

# SUPREME COURT COPY

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In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

v.

JOSE LUIS LEON,

Defendant.

CAPITAL CASE

Case No. S143531

SUPREME COURT  
FILED

MAY 23 2014

Frank A. McGuire Clerk

Deputy

Riverside County Superior Court  
Case No. RIF109916  
The Honorable Christian F. Thierbach, Judge

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DEATH PENALTY

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## STATEMENT OF THE CASE<sup>1</sup>

On December 4, 2003, the Riverside County District Attorney filed an information charging Appellant Jose Luis Leon (Leon), in count 1, with the murder of Hope Ragland (Pen. Code, § 187, subd. (a)), in count 2, with the murder of Austin Perez (Pen. Code, § 187, subd. (a)), and in count 3, with the attempted murder of Marion Ragland (Pen. Code, §§ 664/187, subd. (a)). It was further charged as to count 3 that Leon personally used a deadly and dangerous weapon, a hatchet (Pen. Code, §§ 12022, subd. (b)(1) & 1192.7, subd. (c)(23)), and personally inflicted great bodily injury upon Marion Ragland (Pen. Code, §§ 12022.7, subd. (a) & 1192.7, subd. (c)(8)). A special circumstance was alleged that Leon committed multiple murders. (Pen. Code, § 190.2, subd. (a)(3)). (1 CT 102-103.)

On January 30, 2004, Leon pled not guilty to all counts. (1 CT 111.)

The jury was sworn on February 8, 2006. (8 CT 2343.) On February 28, 2006, the jury found Leon guilty of murder in the first degree as to counts 1 and 2, and of attempted murder in count 3, and found that the multiple murder special circumstance allegation and enhancement allegations were true. (10 CT 2833-2840.)

On March 6, 2006, the penalty phase began. (10 CT 2872.) The jury began their penalty phase deliberations on March 11, 2006. (11 CT 2929.) On March 21, 2006, the jury returned a verdict of death for the murder of

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<sup>1</sup> The record on appeal consists of: Clerk's Transcripts Volumes 1 through 11, Third Supplemental Clerk's Transcript, Fourth Supplemental Clerk's Transcript, and Sixth through Ninth Supplemental Clerk's Transcripts; Reporter's Transcripts Volumes A, B, 1 through 13, and 13A. All of the citations herein are to the 11 volumes of Clerk's Transcripts and therefore designated herein as "CT." The Reporter's Transcripts are designated herein as "A RT," "B RT" or by the Arabic volume number, e.g., "1 RT."

Austin Perez (count 2) and life imprisonment without the possibility of parole for the murder of Hope Ragland (count 1). (11 CT 2968-2969.)

On May 12, 2006, the trial court denied Leon's motion to modify the verdict pursuant to Penal Code section 190.4, subdivision (e). (11 CT 3013-3017.) The trial court sentenced Leon to death for the murder of Austin Perez, life without the possibility of parole for the murder of Hope Ragland, and life with the possibility of parole plus four years for the attempted murder of Marion Ragland. (11 CT 3002-3004.)

### STATEMENT OF FACTS

Appellant Jose Luis Leon was distraught by the fact his girlfriend Veronica Haft was ending their relationship. He saw Haft's family, in particular her grandmother Hope Ragland, driving a wedge in the relationship and an obstacle to their future. While Haft was studying in England, Leon came to the Ragland home and stabbed Hope Ragland to death while she sat in her chair. He then stabbed to death Haft's 13-year-old brother, Austin Perez when he arrived home. Finally, Leon hit Haft's grandfather, Marion Ragland over the head with a hatchet and left him for dead, but he managed to survive. Leon initially denied his involvement to the authorities. The next day Leon admitted to committing the crimes and demonstrated how the events unfolded. He claimed to have acted in imperfect self-defense. The jury rejected Leon's defense and found he committed two counts of first degree murder, one count of attempted first degree murder, and found true the multiple murder special circumstance. Leon was sentenced to death for killing Perez.

