

WILLIAM D. FARBER
Attorney at Law
State Bar No. 45121
369-B Third Street # 164
San Rafael, CA 94901

Telephone: (415) 472-7279

Attorney for Appellant Johnson

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

_____)	
PEOPLE OF THE STATE OF CALIFORNIA,)	
Plaintiff and Respondent,)	
)	
vs.)	No. SO93235
)	
JERROLD ELWIN JOHNSON,)	
Defendant and Appellant.)	
_____)	

REQUEST FOR JUDICIAL NOTICE

TO THE HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE OF THE STATE OF CALIFORNIA, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

Pursuant to rule 8.252 of the California Rules of Court, and to Evidence Code sections 452 and 459, appellant Johnson, through his attorney on appeal, requests that the Court take judicial notice of officially certified pleadings, documents, and records in *People v. Jerrold Elwin Johnson*, Superior Court of California, County of Sonoma, Case No. SCR20425 (Municipal Court No. MCR207929) that are pertinent to and foundational of the “prosecuted and

acquitted argument” of Assignment of Error VI, Subdivision (B) in Appellant’s Opening Brief. Specifically, appellant requests that the Court take judicial notice of the following officially certified documents:

1. Certified Felony Complaint, *People v. Jerrold Elwin Johnson*, Sonoma County Municipal Court Case No. MCR207929, filed on February 11, 1993, Municipal Court of California, Sonoma County [Exhibit “A” attached hereto].

2. Certified Information, *People v. Jerrold Elwin Johnson*, Sonoma County Superior Court Case No. SCR20425, filed on April 7, 1993, Superior Court of California, Sonoma County [Exhibit “B” attached hereto];

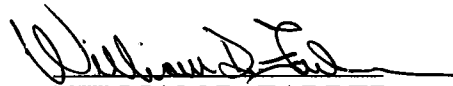
3. Certified First Amended Information, *People v. Jerrold Elwin Johnson*, Sonoma County Superior Court Case No. SCR20425, filed on October 12, 1993, Superior Court of California, Sonoma County [Exhibit “C” attached hereto]; and

4. Certified Criminal Docket, *People v. Jerrold Elwin Johnson*, Sonoma Superior Court Case No. SCR20425 (Municipal Court Case No. MCR207929), Superior Court of California, Sonoma County [Exhibit “D” attached hereto].

This request for judicial notice of the foregoing, officially certified documents and records is based on the record and files in this case and the following memorandum of points and authorities.

DATED: July 31, 2012.

Respectfully submitted,



WILLIAM D. FARBER

Attorney at Law

Attorney for Appellant Johnson

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF APPELLANT’S REQUEST FOR JUDICIAL
NOTICE**

Evidence Code section 452, subdivision (d) provides in part that judicial notice may be taken of the “[r]ecords of (a) any court of this state”

Evidence Code section 459, subdivision (a) provides in part that a “reviewing court may take judicial notice of any matter specified in Section 452.”

California Rules of Court, rule 8.252 provides the means for judicial notice on appeal. Rule 8.252(a)(2) provides that the motion must state “(A) Why the matter to be noticed is relevant to the appeal; (B) Whether the matter to be noticed was presented to the trial court and, if so, whether judicial notice was taken by that court; and (C) Whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.” (Cal. Rules of Court, rule 8.252(a)(2).)

Appellant requests that the Court take judicial notice of four officially-certified documents and trial court records in *People v. Jerrold Elwin Johnson*, Sonoma County Superior Court Case No. SCR20425 and Sonoma County Municipal Court Case No. MCR207929.¹ These certified documents and court records are attached hereto as Exhibits “A” through “D”. The certified documents and records sought to be judicially noticed are pertinent and essential to appellant’s automatic appeal now pending in this Court. (See AOB at pp. 187-194;

¹/ See also Appellant’s Opening Brief at pp. 187-194 & fn. 20 [where appellant initially requests that the Court take judicial notice of the court files of *People v. Jerrold Elwin Johnson* (Super. Ct. Sonoma County, 1993, Case No. SCR20425).

see also factual statement as to VonSeggern manslaughter at AOB at pp. 50-58.)
The trial court below was not requested to take judicial notice of the certified documents and records sought by this motion to be judicially noticed.

