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**In the Supreme Court of the State of California**

In re  
**OSCAR MANUEL VAQUERA,**  
 On Habeas Corpus

Case No. S258376  
 Fourth Appellate District,  
 Division Three  
 Case No. G056786  
 Orange County Superior  
 Court  
 Case No. 12NF0653

**MOTION FOR JUDICIAL NOTICE  
 AND [PROPOSED] ORDER**

Respondent respectfully moves this court, under Evidence Code sections 452, subdivision (d), and 459, subdivision (a), and California Rules of Court, rule 8.54, to take judicial notice Vaquera’s record on direct appeal (*People v. Vaquera*, G050801) as it will assist this Court in resolving the issues presented.

The record in Vaquera's direct appeal provides the procedural and factual history of this case, which is relevant to the issues on review surrounding Vaquera's claim that he lacked notice of the sentence imposed pursuant to section 667.61, subdivision (j). Taking judicial notice of the proceedings will assist the Court in understanding the circumstances giving rise to the issues on review, particularly with regard to those portions of the record the Attorney General cites in the responding brief that are not included in petitioner's exhibits. (Cal. Rules of Court, rule 8.252(a)(2)(A).) The matter was not presented to the trial court, and the Court of Appeal did not take judicial notice of these materials. (See Cal. Rules of Court, rule 8.252(a)(2)(B).) These materials are subject to judicial notice because they consist of "records of ... any court of this state." (Evid. Code, § 452, subd. (d); Cal. Rules of Court, rule 8.252(a)(2)(C).) Finally, the materials do not relate to proceedings occurring after the order or judgment that is the subject of this petition. (Cal. Rules of Court, rule 8.252(a)(2)(D).)

It is not practicable for respondent to serve and file a copy of the entire record with this motion because it consists of multiple volumes of clerk's transcripts and two volumes of reporter's transcripts. (Cal. Rules of Court, rule 8.252(a)(3).) Moreover, this Court electronically reviewed those transcripts (No. S238348) prior to denying his petition for review of the Court of Appeal's denial of his direct appeal. (Cal. Rules of Court, rules 2.400, 2.500 et seq.) For these reasons, respondent moves this Court take judicial notice Vaquera's record on direct appeal (No. G050801).

## CONCLUSION

For the reasons stated above, respondent respectfully requests that this Court take judicial notice of Vaquera's record on direct appeal.

Dated: April 21, 2020

Respectfully submitted,

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*/S/ Paige B. Hazard*

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**[PROPOSED] ORDER**

Pursuant to Evidence Code sections 452, subdivision (d)(1), and 459, the Court GRANTS respondent's request for judicial notice of Vaquera's record on direct appeal (No. G050810).

Dated: \_\_\_\_\_

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PRESIDING OR ACTING PRESIDING JUSTICE

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **In re Vaquera**

No.: **S258376**

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 collection and processing of correspondence for mailing with the United States Postal Service. 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.

On April 21, 2020, I served the attached **MOTION FOR JUDICIAL NOTICE** by placing 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:

Clerk of the Court  
County of Orange  
Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92702-1994

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 21, 2020, at San Diego, California.

\_\_\_\_\_  
Y. Hunt  
Declarant

\_\_\_\_\_  
/s/Y. Hunt  
Signature

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STATE OF CALIFORNIA  
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA  
Supreme Court of CaliforniaCase Name: **VAQUERA (OSCAR MANUEL) ON H.C.**Case Number: **S258376**Lower Court Case Number: **G056786**

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: **Paige.Hazard@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	Motion for Judicial Notice
BRIEF	Answer Brief on the Merrits

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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.

4/21/2020

Date

/s/Tammy Larson

Signature

Hazard, Paige (234939)

Last Name, First Name (PNum)

