

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 17-50434

Plaintiff-Appellee,

D.C. No.

v.

2:14-cr-00033-GAF-1

RANDOLPH HIRSCH,

MEMORANDUM\*

Defendant-Appellant.

Appeal from the United States District Court  
for the Central District of California  
Virginia A. Phillips, Chief Judge, Presiding

Submitted December 7, 2018\*\*  
Pasadena, California

Before: IKUTA and N.R. SMITH, Circuit Judges, and STEEH,\*\*\* District Judge.

Defendant Randolph Hirsch appeals the district court's revocation of his supervised release for conspiring to commit forgery in violation of California law.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable George Caram Steeh III, United States District Judge for the Eastern District of Michigan, sitting by designation.

Cal. Penal Code §§ 182(a)(1), 470(d). Defendant argued there was insufficient evidence to establish that he intended that forgery be committed. So long as a defendant intends that “one or more conspirators will commit the elements” of the offense, the requisite intent to commit that offense is established. *People v. Johnson*, 303 P.3d 379, 390 (Cal. 2013). Based on Defendant’s directions to his coconspirators, a rational finder of fact could conclude that Defendant intended the crime of forgery be committed.

Defendant also challenges whether a mortgage statement is a document covered by California Penal Code § 470(d). The test is whether a forged instrument “will have the effect of defrauding one who acts upon it as genuine.” *People v. Vincent*, 19 Cal. App. 4th 696, 700 (1993). The forged mortgage statement was intended to defraud a lender into advancing funds and therefore it is within the class of documents covered by § 470(d). AFFIRMED.