The Court has previously noted that there is “a precondition to the taking of judicial notice in either its mandatory or permissive form -- any matter to be judicially noticed must be relevant to a material issue.” (*People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 422, fn. 2.) The Court has also held that when a party desires the appellate court to take judicial notice of a document or record on file in a court of this state, “the parties should furnish the appellate court with a copy of such document or record certified by its custodian.” (*Ross v. Creel Printing & Publishing Co.* (2002) 100 Cal.App.4th 736, 743.) Attached Exhibits “A” through “D” have been certified by the Clerk of the Superior Court of California, County of Sonoma.

These certified documents and court records are relevant to dispositive issues raised in appellant’s automatic appeal and provide the factual foundational of appellant’s “prosecuted and acquitted” argument of Assignment of Error VI, Subdivision (B) in Appellant’s Opening Brief. (See *People v. Hardy* (1992) 2 Cal.4th 86, 134-135 [judicial notice taken of court records where motion for judicial notice appended photocopies of certified copies of the pertinent court files]; *People v. Martinez* (1998) 62 Cal.App.4th 1454, 1460, fn. 7 [judicial notice taken of minute order in prior case involving same defendant pertinent to resolution of assignment of error on appeal]; *Conservatorship of Kevin M.* (1996)

49 Cal.App.4th 79, 84, fn. 2 [judicial notice taken of certified copies of certain superior court records in prior case not included in record on appeal]; *Smith v. Selma Community Hospital* (2010) 188 Cal.App.4th 1, 45 [judicial notice appropriate where materials sought to be judicially noticed “provide[] the factual foundation for the positions taken by the parties in the [appellate] litigation.”].) Moreover, the officially certified court documents and records sought to be judicially noticed cannot reasonably be the subject of dispute. (See *Litwin v. Estate of Formela* (2010) 186 Cal.App.4th 607, 612 [citing statutory authority for permissive judicial notice where facts not reasonably subject to dispute]; *Faulkinbury v. Boyd & Associates, Inc.* (2010) 185 Cal.App.4th 1363, 1373 [granting request for judicial notice of records of a court of this state which qualify for permissive judicial notice under Evid. Code section 452, subdivision (d)].)

Appellant has referred to and discussed each of the officially-certified, state-court documents and records sought to be judicially noticed in his Assignment of Error VI, Subdivision (B). (See AOB 187-188.) These certified documents and records support appellant’s claim of error that the resolution of his 1993 prosecution for first degree murder in violation of Penal Code section 187, subdivision (a) in *People v. Jerrold Elwin Johnson*, Sonoma County Case No. SCR20425 (and Municipal Court Case No. MCR207929) -- by his conviction of the lesser included crime of voluntary manslaughter in violation of Penal Code section 192, subdivision (a) -- constituted an implied acquittal of the greater offense of murder. The retrial and elevation of appellant’s prior 1993

manslaughter conviction to murder during the penalty trial and the weighing of this offense as a murder by the jury were barred by the explicit “prosecuted and acquitted” proscription set forth in Penal Code section 190.3, paragraph 3.

The adjudication of appellant’s claim of error cannot be appropriately determined without judicial notice of the certified documents and records in *People v. Jerrold Elwin Johnson*, Sonoma County Case No. SCR20425 (and Municipal Court Case No. MCR207929) herein sought to be judicially noted.

By reason of the foregoing, appellant requests that the Court take judicial notice of Exhibits “A” through “D” so that these officially-certified documents and records may be appropriately considered by the Court in evaluating, determining, and resolving Assignment of Error VI, Subdivision (B) of appellant’s opening brief.