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## **Guilt Phase**

### **A. Case-In-Chief**

#### **1. Leon's relationship with Veronica Haft**

Veronica Haft lived with her grandparents, Hope Ragland and Marion,<sup>2</sup> Ragland, and her 13-year-old half-brother, Austin Perez in a gated community at 197 Breezewood Street in Corona. (5 RT 1326-1327.) Haft was very close with her grandmother Hope and called her "mom." (5 RT 1327.) Haft met Leon in February 2001, shortly before she turned 17 years old. (5 RT 1330-1331, 1333.) Leon had moved from Mexico two years earlier and told Haft he was 19 years old.<sup>3</sup> (5 RT 1333-1334.) The first year of the relationship was great. (5 RT 1334.) Leon initially came to their house a couple times a week. (5 RT 1336.) Leon spoke limited English, but both Haft and Hope were fluent in Spanish. (5 RT 1332-1333.) Perez and Marion did not speak Spanish, and their limited communication with Leon was in English. (5 RT 1332, 1402.)

In mid-2001, Hope bought a red Mustang for Leon in her name and he made monthly payments to her. (5 RT 1359.) Leon's parents moved back to Mexico and he began spending even more time at the Ragland home; coming over daily. (5 RT 1336, 1360.) Leon started losing jobs and missing car payments. (5 RT 1360.) Marion liked Leon at first, but his feelings for Leon changed by Leon's increased and constant presence in their home. (5 RT 1418.) Marion had little interaction with Leon and made it apparent to Leon that he was overstaying his welcome. (5 RT 1336,

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<sup>2</sup> To minimize any confusion arising from two victims having the same surname, Hope Ragland and Marion Ragland will hereafter be referred to by their first names.

<sup>3</sup> According to the felony complaint and probation officer's report, Leon's date of birth is June 5, 1979. (1 CT 1; 11 CT 2987.) This would make him 21 years old in February 2001.

1341, 1402.) In spite of Marion's feelings, Leon was still made welcome in the Ragland home and Hope would cook for him and do his laundry. (5 RT 1402.)

After a year or so, Haft's relationship with Leon began to change. (5 RT 1337.) Leon became possessive of Haft and no longer wanted her to spend time with her girlfriends or talk to her male friends. (5 RT 1337.) He also became progressively jealous; once refusing to take her out after accusing Haft of wearing a dress to get the attention of other men. (5 RT 1340.) When Haft suggested they should not be together Leon became angry, hit and broke his windshield. (5 RT 1338-1339.) Haft opened the car door to leave and Leon grabbed her wrist. (5 RT 1338.) Haft hit Leon on the arm with her purse and went inside. (5 RT 1338.)

Hope began to acknowledge Leon's manipulative behavior and stopped approving of him. (5 RT 1340.) Hope would tell Haft that just because Leon does not hit you, does not mean you are not in an abusive relationship. (5 RT 1342.) Hope and Leon would argue and bicker all the time. (5 RT 1345.) Marion said that he saw Hope and Leon get into an argument in the garage. (5 RT 1427.) Leon held his hands up and Hope pushed him lightly with her finger. (5 RT 1427.)

In the summer of 2002, after Leon's parents returned to Mexico, Leon moved in with a lady named "Maria" for a few months. (5 RT 1353.) Haft and Maria did not like each other. (5 RT 1353.) Hope, however, would have Maria "read her cards" and "have her future read." (5 RT 1352-1353.) Leon told Haft that Hope was involved in witchcraft with Maria and had put him under a spell. (5 RT 1377, 1392.) Haft assured him Hope was not practicing witchcraft and would get irritated and frustrated when he suggested it. (5 RT 1377, 1392.) Leon had taken Haft to a shop called a Botanica she described as a "witchcraft store" where they "had a lot of candles and stuff." (5 RT 1390-1391.) Haft said Leon was also "under the

care" of Maria and drank tea for his ulcer or hemorrhoid. (5 RT 1391-1392.)

In August 2002, Haft got pregnant. (5 RT 1369.) Haft told Hope and had the pregnancy terminated. (5 RT 1369-1370.) Haft told Leon that she had a miscarriage. (5 RT 1396.) Leon believed that Hope gave Haft something to drink that caused her to lose the baby, but Haft told him that was not so. (5 RT 1396.)

Towards the end of 2002, Haft and others would notice Leon's car parked in the Food-4-Less Shopping Center next door when he was supposed to be at work or taking English classes. (5 RT 1370-1372.) While Leon would deny parking in the shopping center parking lot, Haft disbelieved the denials because his car was distinct because it was a red Mustang with a white convertible top. (5 RT 1371.)

