

No. S272238

# In the Supreme Court of the State of California

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THE PEOPLE OF THE STATE OF CALIFORNIA,  
*Plaintiff and Respondent,*

v.

FREDDY ALFREDO CURIEL,  
*Defendant and Appellant.*

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Fourth Appellate District, Division Three, Case No. G058604  
Orange County Superior Court, Case No. 02CF2160  
The Honorable Julian Bailey, Judge

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## REQUEST FOR JUDICIAL NOTICE

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*Attorneys for Plaintiff and Respondent*

April 21, 2022

TO THE HONORABLE CHIEF JUSTICE TANI  
CANTIL-SAKAUYE:

Respondent respectfully moves this court, pursuant to California Rules of Court, rules 8.520(g) and 8.252(a), and Evidence Code sections 452, subdivision (d) and 459, to take judicial notice of the prior record on appeal in Court of Appeal Case No. G037359.

These records are that proper subject of judicial notice under Evidence Code section 452, subdivision (d), which permits judicial notice of the records of "any court of this state."

The issue in this case is whether the jury's true finding on a gang murder special circumstance renders a defendant ineligible for resentencing relief under Penal Code section 1170.95 as a matter of law. In its Opening Brief on the Merits, the People have quoted and referenced a few of the instructions provided to Curiel's jury at the trial in his underlying case. The instructions are contained in the record in his appeal.

For this reason, the People respectfully request that this court take judicial notice of the above referenced records.

Respectfully submitted,

ROB BONTA

*Attorney General of California*

LANCE E. WINTERS

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CHARLES C. RAGLAND

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**Lynne G. McGinnis**

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April 21, 2022

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DECLARATION OF ELECTRONIC SERVICE AND  
SERVICE BY U.S. MAIL

Case Name:           People v. Curiel           No.:           S272238

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On April 21, 2022, I electronically served the attached REQUEST FOR JUDICIAL NOTICE by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on April 21, 2022, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Honorable Julian Bailey, Judge  
Orange County Superior Court  
Lamoreaux Justice Center  
341 The City Drive South  
Department L22  
Orange, CA 92868-3205

Supreme Court of the State of  
California  
350 McAllister Street  
San Francisco, CA 94102-4797

Orange County Public Defender's  
Office  
14 Civic Center Plaza  
Santa Ana, CA 92701

Court of Appeal of the State of  
California  
Fourth Appellate District, Division  
Three  
601 West Santa Ana Blvd.  
Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the State of California  
and the United States of America the foregoing is true and correct and that  
this declaration was executed on April 21, 2022, at San Diego, California.

Almeatra W. Morrison

Declarant

*Almeatra W. Morrison*

Signature

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. CUIEL**

Case Number: **S272238**

Lower Court Case Number: **G058604**

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: **Lynne.McGinnis@doj.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
REQUEST FOR JUDICIAL NOTICE	Request for Judicial Notice
BRIEF	Respondent's Opening Brief on the Merits

Service Recipients:

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Fourth Appellate District , Division Three	341 The City Drive South Orange, CA 92868	Mail	4/21/2022 3:27:33 PM
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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.

4/21/2022

Date

/s/Almeatra Morrison

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Signature

McGinnis, Lynne (101090)

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Last Name, First Name (PNum)

Department of Justice, Office of the Attorney General-San Diego

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Law Firm