
4 wound on his nonamputated leg quickly sent him back to another facility. Defendant's nursing
5 home has been repeatedly given deficiencies by the Department of Public Health for improper
6 discharges.

7 These discharges not only exposed elderly individuals to physical danger, but also
8 inflicted emotional distress. Transfer trauma is recognized as "death, depression, or regressive
9 behavior, caused by the abrupt and involuntary transfer of an elderly resident from one home to
10 another, resulting in a loss of familiar physical environment, loss of well-known neighbors,
11 attendants, nurses and medical personnel, the stress of an abrupt break in the small routines of
12 daily life, and the major loss of visits from friends and relative who may be unable to reach the
13 new facility." (Cal. Health & Safety Code, § 1771(t)(2).)

14 Defendant was charged with a violation of Penal Code section 148 in 2010. He has no
15 prior convictions.

16
17 **II. Defendant's Due Process Rights Do Not Outweigh the Public Interest in the
18 Safety of Nursing Home Residents**

19 Defendant has a nursing home administrator license. The People anticipate that
20 Defendant will argue that the proposed bail condition will infringe on his due process rights.
21 (*Gray v. Superior Court* (2005) 125 Cal.App.4th 629, 637.) Unlike a care provider, an
22 administrator is primarily a business manager who oversees admissions, discharges, staff,
23 finances, etc. Defendant can do this type of work without working in a facility where he is in
24 charge of elderly and disabled individuals. Defendant would be free to work in other forms of
25 health administration under the proposed bail condition. Defendant would only be prevented
26 from working with a vulnerable community he has repeatedly exposed to harm.

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PROOF OF SERVICE

Case: People v. Rush Melliti
Case No. BM906166A


I am a citizen of the United States and a resident of Sacramento, California. I am over the age of eighteen years, and not a party to the above-entitled action. My business 2329 Gateway Oaks Drive, Suite 200, Sacramento, California.

On September 14, 2017, I served a true copy of the attached **People's Motion for Bail Condition Preventing Defendant from Working with Elderly** by method(s) indicated below:

- BY PERSONAL SERVICE:** By hand delivering a true copy thereof, at his office with his clerk therein or the person having charge thereof, at the address indicated below:
- BY MAIL:** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the U.S. Post Office Box addressed as indicated below:
- BY FACSIMILE TRANSMISSION:** By Faxing a true copy thereof to the recipient at the facsimile number indicated below: (510) 451-3002
- BY EMAIL TRANSMISSION:** By Faxing a true copy thereof to the recipient at the facsimile number indicated below:

Paul Wolf
Wolf, Pennella & Stevens, LLP
717 Washington Street, 2nd Floor
Oakland, CA 94607
Fax: (510) 451-3002

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 14, 2017 at Sacramento, California.



Ivette De Alba