DATED: July 31, 2012.

Respectfully submitted,



WILLIAM D. FARBER
Attorney at Law

Attorney for Appellant Johnson

EXHIBIT A

**Certified Felony Complaint, *People v. Jerrold Elwin Johnson*,
Sonoma County Municipal Court Case No. MCR207929,
Filed February 11, 1993, Municipal Court of California,
Sonoma County**

THE PEOPLE OF THE STATE OF CALIFORNIA,)
vs.)

WARRANT

FEB 11 1993)

MM 10724 20425

JERROLD ELWIN JOHNSON

Clerk of the Municipal Court of the County of Sonoma State of California

FELONY COMPLAINT Section 187(a) PC

By _____ Deputy Clerk?

Defendant)

THE UNDERSIGNED, being duly sworn, deposes and says, upon information and belief, that the said defendant, JERROLD ELWIN JOHNSON, did, in the County of Sonoma, State of California, on or about the 16th day of October, 1992, violate Section 187(a) of the PENAL CODE, a Felony, in that he did willfully and unlawfully and with malice aforethought, murder JENNIFER LISA VON SEGGERN, a human being.

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1).



THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST:

JUN 08 2012

Clerk of the Superior Court of California County of Sonoma *Dawn M.*
By *J. [Signature]* Deputy Clerk

FILED

MAR 31 1993

SONOMA COUNTY CLERK

By

[Signature]

Deputy Clerk

Complainant therefore prays that a warrant issue and that said defendant be dealt with according to law.

Daniel Dujon

SANTA ROSA POLICE DEPARTMENT

Subscribed and sworn to before me this 10th day of FEBRUARY, 1993

[Signature]

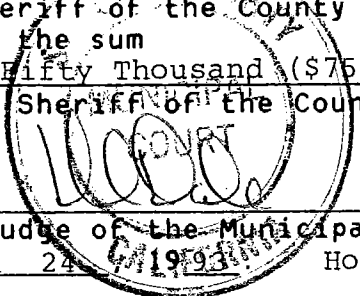
of the Municipal Court

2/10/93
JMM/jl
SRO 9220505
DAR-268851

JERROLD ELWIN JOHNSON

It appearing to me that the offense of Felony 187(a) PC as in
Count I

in the within deposition mentioned, has been committed, and that there is sufficient cause to believe the within defendant guilty thereof, I order that he be held to answer to the same and committed to the Sheriff of the County of Sonoma, and he is hereby committed to the Sheriff of the County of Sonoma, and that he be admitted to bail in the sum of Seven Hundred Fifty Thousand (\$750,000.00) dollars, and he be committed to the Sheriff of the County of Sonoma until he give such bail.



Judge of the Municipal Court
Dated March 24 1993 Hon. R.P. Dale

EXHIBIT B

**Certified Information, *People v. Jerrold Elwin Johnson*,
Sonoma County Superior Court Case No. SCR20425,
Filed April 7, 1993, Superior Court of California, Sonoma County**

FILED

APR 7 1993

SONOMA COUNTY CLERK
By Jana Rust
Deputy Clerk

1 GENE L. TUNNEY, DISTRICT ATTORNEY
2 County of Sonoma
3 212J Hall of Justice
4 P.O. Box 1964
5 Santa Rosa, CA 95402
6 (707) 527-2311

7 Attorney for the People

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SONOMA

9	THE PEOPLE OF THE STATE OF CALIFORNIA,	)	COURT NO. 20425
10	Plaintiff,	)	D.A. NO. 268851
11	vs.	)	DEPT. NO.
12		)	<u>I N F O R M A T I O N</u>
13	JERROLD ELWIN JOHNSON	)	187(a) PC
14)	
15	Defendant)	

16 COUNT I

17 The said JERROLD ELWIN JOHNSON is accused by the District
18 Attorney of and for the County of Sonoma, State of California, by
19 this Information, of a felony, in that on or about the 16th day of
20 October, 1992, in the County of Sonoma, State of California, the
21 said defendant did violate Section 187(a) of the Penal Code, in that
22 the said defendant did willfully and unlawfully and with malice
23 aforethought, murder JENNIFER LISA VON SEGGERN , a human being.