One Sunday when Haft was leaving church with Hope and Perez, Leon was waiting for them at Hope's car. (5 RT 1343-1344.) Hope got mad at Leon and told him to leave them alone. (5 RT 1344.) Hope and Leon began arguing and Leon said to Hope, "Shut up, you scandalous old woman." (5 RT 1346.) Hope was offended and went to slap Leon, but he backed away, and her fingertips only grazed his chin. (5 RT 1346-1347.) Hope chased after Leon and tried to hit him with her purse, but he ran away and laughed at her. (5 RT 1347.)

In January 2003, Haft was attending the University of Riverside and had earned a full scholarship to study at the University of Oxford in England for three months. (5 RT 1329, 1355.) On January 31, 2003, Leon came to the Ragland home upset that Haft was going to England and leaving him. (5 RT 1355.) Haft told Leon that if their relationship was meant to be then things would work out. (5 RT 1356.) Hope became upset with Leon and told him to leave them alone. (5 RT 1356.) They went outside and Leon asked Haft to leave with him so they could talk. (5 RT

1356.) Hope and Leon continued to argue and Hope threatened to report the Mustang stolen. (5 RT 1357.) She bent down, pretending that she was going to pick up a brick, but she never did. (5 RT 1357-1358, 1426.) Perez went inside and called the police. (5 RT 1358.) Hope said to Haft, "You don't see him. You don't see when he mocks me, he makes faces, he laughs at me behind your back." (5 RT 1358.) Haft turned around and saw Leon had a smirk on his face and then his expression changed. (5 RT 1358.)

In February 2003, Haft left for England. Before leaving, Haft told Leon "it was probably best that we break it off since I was going to be out there." (5 RT 1362.) Haft explained that for her, "the relationship was over, but [Leon] couldn't understand that." (5 RT 1362.) At first Leon would call Haft every day when she was in England. (5 RT 1360.) Then Leon started calling Haft 20 to 25 times a day so she stopped answering her phone. (5 RT 1361.)

Haft spoke with Leon on April 29, 2003, and the conversation began as usual with him wanting to get back together with her. (5 RT 1363.) Leon would always blame their break up on Hope and Haft would explain to him that it was Haft's decision. (5 RT 1364.) However, this conversation was different because for the first time Leon acted like everything was okay and was accepting of their break up. (5 RT 1363.) Haft was happy because she thought he finally accepted that their relationship was over. (5 RT 1363.) Haft was coming home in a few weeks and Leon asked to see her the Saturday after she returned. (5 RT 1363.)

## **2. Leon murders Hope Ragland and Austin Perez and attempts to kill Marion Ragland**

Leon called Haft from California on the morning of May 1, 2003, and she answered, "What?" (5 RT 1366-1367.) He asked Haft where she was. (5 RT 1367.) Haft was irritated that Leon called her and responded, "What

does it matter?" (5 RT 1367.) Leon said to Haft, "No matter what happens, I'll always love you." (5 RT 1367.) Haft hung up, finding the call odd. (5 RT 1367.)

The Ragland home was in a gated community behind the Food-4-Less Shopping Center on McKinley Street in Corona. Shortly before 6:00 p.m., Monique Perez was on her way to work at Video Shores when she recognized Leon, a regular customer, driving very slowly around the parking lot in his red Mustang. (4 RT 1266-1269.) Thereafter, Monique Perez and her fellow employee, Yvette Alvarez, saw Leon walk by Video Shores towards the Ragland home wearing a black leather jacket. (4 RT 1271, 1278-1281.)

At 6:20 p.m., Marion left home in his truck to take their dogs to the park for their daily walk. (4 RT 1403, 1406.) Perez used to join him, but over the last few weeks had stayed home. (4 RT 1403.) On this particular day, Perez went to his friend Osvaldo Magdaleno's home across the street after school and played video games. (4 RT 1287-1288.)

Magdaleno looked out his window and saw Leon standing outside the gate to the gated community. (4 RT 1291.) To enter, an individual needed a gate opener or could call a resident on the panel to let them in. (5 RT 1320.) There were also pedestrian entrances to the community that required a key to open. (5 RT 1324-1325.) Jenyffer Soto, a resident of the community also saw Leon waiting by the gate. (5 RT 1321.) As soon as she opened the gate to drive through, Leon walked through the gate. (5 RT 1321-1322.) Knowing Haft was in England, Soto thought it was odd that Leon was there. (5 RT 1323.)

