

No. S270723

In the Supreme Court of the State of California

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

v.

ANDRES QUINONEZ REYES,
Defendant and Appellant.

Fourth Appellate District, Division Three, Case No. G059251
Orange County Superior Court, Case No. 04CF2780
The Honorable Richard M. King, Judge

**REQUEST FOR JUDICIAL NOTICE;
EXHIBITS; [PROPOSED ORDER]**

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April 6, 2022

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. G037395.

Pursuant to California Rules of Court, rule 8.252, subdivision (a)(2):

- (A) This case involves review of the sufficiency of the evidence supporting appellant's ineligibility for resentencing relief pursuant to Penal Code section 1170.95. The record from appellant's original trial is relevant to the issues pending before this Court.
- (B) All the matters to be noticed occurred within the trial court, and the trial reporter's transcript was presented to the resentencing court both as an exhibit and as the subject of a motion for judicial notice. The record clearly indicates the trial court reviewed and considered these materials, but it is unclear from the record whether, as a technical matter, the trial court's consideration was premised on its grant of judicial notice or its admission of these items as an exhibit.¹

¹ Out of an abundance of caution, respondent has also filed a request for the transmission of these items to this Court, assuming they were admitted as an exhibit. (See Cal. Rules Crt., rule 8.224.)

- (C) All the requested matters are subject to judicial notice as official court records under Evidence Code section 452, subdivision (d).
- (D) The matters to be noticed relate to proceedings that occurred prior to the order or judgment that is the subject of the appeal.

Pursuant to California Rules of Court, rule 8.252, subdivision (a)(3), the trial records from appellant's original trial are appended to this motion as Exhibits A and B as follows:

- Exhibit A: two volumes of the clerk's transcript from appellant's original trial
- Exhibit B: three volumes of the reporter's transcript from appellant's original trial

For the foregoing reasons, respondent respectfully requests that this court take judicial notice of the abovementioned records.

Respectfully submitted,

ROB BONTA
Attorney General of California
LANCE E. WINTERS
Chief Assistant Attorney General
CHARLES C. RAGLAND
Senior Assistant Attorney General
ERIC A. SWENSON
Supervising Deputy Attorney General

/S/JENNIFER B. TRUONG
JENNIFER B. TRUONG
Deputy Attorney General
Attorneys for Plaintiff and Respondent

April 6, 2022

DECLARATION OF JENNIFER B. TRUONG

I, Jennifer B. Truong, declare:

1. I am a deputy attorney general in the Criminal Division of the California Attorney General’s Office, and have prepared respondent’s answer brief on the merits filed concurrently herewith.

2. Exhibits A through B hereto are true and correct copies of court records from the defendant’s original jury trial in Case No. 04CF2780.

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

Executed on April 6, 2022, at San Diego, California.

/s/Jennifer B. Truong

Jennifer B. Truong

Deputy Attorney General

No. S270723

In the Supreme Court of the State of California

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

v.

ANDRES QUINONEZ REYES,
Defendant and Appellant.

Fourth Appellate District, Division Three, Case No. G059251
Orange County Superior Court, Case No. 04CF2780
The Honorable Richard M. King, Judge

[PROPOSED ORDER]

Respondent's request for judicial notice, filed April 6, 2022,
is granted. This Court takes judicial notice of the court records
attached thereto as Exhibits A through B.

Dated: _____

The Honorable Presiding
Justice and Associate Justices

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

Case Name: **People v. Reyes**
Case No.: **S270723**

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 6, 2022, I electronically served the attached **REQUEST FOR JUDICIAL NOTICE, EXHIBITS A-B, [PROPOSED] ORDER** 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 6, 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:

County of Orange Central Justice Center Superior Court of California 700 Civic Center Drive West Santa Ana, CA 92701	Fourth Appellate District, Division Three Court of Appeal of the State of CA 601 West Santa Ana Blvd. Santa Ana, CA 92701
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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 6, 2022, at San Diego, California.

Liza Nickolas

Declarant

/s/ Liza Nickolas

Signature

SD2021802310
83348935.docx

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v.
REYES**

Case Number: **S270723**

Lower Court Case Number: **G059251**

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: **Jennifer.Truong@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	S270723_RJN_The People
EXHIBITS	Exhibit A Part 1 of 2
EXHIBITS	Exhibit A Part 2 of 2
EXHIBITS	Exhibit B Part 1 of 3
EXHIBITS	Exhibit B Part 2 of 3
EXHIBITS	Exhibit B Part 3 of 3
PROOF OF SERVICE	Proof of Service

Service Recipients:

Person Served	Email Address	Type	Date / Time
Jennifer Truong Office of the Attorney General 285868	Jennifer.Truong@doj.ca.gov	e-Serve	4/7/2022 11:16:57 AM
Gerald Miller Court Added 120030	miller120030@gmail.com	e-Serve	4/7/2022 11:16:57 AM
Richard Levy Richard A. Levy 126824	rlevy@richardalevy.com	e-Serve	4/7/2022 11:16:57 AM
Lindsey Schiller Department of Justice, Office of the Attorney General-San Diego	lindsey.schiller@doj.ca.gov	e-Serve	4/7/2022 11:16:57 AM
Richard Levy Attorney at Law	levy@richardalevy.com	e-Serve	4/7/2022 11:16:57 AM
Liza Nickolas CA Attorney General's Office - San Diego	liza.nickolas@doj.ca.gov	e-Serve	4/7/2022 11:16:57 AM
Appellate Defenders, Inc	court@adi-sandiego.com	e-Serve	4/7/2022 11:16:57 AM
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District Attorney, Orange	appellate@da.ocgov.com	e-Serve	4/7/2022 11:16:57 AM

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.

4/7/2022

Date

/s/Liza Nickolas

Signature

Truong, Jennifer (285868)

Last Name, First Name (PNum)

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

Law Firm