24 It is further alleged that the above offense is a serious
25 felony within the meaning of Penal Code section 1192.7(c)(1).

26 Contrary to the form, force and effect of the Statute in
such case made and provided and against the peace and dignity of the
People of the State of California.

GENE L. TUNNEY, DISTRICT ATTORNEY
County of Sonoma, State of California

BY: Alexander J. McMahon
ALEXANDER J. MCMAHON
Deputy District Attorney



Clerk of the Superior Court of California
County of Sonoma Dawn M. Satterton
By Satterton Deputy Clerk

EXHIBIT C

**Certified First Amended Information, *People v. Jerrold Elwin Johnson*,
Sonoma County Superior Court Case No. SCR20425,
Filed October 12, 1993, Superior Court of California, Sonoma County**



FILED

OCT 12 1993

SONOMA COUNTY CLERK
Ilena Rival
Deputy Clerk

1 GENE L. TUNNEY, DISTRICT ATTORNEY

2 County of Sonoma
3 212J Hall of Justice
4 P.O. Box 1964
5 Santa Rosa, CA 95402
6 (707) 527-2311

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ON FILE IN
THIS OFFICE

ATTEST: JUN 08 2012

Clerk of the Superior Court of California
County of Sonoma *Laura M.*
By *Lutler* Deputy Clerk

7 Attorney for the People

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SONOMA

9	THE PEOPLE OF THE STATE OF CALIFORNIA,	)	COURT NO. SCR204250
10	Plaintiff,	)	D.A. NO. 268851
11	vs.	)	DEPT. NO.
12		)	F I R S T A M E N D E D
13	JERROLD ELWIN JOHNSON	)	<u>I N F O R M A T I O N</u>
14	Defendant	)	187(a) PC, Count I
15		)	192(a) PC, Count II

16 COUNT I

17 The said JERROLD ELWIN JOHNSON is accused by the District
18 Attorney of and for the County of Sonoma, State of California, by
19 this Information, of a felony, in that on or about the 16th day of
20 October, 1992, in the County of Sonoma, State of California, the
21 said defendant did violate Section 187(a) of the Penal Code, in that
22 the said defendant did willfully and unlawfully and with malice
23 aforethought, murder JENNIFER LISA VON SEGGERN , a human being.

24 It is further alleged that the above offense is a serious
25 felony within the meaning of Penal Code section 1192.7(c)(1).

26 COUNT II

As and for a further and separate cause of action, being a
different offense from but connected in its commission with crimes
set forth hereinabove, the said JERROLD ELWIN JOHNSON is accused by
the District Attorney of and for the County of Sonoma, State of
California, by this Information, of a felony, in that on or about

223

1 the 16th day of October, 1992, in the County of Sonoma, State of
2 California, the said defendant did violate Section 192(a) of the
3 Penal Code, in that the said defendant did willfully, unlawfully and
4 without malice kill JENNIFER LISA VON SEGGERN, a human being, upon a
sudden quarrel and heat of passion.

5 It is further alleged that the above offense is a serious
6 felony within the meaning of Penal Code section 1192.7(c)(1).

7 Contrary to the form, force and effect of the Statute in
8 such case made and provided and against the peace and dignity of the
9 People of the State of California.

