

COPY SUPREME COURT COPY

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff and Respondent,

v.

GLEN TAYLOR HELZER,

Defendant and Appellant.

CAPITAL CASE

Case No. S132256

SUPREME COURT
FILED

AUG 26 2015

Contra Costa County Superior Court
Case No. 012057-6
The Honorable Mary Ann O'Malley, Judge

Frank A. McGuire Clerk

Deputy

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DEATH PENALTY

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STATEMENT OF THE CASE

Appellant, Glen Taylor Helzer, was charged in Contra Costa County Superior Court case number 5-012057-6 with: conspiracy (Pen. Code,¹ § 182, subd. (a)(1); Count 1); the murder of Ivan Stineman (§ 187; Count 2); the murder of Annette Stineman (§ 187; Count 3); the murder of Selina Bishop (§ 187; Count 4); the murder of Jennifer Villarin (§ 187; Count 5); the murder of James Gamble (§ 187; Count 6); kidnapping for extortion (§ 209, subd. (a); Count 7 (Ivan Stineman) and Count 8 (Annette Stineman)); extortion (§§ 518/520; Count 9); first degree residential robbery (§§ 211/212.5, subd. (a); Count 10 (Ivan Stineman), Count 11 (Annette Stineman), and Count 16 (Mary Mozzochi)); first degree residential burglary (§§ 459/460, subd. (a); Count 12 (the Stinemans), Count 13 (William Sharp), and Count 15 (Mary Mozzochi)); attempted first degree residential robbery (§§ 211/212.5, subd. (a)/664; Count 14); false imprisonment by violence (§§ 236/237; Count 17); and possession of a controlled substance for sale (Health & Saf. Code, § 11378; Count 18).²

¹ All further statutory references are to the California Penal Code unless otherwise indicated.

² Co-defendants Justin Alan Helzer and Dawn Godman were also charged in Counts 1 through 12 and 18. (8CT 2971-2982.) Godman eventually entered a guilty plea to certain counts (including two additional counts, 19 and 20) and received a sentence of 25 years to life in prison, plus 12 years, 8 months in state prison, in exchange for her truthful testimony in this case. (3RT 726-742.)

(8CT 2971-2982.) Thirty-nine overt acts were alleged to support the conspiracy charge (8CT 2971-2974), and multiple special circumstances were alleged with the murder counts: felony murder (Counts 2 and 3)(8CT 2974-2976); witness killing (Count 4)(8CT 2976); and multiple murder (Counts 2 through 6)(8CT 2977). Further, it was alleged that appellant used a deadly or dangerous weapon, a knife, (§ 12022, subd. (b)(1)) in Counts 15, 16, and 17. (8CT 2980-2981.) Appellant initially pled not guilty and denied all the special allegations. (1RT 63, 245.)

On January 28, 2002, co-defendant Dawn Godman filed a cursory, two-page motion to suppress evidence, citing section 1538.5. (7CT 2680-2681.) On February 8, 2002, appellant filed a request to join in Godman's motion. (7CT 2706.) On November 19, 2002, Godman submitted for filing an "Omnibus Notice of Motion and Motion to Suppress Evidence and Traverse Various Search Warrants"³ wherein she challenged a number of search warrants, including those executed at 5370 Saddlewood Court in Concord, a residence she shared with both appellant and his brother, co-defendant Justin Alan Helzer ("Helzer"). (8CT 3000-3279; 1RT 173-174.) On December 30, 2002, appellant filed a notice of intent to join in this motion. (9CT 3415.) Following extensive briefing, argument, and a

³ Godman subsequently filed two supplemental pleadings supporting her motion to suppress evidence and traverse the search warrants. (10CT 3985-3991.)

multiple-day hearing that included testimony from Marin County Sheriff's Department Detective Steve Nash and Concord Police Sergeant Steve Chiabotti, the trial court denied the motions in their entirety. (9CT 3499-3500; 10CT 3980-3982, 3995; 1RT 246-332; 2RT 469-3RT 719.)