Leon entered the Ragland home with gloves and a ski mask. (6 RT 1489-1490.) He threw the cordless phone into the garage. (6 RT 1475.) Leon stabbed Hope with a kitchen knife eight times as she sat in the lounge chair in the living room. (6 RT 1468-1469.) Leon stabbed Hope once in



the neck, cutting through her larynx and into her jugular vein, and seven times in her torso. (6 RT 1512, 1514, 1517.) One stab wound was conducted with such force that it entered her right chest and exited her upper left shoulder, leaving a blood stain on the lounge chair cushion. (6 RT 1464, 1468-1469, 1514.) The seven wounds to her torso resulted in perforations to the pulmonary artery, aorta, lungs, liver and surface of the heart, causing her to bleed to death within a few minutes. (6 RT 1517-1518, 1522-1523.) Leon picked up Hope from the chair and moved her toward the closet. He set her down on the tile floor outside of the closet, where her lifeless body bled before he put her into the closet. (6 RT 1467, 1472-1474.)

Meanwhile, after playing video games and football, Perez and Magdaleno returned to Magdaleno's house. (4 RT 1292, 1294.) Magdaleno noticed Leon inside the Ragland house looking out the window. (4 RT 1292.) When it was time for Perez to leave, Magdaleno walked him outside to the mailbox. (4 RT 1294.) Perez could not open the front door so he walked around the home and jumped the fence. (4 RT 1294.)

Perez entered the sliding glass door into the dining area. Leon stabbed Perez to death with the same knife used to kill Hope, near the interior door leading to the garage. (6 RT 1479, 1530.) Leon stabbed Perez six times in his neck transecting his jugular veins, right carotid arteries and some of the strap muscles in his neck. (6 RT 1523, 1526.) He also stabbed Perez twice to the front of his torso and four times in his back causing incisions to the liver, and perforations to the stomach and aorta. (6 RT 1523-1527.) Perez's injuries caused him to bleed to death in a matter of minutes or less. (6 RT 1528, 1530.) Leon dragged Perez's body a few feet back towards the kitchen, and left him face down in a pool of blood. (6 RT 1457-1458.)

Leon emptied the contents of Hope's purse on the living room floor. (6 RT 1451.) He used Hope's lipstick to write "Austin is a bad student" on the living room mirror and then threw the lipstick in the kitchen garbage. (6 RT 1462.) He went upstairs and ransacked all the bedrooms and bathrooms. (6 RT 1484.) Leon went into the garage and armed himself with a green crowbar and a hatchet. (5 RT 1413-1414.) Leon placed the crowbar on the loveseat in the living room. (6 RT 1463.)

Marion returned home about 8:15 p.m., and noticed the house was darker than usual and the front door was locked. (5 RT 1408.) He entered the front door and Leon hit him on the head with the hatchet. (5 RT 1410.) Leon left the hatchet on a table in the back yard and tossed the knife behind some rolled up carpet near the table. (6 RT 1486-1487.) The knife had blood on it and the blade was bent. (6 RT 1486-1487.) Leon ran towards the nearby shopping center and past the video store wearing the same black jacket and a multicolored shirt underneath. (4 RT 1272, 1282-1283, 1297-1301.) Marion walked to the video store, his head covered and dripping blood, and summoned help. (4 RT 1273-1274, 1285, 1410-1411.) Marion suffered a skull fracture and severe concussion as a result of the blow to his head, and required 17 staples to bind his wound. (7 RT 1561.)

Leon arrived at the dairy in Ontario by 9:50 p.m. for his evening shift, prepping for work as usual. (4 RT 1306-1307; 7 RT 1558-1559.) Leon's car was searched. There was a ski mask in the car trunk and an open box of rubber gloves on the backseat. (6 RT 1489-1490.) Leon's keys tested positive for blood. (6 RT 1489.)

### **3. Leon's interview on May 2, 2003**

Leon's interview on May 2, 2003, was played for the jury. (See People's Exh. 93; 9 CT 2399-2513; 6 RT 1531-1535.) Leon told officers that he went to the Ragland home at 5:30 p.m. to give Hope a car payment, but saw Marion's truck there and left. (9 CT 2405, 2413, 2430.) Leon then