10 GENE L. TUNNEY, DISTRICT ATTORNEY
11 County of Sonoma, State of California

12 BY: 
13

ALEXANDER J. MCMAHON

14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT D

**Certified Criminal Docket, *People v. Jerrold Elwin Johnson*,
Sonoma Superior Court Case No. SCR20425 (and Municipal Court
Case No. MCR207929), Superior Court of California, Sonoma County**

Docket of

DE 1 JOHNSON, JERROLD ELWIN
DOB 11/17/1961 DLN CA N8165282

Offense Date: 10/16/1992
DA #: DAR-268851

Filed Charges

F PC 187(a) Dismissed F PC 187(a) Held to Answer
F PC 192(a) Convicted Amended

Arresting Agency: SANTA ROSA POLICE DEPARTMENT
Box Number: 41984 (MCR-207929), 70228 (SCR-20425)

Agency #: SRO-9220505
DA Location: 41344

02/11/1993 DE 1

ADDED TO CALENDAR BY JAIL - 02/17/1993 at 8:30am MCD6 ,WARRANT IN
CUSTODYS
COMPLAINT FILED
F PC 187(a)
DECLARATION IN SUPPORT OF WARRANT OF ARREST FILED
WARRANT #5079473 SIGNED AND ISSUED IN THE AMOUNT OF \$250,000

02/17/1993 DE 1 Courtroom Minutes of Department MCD6

HON: R.DALE DDA: ALEXANDER J McMAHON REP: J BURRESS CLK: KLK
Defendant present
Defendant In Custody
Counsel Charles Ogulnik, Public Defender, appearing
Defendant duly arraigned, advised of charges
Defendant handed copy of complaint
Request to conduct film and electronic media coverage and order
filed
Public Defender Appointed
CONTINUED TO - 02/24/1993 at 8:30am MCD6 ,PLEA,TO SET
Case referred to Probation Department for RPO
Re: Release on Own Recognizance or Bail Reduction
Bail set at \$ 250,000
Warrant #5079473 Recalled in Court
CONTINUED TO - 02/23/1993 at 8:30am MCD6 ,RPO/BAIL REDUCTION

02/23/1993 DE 1 Courtroom Minutes of Department MCD6

HON: R.DALE DDA: J. MICHAEL MULLINS REP: F SANDERS CLK: KLK
Defendant present
Defendant In Custody
Counsel Charles Ogulnik, Public Defender, appearing
People move to increase bail



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE ORIGINAL ONE FILE IN
THIS OFFICE.

ATTEST: MAY 15 2012

Clerk of the Superior Court of California
County of Sonoma
By: *[Signature]* Deputy Clerk

02/23/1993 DE 1 Courtroom Minutes of Department MCD6 (continued)

CONTINUED TO - 02/24/1993 at 8:30am MCD6 , PLEA, TO SET
RPO/Bail Investigation Report Filed
Bail increased to \$ 750,000.00

02/24/1993 DE 1 Courtroom Minutes of Department MCD6

HON: R.DALE DDA: J. MICHAEL MULLINS REP: MARIA HANNAN CLK: KLK
Defendant present
Defendant In Custody
Counsel Barry Collins, Public Defender, appearing
Stipulated to arraignment & advisement of rights / waives reading
Defendant informed of Time for Preliminary
Defendant Waived Time for Preliminary Hearing 10 + 60 day rule
Defendant pleads Not Guilty to count I
Preliminary Examination set
CONTINUED TO - 03/24/1993 at 9:00am MCD6 , PRELIMINARY

03/05/1993 DE 1

ORDER APPOINTING PATHOLOGIST FILED
EX PARTE APPLICATION FOR APPOINTMENT OF EXPERT FILED
DECLARATION IN SUPPORT OF APPOINTMENT OF EXPERT FILED

03/24/1993 DE 1 Courtroom Minutes of Department MCD6

HON: R.DALE DDA: ALEXANDER J McMAHON REP: F SANDERS CLK: KLK
Defendant present
Defendant In Custody
Counsel Barry Collins, Public Defender, appearing
Preliminary Examination Held
Case heard 9:40am
Defense calls for declaration and exclusion of People's witnesses
People declare the following witnesses, all sworn, admonished, and
excluded Gerald Ohman, Sue Kimble, Rodney Wright,
Mark Giuliani, Paul Sundquist, Detective Keith Thomas, Detective Dan
Lujan, Detective Harry Pinola
People declare Detective Keith Thomas as Investigating Officer.
Stipulated for preliminary purposes that the body depicted in some
of the introduced photographs was identified from fingerprints and
dental records as that of Jennifer Lisa Vonseggern
People call Gerald Ohman, testified.
Witness identifies Defendant(s).
People's exhibit 1-4, marked for identification: Photos
Witness excused
People call Detective Harry Pinola, testified.
Witness identifies Defendant(s).
People's exhibit 1-4, marked for identification: Photos
Witness excused

03/24/1993 DE 1 Courtroom Minutes of Department MCD6 (continued)

People call Detective Harry Pinola, testified.

People's exhibit 5-10, marked for identification: Photos

Cross examination

Redirect

Recross

Witness excused

People call Rodney Wright, testified.

Cross examination

Witness excused

People call Detective Keith Thomas, testified.

People's exhibit 11, marked for identification: Notice of sale or transfer and odometer report

People's exhibit 12, marked for identification: release of liability

People's exhibit 13, marked for identification: bill of sale

People's exhibit 14, marked for identification: certificate of title

People's exhibit 15, marked for identification: DMV Registration card

People's exhibit 16, Photo, marked for identification:

Witness identifies Defendant(s).

People's exhibit 17-31, marked for identification: Photos

People's exhibit 32-40, marked for identification: Photos

Stipulate to Mr Stettler's expertise in analyzing handwriting exemplars

Recess: 11:13am

Reconvene: 11:24am; All Parties present

Cross examination

Stipulate Dr Gingrich is a qualified medical examiner

Witness steps down

People call Susan Kimble, testified.

Witness identifies Defendant(s).

Cross examination

Recess: 12:02pm

Reconvene: 1:40pm; All Parties present

Cross exam resumes

Witness excused

People call Mark Giuliani, sworn and testified.

Witness identifies Defendant(s).

Witness excused

People's exhibit(s) received into evidence.

People argue

Defense argues

People respond

Defense responds

Submitted

Defendant Held to Answer to count I as charged

Information to be filed by 4-7-93 at 9:00am in Department #3, in Superior Court

03/24/1993 DE 1 Courtroom Minutes of Department MCD6 (continued)

Exhibits withdrawn, to remain with Santa Rosa Police Dept, for safekeeping.

Bail status remains the same; \$ 750,000

Transcript by: 4-7-93

Reporter: F Sanders

03/31/1993 DE 1

CRIMINAL HEARING - 04/07/1993 at 9:00am SCD3 , INFORMATION TO BE FILED

04/07/1993 DE 1

TRANSCRIPT OF PRELIMINARY EXAMINATION FILED 3/24/93

NTC OF MTN & MTN FOR SUBSTITUTION OF COUNSEL (MARSDEN MTN)

04/07/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: ALEXANDER J McMAHON REP: S. HARDGROVE CLK: TR

Defendant present in custody

B. Collins appearing for Defendant

FIRST APPEARANCE - SUPERIOR COURT

INFORMATION FILED

Defendant waives reading

Defendant's true name is as shown on Information

Defendant stipulates to due and proper arraignment

Defendant advised of legal rights

Defendant waives same

Defendant pleads NOT GUILTY to count I

Defendant waives time to 4-15-93 + 60 days

CONT/D TO - 04/15/1993 at 9:00am SCD3 , TO SET, TRIAL

Marsden mtn addressed out of presence of DA.

Marsden mtn is dropped.

04/07/1993 DE 1

PERTINENT PAPERS DELIVERED TO COUNTY CLERK; RECEIPT FILED # 20425

04/12/1993 DE 1

File to GH for Expert Fee Claim

04/15/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: ALEXANDER J McMAHON REP: S. HARDGROVE CLK: TR

Defendant present in custody

A. McMahon appearing for Defendant

Defendant pleads NOT GUILTY to count I

Defendant waives time to 6-21-93 + 45 days

SET FOR JURY TRIAL-MASTER CALENDAR - 06/21/1993 at 9:30am SCD3

04/15/1993 DE 1 Courtroom Minutes of Department SCD3 (continued)
, JURY TRIAL
PRE-TRIAL CONFIRMATION - 06/11/1993 at 9:00am SCD3 , PRETRIAL
CONFIRMATION

04/26/1993 DE 1
File returned to IJS/Records

05/13/1993 DE 1
TEMPORARY REMOVAL OF PRISONER AND HIS PRODUCTION AS A WITNESS

06/08/1993 DE 1
MOTION - 06/11/1993 at 9:00am SCD3 , PRETRIAL CONFIRMATION, CONTINUE
NTC OF MTN & MTN TO CONTINUE TRIAL, DECL OF ATTY, P & A'S

06/11/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: GS REP: ROSE MARIE FERRONATO CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
Defendant waives time to 9-20-93 + 60 days
Trial date vacated - 06/21/1993 at 9:30am SCD3 , JURY TRIAL
SET FOR JURY TRIAL-MASTER CALENDAR - 09/20/1993 at 9:30am SCD3
, JURY TRIAL
PRE-TRIAL CONFIRMATION - 09/10/1993 at 9:00am SCD3 , PRETRIAL
CONFIRMATION

07/06/1993 DE 1
TEMP REMOVAL OF PRISONER & HIS PRODUCTION AS A WITNESS

07/28/1993 DE 1
AMENDED TEMPORARY REMOVAL OF PRISONER & HIS PRODUCTION AS A WITNESS

09/08/1993 DE 1
MOTION - 09/10/1993 at 9:00am SCD3 , PRETRIAL CONFIRMATION, CONTINUE
NTC OF MTN & MTN TO CONTINUE TRIAL; DECL OF ATTY; P & A'S

09/10/1993 DE 1
DECL OF CUSTODIAN OF RECORDS
ORDER (RE SUBPOENAED RECORDS)

09/10/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: Christine Bogosian REP: K. JOHNSON CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
1050PC Motion granted
Defendant waives time to 10-12-93 + 60 day
Trial date vacated - 09/20/1993 at 9:30am SCD3 ,JURY TRIAL
SET FOR JURY TRIAL-MASTER CALENDAR - 10/12/1993 at 9:30am SCD3
,JURY TRIAL
PRE-TRIAL CONFIRMATION - 09/30/1993 at 9:00am SCD3 ,PRETRIAL
CONFIRMATION

09/15/1993 DE 1

TEMP REMOVAL OF PRISONER & PRODUCTION AS A WITNESS

09/30/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: AMM REP: S. HARDGROVE CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
READINESS CONFERENCE - 10/07/1993 at 9:00am SCD3 ,READINESS
CONFERENCE
Trial date of 10/12/93 confirmed
Time estimate for trial: 3 weeks
PRETRIAL CONFERENCE HELD
Misd continue to trail; def waives time.

10/07/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: Christine Bogosian REP: S. HARDGROVE CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
READINESS CONFERENCE - 10/08/1993 at 9:00am SCD3 ,READINESS
CONFERENCE

10/08/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: Christine Bogosian REP: S. HARDGROVE CLK: TR
Defendant is not present, not transported
B. Collins appearing for Defendant
Trial date of 10-12-93 confirmed

10/12/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: DAVID L. DUNN REP: S. HARDGROVE CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
AMENDED INFORMATION FILED
F PC 192(a)
Defendant waives reading
Defendant stipulates to due and proper arraignment
Defendant advised of legal rights
Defendant waives same
Defendant advised of maximum penalty and constitutional rights
Defendant pleads NO CONTEST to count II PC 192(a)
CONVICTED TO COUNT II PC 192(a) - PLEA OF NOLO CONTENDERE
Court finds factual basis for plea
Court finds Defendant knowingly, intelligently, freely and
voluntarily waives rights
People move to dismiss ct(s) Ct. 1 and trailing misdemeanor &
misdemeanor in SCR 20425 ; deemed dismissed at time of
sentencing.
People recommend 1192.5 dispo 6 yrs CDC max term
Referred to Probation for presentence; report due 11/3/93
Trial date vacated 10/12/93 - 10/12/1993 at 9:30am SCD3 ,JURY TRIAL
CONT/D TO - 11/08/1993 at 9:00am SCD3 ,FOR SENTENCING

11/03/1993 DE 1

STATEMENT IN SUPPORT OF COMMITMENT TO STATE PRISON FOR MID TERM &
ARGUMENT AGAINST PROBATION

11/08/1993 DE 1 Courtroom Minutes of Department SCD3

HON: L.G. ANTOLINI DDA: ALEXANDER J McMAHON REP: S. HARDGROVE CLK: TR
Defendant present in custody
B. Collins appearing for Defendant
Defendant convicted by plea of nolo of ct 2
DEFENDANT SENTENCED
STATE PRISON
SCR20425 Ct02 PC192(a) (primary) - 6 Years
Total aggregate State Prison term 6 Years for cases: SCR20425
COUNT I PC 187(a) DISMISSED IN THE INTEREST OF JUSTICE
Defendant advised re Federal/State gun laws
Restitution fine \$5,000.00
CTS total 405 days (271 actual/ 134 conduct)
Sheriff to transport Deft. to CDC
PROBATION HEARING

11/08/1993 DE 1

REPORTER'S TRANSCRIPT: CHANGE OF PLEA, 10-12-93
PRESENTENCE REPORT FILED

11/09/1993 DE 1

SUBPOENAED RECORDS DESTROYED (COPIES ONLY)

11/16/1993 DE 1

ABSTRACT OF JUDGMENT - COMMITMENT, FILED

01/21/1994 DE 1

AUTOMATED 8715 REPORT ISSUED

08/02/1994 DE 1

EX PARTE MTN FOR AMENDED ABSTRACT OF JUDGMENT

08/03/1994 DE 1

P.O. MEMO-RESPONSE TO REQUEST FOR AMENDED ABSTRACT OF JUDGMENT DATED
6/23/94
ORDER FOR AMENDED CUSTODIAL CREDITS

01/28/1999 DE 1

REPORTER'S TRANSCRIPT: SENTENCING 11/8/93 FILED

***** End of Docket *****

PROOF OF SERVICE

RE: **PEOPLE v. JOHNSON**
Supreme Court No. S093235

I, WILLIAM D. FARBER, declare under penalty of perjury under the laws of the State of California that I am counsel of record for defendant and appellant **Jerrold E. Johnson** in this case, and further that my business address is William D. Farber, Attorney at Law, 369-B Third Street # 164, San Rafael, CA 94901. On July 31, 2012, I served **APPELLANT'S REQUEST FOR JUDICIAL NOTICE**, by depositing each copy in a sealed envelope with postage thereon fully prepaid, in the United States Postal Service, at Henderson, NV, addressed respectively as follows:

MASHA A. DABIZA
Deputy Attorney General
State of California
455 Golden Gate Ave.
Suite 11000
San Francisco, CA 94102-3664

CLERK, SUPERIOR COURT
Lake County
Criminal Appeals
255 North Forbes Street
Lakeport, CA 95453

JERROLD E. JOHNSON
P-99021
San Quentin State Prison
San Quentin, CA 94974


**CALIFORNIA APPELLATE
PROJECT**
101 Second Street, Suite 600
San Francisco, CA 94105

HON. DON A. ANDERSON
District Attorney
Lake County
255 North Forbes Street
Lakeport, CA 95453

ERIC GREEN
Attorney at Law
2100 Tulare Street
Suite 512
Fresno, CA 93721

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

DATED: July 31, 2012.


WILLIAM D. FARBER
Declarant