On March 5, 2004, appellant withdrew his previous pleas and denials and entered guilty pleas to all charges and admissions to all special allegations. (11CT 4419-4422; 5RT 1339-1392.) The trial court found that appellant's pleas were entered "knowingly, intelligently and freely with full knowledge of [appellant's] rights and the consequences of all those pleas," and accepted the pleas and admissions. (5RT 1370, 1392.) On March 8, 2004, all parties submitted letters or pleadings addressing severance of appellant's case from Helzer's case in light of appellant's guilty pleas. (11CT 4423-4435.) The trial court granted severance (11CT 4436, 4449; 5RT 1393-1415, 1429-1432), and ordered that Helzer's guilt and penalty trials proceed before appellant's penalty trial.⁴ (11CT 4436-4437, 4449; 5RT 1494-1496, 1503-1504, 1510-1511.)

In the months that followed, there was extensive litigation in appellant's case over juror questionnaires, discovery issues, and in limine

⁴ Helzer was found guilty and sentenced to death. His automatic appeal in California Supreme Court case number S132253 was dismissed after he died while in prison. (See http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=1863931&doc_no=S132253.)

motions. The parties began taking evidence in appellant's penalty trial on November 5, 2004, after 11 days of jury selection. (7RT 1746 - 14RT 3284.) The prosecutor elicited testimony from 64 witnesses, and the defense called 22 witnesses. Following two closing arguments from each side (30RT 3363), and approximately two days of deliberation (see 30RT 6869, 6883), the jury returned verdicts sentencing appellant to death for each of the five murders charged. (30RT 6883-6884.) Appellant's motion to reduce the penalty to life without the possibility of parole was denied. (30RT 6903-6912.)

On March 11, 2005, appellant was sentenced to death on Counts 2, 3, 4, 5, and 6. (30RT 6933.) He was sentenced on the remaining counts as follows: on Count 1, 25 years to life in prison; on Counts 7 and 8, life without the possibility of parole; on Count 9, the middle term of 3 years; on Count 10, the middle term of 4 years; on Count 11, the middle term of 4 years; and on Count 12, the middle term of 4 years. These terms were stayed pursuant to section 654. (30RT 6928.) On Count 16 (designated the principle count), appellant was sentenced to the middle term of 4 years, plus an additional year for the weapon enhancement; on Count 13, the middle term of 4 years; on Count 14, the middle term of 2 years (stayed pursuant to section 654); on Count 15, the middle term of 4 years, plus an additional year for the weapon enhancement (stayed pursuant to section 654; enhancement stricken); on Count 17, the middle term of 3 years, plus

an additional year for the weapon enhancement (stayed pursuant to section 654; enhancement stricken); and on Count 18, the middle term of 2 years. The terms that were not stayed were ordered to run concurrent to Counts 2-6. (30RT 6929-6930.) Restitution was ordered as determined by the probation department, and the standard fines were imposed. (30RT 6930.) The determinate sentences were stayed pending this appeal. (30RT 6933.)

This appeal is automatic. (§ 1239, subd. (b); Cal. Rules of Court, rule 8.600(a).)

STATEMENT OF FACTS

I. PROSECUTION PENALTY-PHASE EVIDENCE

A. Background Evidence Leading up to “Children of Thunder” and the Murders of Ivan and Annette Stineman, Selina Bishop, Jennifer Villarin, and James Gamble

1. The Mormon Church

Several witnesses testified about the history of the Mormon Church (the Church of Jesus Christ of Latter Day Saints), and the principles and practices of members of the church. (See, e.g., 16RT 3606-3607, 3610 [Kelly Lord], 3696-3708 [Dawne Kirkland]; 19RT 4221-4244, 4251, 4280 [Brent Halversen].) People who knew appellant before the crimes committed in this case described him as being energetic, enthusiastic, charismatic, positive, achievement-oriented, outgoing, and social. (19RT 4289-4290; 20RT 4341.) At some point, appellant began to disagree with the direction of the Mormon Church’s principles, had his own