SUPREME COURT OF CALIFORNIA
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Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
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MARY K. MCCOMB
State Public Defender
C. DELAINE RENARD
Senior Deputy State Public Defender
State Bar No. 169893
Oakland City Center
1111 Broadway, Suite 1000
Oakland, CA 94607
Telephone: (510) 267-3300
Facsimile: 510-452-8712
Email: delaine.renard@ospd.ca.gov
Attorneys for Appellant

IN THE SUPREME COURT FOR THE STATE OF CALIFORNIA

| | |
|---|---|
| PEOPLE OF THE STATE OF CALIFORNIA,<br><br>Plaintiff and Respondent,<br><br>v.<br><br>JOHNNY MORALES,<br><br>Defendant and Appellant. | **Capital Case**<br><br>No. S137307<br><br>(San Bernardino Co. Superior Court No. FVA 015456) |

**MOTION FOR JUDICIAL NOTICE**

TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

Appellant, JOHNNY MORALES, through his attorney, the State Public Defender and C. Delaine Renard, Senior Deputy State Public Defender, and pursuant to Evidence Code sections 452 and 459, hereby

moves for judicial notice of the following matters on which he relies in his opening brief:

> Evidence Code section 452 provides in relevant part:
>
> > Judicial notice may be taken of the following matters . . . (h) facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Evidence Code section 459 provides in relevant part: "(a) . . . the reviewing court may take judicial notice of any matter specified in section 452. . . ."

Pursuant to these provisions, appellant respectfully requests that the Court take judicial notice of the fact that attorney Reza Khanjan, California State Bar Number 223404, was admitted to the California State Bar on December 3, 2002. A printout from the California State Bar website reflecting this fact is attached herein as Exhibit A.

This matter relates to an argument raised in appellant's opening brief concerning whether appellant was deprived of his state and federal constitutional rights to the assistance of counsel during the pre-trial and plea bargaining stages from April of 2002 through October of 2003. (Appellant's Opening Brief, Argument I.) Attorney Wayne Rozenberg was sole appointed counsel of record during these stages. Mr. Khanjan was not appointed counsel or counsel of record. However, Mr. Rozenberg frequently had Mr. Khanjan appear in court on his behalf. In addition, according to the appointed investigators, Mr. Khanjan directed some investigation to be conducted on appellant's behalf. Mr. Khanjan's assistance and status as an attorney are relevant to determining whether appellant was deprived of his right to the assistance of counsel.

For the foregoing reasons, appellant respectfully requests that this Court take judicial notice of the fact that attorney Reza Khanjan, California State Bar Number 223404, was admitted to the California State Bar on December 3, 2002.

DATED: May 10, 2019

Respectfully submitted,

MARY K. MCCOMB
State Public Defender

**/s/ C. Delaine Renard**

C. DELAINE RENARD
Senior Deputy State Public Defender

Attorneys for Appellant
Johnny Morales

# EXHIBIT A

The State Bar of California

Select Language ▼

**Reza Khanjan #223404**

**License Status: Active**

Address: Khanjan | Nosratabadi, 20162 SW Birch St Ste 375, Newport Beach, CA 92660
County: Orange County
Phone Number: (949) 250-8770
Fax Number: (949) 250-8773
Email: Reza@kndefense.com
Law School: Western State Univ COL; Fullerton CA

**Below you will find all changes of license status due to both non-disciplinary administrative matters and disciplinary actions.**

| Date | License Status | Discipline | Administrative Action |
|---|---|---|---|
| **Present** | Active | | |
| **12/3/2002** | Admitted to The State Bar of California | | |

**CLA Sections:** None

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

**Additional Information:**

- Explanation of licensee status
- Explanation of disciplinary system
- Explanation of disciplinary actions
- Copies of official licensee discipline records are available upon request

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**DECLARATION OF SERVICE**

Re: PEOPLE v. JOHNNY MORALES — Supreme Court No. S137307 (Superior Court No. FVA015456)

I, Kecia Bailey, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, 10th Floor, Oakland, California 94607; I served a true copy of the attached:

**MOTION FOR JUDICIAL NOTICE**

on each of the following, by placing same in an envelope addressed respectively as follows:

| | |
|---|---|
| JOHNNY MORALES, V-94083 | CLERK OF THE COURT |
| 4-EB-106 | San Bernardino County Superior Court |
| CSP-SQ | 247 West 3rd Street |
| San Quentin, CA 94974 | San Bernardino, CA 92415-0063 |

Each said envelope was then, on, May 10, 2019 sealed and deposited in the United States mail at Alameda, California, the county in which I am employed, with the postage thereon fully prepaid.

**ELECTRONIC SERVICE**

FELICITY SENOSKI
Deputy Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101
**VIA TRUEFILING @ Felicity.Senoski@doj.ca.gov on May 10, 2019**

I declare under penalty of perjury that the foregoing is true and correct.

Signed on this May 10, 2019 at Oakland, California.

**/s/ Kecia Bailey**

_____

Kecia Bailey

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 5/10/2019 by Larry Blake, Jr., Deputy Clerk

**STATE OF CALIFORNIA**
Supreme Court of California

# *PROOF OF SERVICE*

**STATE OF CALIFORNIA**
Supreme Court of California

Case Name: **PEOPLE v. MORALES (JOHNNY)**
Case Number: **S137307**
Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **delaine.renard@ospd.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

| Filing Type | Document Title |
|---|---|
| APPELLANT'S OPENING BRIEF | Appellants Opening Brief - Public-Redacted |
| MOTION | Motion for Judicial Notice |
| APPLICATION FOR RELIEF FROM DEFAULT | Application for Relief from Default |
| APPLICATION | Application to File AOB Under Seal |

Service Recipients:

| Person Served | Email Address | Type | Date / Time |
|---|---|---|---|
| Felicity Senoski<br>Department of Justice, Office of the Attorney General-San Diego<br>195181 | Felicity.Senoski@doj.ca.gov | e-Service | 5/10/2019 4:01:27 PM |
| OSPD Docketing<br>Office of the State Public Defender<br>000000 | docketing@ospd.ca.gov | e-Service | 5/10/2019 4:01:27 PM |
| SDAG Docketing<br>Department of Justice, Office of the Attorney General-San Diego | sdag.docketing@doj.ca.gov | e-Service | 5/10/2019 4:01:27 PM |

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/10/2019
Date

/s/C. Delaine Renard
Signature

Renard, C. Delaine (169893)
Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm