

# SUPREME COURT COPY

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff and Respondent,

v.

SANTIAGO PINEDA,

Defendant and Appellant.

CAPITAL CASE

Case No. S150509

SUPREME COURT  
FILED

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Los Angeles County Superior Court Case No. NA061271 Frank A. McGuire Clerk  
The Honorable William R. Pounders, Judge Deputy

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DEATH PENALTY



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## STATEMENT OF THE CASE

On August 8, 2002, in Los Angeles County Superior Court Case No. NA051943, appellant was charged by information with the March 7, 2002 murder of Rafael Sanchez, also known as Juan Armenta (hereafter "Armenta").<sup>1</sup> (Pen. Code, § 187, subd. (a).) At that point, no special circumstances under Penal Code section 190.3 were charged. (1CT 102-03.) Appellant pleaded not guilty. (1CT 104.)

A jury trial commenced on April 2, 2004. (1CT 159-60.) At trial, Raul Tinajero testified under a grant of use-immunity (1CT 138-142) that he was with appellant at the time of Armenta's murder and that appellant was the killer. (2CT 285-292.) Due to the serious illness of appellant's trial attorney, a mistrial was declared during the People's case-in-chief on April 12, 2004. (2CT 413; 4Supp CT 55-59.)

On April 20, 2004, about two weeks after his trial testimony, Tinajero was murdered in his jail cell in the Los Angeles County Jail. (3CT 426-436 [confidential].)

In a felony complaint filed on May 11, 2004 in Los Angeles County Superior Court Case No. NA061271, appellant was charged with the murder of Tinajero, with the special circumstance that appellant killed the victim because the victim was a witness to a crime (Pen. Code, § 190.2, subd. (a)(10).) (3CT 480-82.)

After Case No. NA051943 was consolidated into Case No. NA061271 (3CT 497-498), appellant was charged by information with the murders of Armenta (Count One) and Tinajero (Count Two). The information alleged

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<sup>1</sup> The information identified the victim as Rafael Sanchez. (1CT 102; see also 4CT 749.) The trial testimony established that the victim was known by both that name and Juan Carlos Armenta. (10RT 1660; 10 RT 1668, 1676 [stipulation re identification].) Because the victim was identified at trial mostly as Armenta, respondent uses that name here.

the special circumstances of murder while engaged in robbery (Pen. Code ,§ 190.2, subd. (a)(17); Count One only), murder of a witness (Pen. Code ,§ 190.2, subd. (a)(10); Count Two only), and multiple murder (Pen. Code, § 190.2, subd. (a)(3); both counts). (4CT 749-751.) Appellant pleaded not guilty. (4CT 770.)

A second jury trial commenced on October 25, 2006. (5CT 1138.) On December 11, 2006, the jury found appellant guilty of first degree murder (Pen. Code, §§ 187, 189) in both counts and found all charged special circumstances true. (6CT 1304-1307.) Following the penalty phase of trial, the jury returned verdicts of death for Count Two on January 23, 2007, and for Count One on January 25, 2007. (6CT 1446, 1455.)

The trial court denied appellant's automatic motion for modification of sentence (Pen. Code, § 190.4) and sentenced appellant to death on both counts on February 15, 2007. (6CT 1475-81; 4Supp CT 129-32.) This automatic appeal follows.

## **STATEMENT OF FACTS**

### **A. The People's Case-In-Chief, Guilt Phase**

#### **1. The March 6-7, 2002, Murder of Juan Armenta**

Raul Tinajero was appellant's neighbor. They both lived on O Street in Wilmington, California. (11RT 1794, 1810, 1989.) On the night of March 6 to 7, 2002, appellant and Tinajero were riding in a car driven by a friend of appellant's. (11RT 1798, 1853, 1855.) Appellant and Tinajero both had drunk several beers, and they continued to drink in the car. (11RT 1801, 1855.) The car stopped next to a white Infiniti at a red light at Avalon Boulevard and Pacific Coast Highway. Appellant spoke with Juan Armenta, the sole occupant of the Infiniti. (11RT 1799-1801.) Armenta appeared to be drunk. (11RT 1801.) Neither Tinajero nor appellant (to Tinajero's knowledge) had ever met Armenta before. (11RT 1803.)

Through their car windows, appellant handed Armenta a bottle of tequila. (11RT 1801-1802, 1857.) Armenta drank from the bottle and handed it back. (11RT 1802.)

Driving the Infiniti, Armenta followed appellant and Tinajero to appellant's house on O Street in Wilmington. (11RT 1803-1805, 1810, 1857.) Appellant, Tinajero, and Armenta "hung out" in front of the house for awhile. (11RT 1809.) The three then decided to go to Long Beach to "pick up some girls." (11RT 1809, 1812, 1857.) Armenta drove appellant and Tinajero in the Infiniti. (11RT 1813.) In Long Beach, they stopped to visit one of Armenta's friends, Eduardo Quevado,<sup>2</sup> and to pick up appellant's cousin. (10RT 1645-1647; 11RT 1813-1814, 1857.) They later stopped in an alley where appellant, appellant's cousin, and Armenta got out of the car to urinate, while Tinajero stayed in the car. (11RT 1814-1815, 1860-1861.) Appellant and his cousin ran back to the Infiniti and appellant drove it away with his cousin and Tinajero inside, leaving Armenta behind in the alley. (11RT 1816, 1863.) They returned to Wilmington, left the Infiniti on Colon Street, one block from O Street, and walked to appellant's house. (11RT 1816-1817, 1820, 1890.)

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<sup>2</sup> Armenta knocked on the door of Quevado's second-floor apartment at about 11:00 p.m. (10RT 1645-1647.) Armenta was drunk. (10RT 1650, 1663.) From his apartment door, Quevado saw appellant standing near the stairway of the building and another man standing by Armenta's parked car. (10RT 1646-1649.) Quevado had not met appellant and the other man before. (10RT 1651.) Armenta told Quevado that appellant and the other man were his friends from the mechanic's shop where Armenta used to work. (10RT 1651, 1660-1661.) Quevado offered to let Armenta stay at his apartment, or to drive Armenta home, but Armenta declined. (10RT 1650, 1661, 1665.) Armenta drove away in the Infiniti with appellant and the other man as passengers. (10RT 1650-1651.)

Armenta returned to Quevado's apartment on foot, alone, and he appeared to be upset. (10RT 1651-1652, 1663-1664.) Armenta told Quevado that the two men he came with earlier had beaten him and stolen his car. (10RT 1651-1652.) Quevado and his wife drove Armenta toward his home. (10RT 1653-1654.) However, a few blocks from home, Armenta asked Quevado to take him instead to the mechanic's shop in Wilmington where Armenta worked. (10RT 1654, 1658.) Quevado dropped off Armenta at the shop and left, but parked a few blocks away to watch out for Armenta because Quevado was concerned about his welfare. (10RT 1654, 1665.) Sometime later, Quevado saw Armenta drive by in a Honda heading toward Long Beach. (10RT 1654-1655, 1658.) Quevado tried to follow Armenta but lost him. (10RT 1655-1656.)

While appellant and Tinajero were standing in front of appellant's house, Armenta returned, driving a Honda. (11RT 1817-1819; see also 1864, 1822-1823, 1830, 1833 [the other car was a Honda].) Armenta was upset and appeared to be very drunk. (11RT 1817, 1864.) Armenta said he wanted his Infiniti and that he would kill appellant if he did not get it back. (11RT 1817-1818, 1864.) Although the Infiniti was actually parked only a few blocks away, appellant told Armenta that his car was in Long Beach, and agreed to go with Armenta to get it. (11RT 1818, 1820.) Appellant and Tinajero entered the Honda, and Armenta drove them toward Long Beach. (11RT 1820-1821, 1864-1865.)

About 1:30 a.m., they stopped at Armenta's sister's home, and Armenta went inside for a few minutes while appellant and Tinajero waited by the car. (10RT 1668-1670; 11RT 1821-1822, 1873.) Armenta angrily told his sister, Patricia Armenta, that two people who lived on Blinn Street<sup>3</sup>

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<sup>3</sup> Appellant's house was on O Street near Blinn Street. (11RT 1806-1807.)



in Wilmington had stolen his car. (10RT 1669-1670, 1675.) Armenta said that some people were outside waiting for him. (10RT 1669-1670, 1676, 1678-79.) He left, and Patricia never saw him alive again. (10RT 1679.)

While Armenta was inside his sister's home, appellant told Tinajero that he wanted to choke Armenta and steal his Honda. (11RT 1824, 1874, 1893.) Appellant asked Tinajero to help him, but Tinajero refused to be involved. (11RT 1825.) Appellant and Tinajero switched seats, so that appellant was sitting in the back seat when Armenta returned to the car and drove away. (11RT 1825-1826, 1874.)

Eventually, Armenta drove into an alley in Long Beach and stopped the car. (11RT 1826-1828.) Appellant, seated behind Armenta, put his hands around Armenta's neck and strangled him until he appeared to be unconscious. (11RT 1826-1829, 1849-1850, 1876-1878.) While Tinajero remained in the car, appellant opened the driver's door, pushed Armenta out of the Honda, and took Armenta's place behind the wheel. (11RT 1829-1830, 1849-1850.) Driving the car backward and forward, appellant ran over Armenta repeatedly. (11RT 1830-1831.)<sup>4</sup> Appellant drove the newly-stolen Honda back to Wilmington, parked the Honda on Colon Street, and retrieved the first stolen car, the Infiniti. (11RT 1833, 1890.) With Tinajero again as a passenger, appellant drove the Infiniti back to the same alley in Long Beach where he had run over Armenta. (11RT 1833.)<sup>5</sup> Appellant told Tinajero that he wanted to check the area. (11RT 1833.)

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<sup>4</sup> According to Tinajero, appellant ran over Armenta five or six times. (11RT 1830.) However, he admitted he was not keeping a precise count. (11RT 1908.)

<sup>5</sup> While driving back to his apartment, Quevado saw Armenta's Infiniti drive by at high speed toward Long Beach, but Quevado could not see who was driving it. (10RT 1656, 1658, 1665.)

Appellant drove the Infiniti through the alley at high speed and ran over Armenta again. (11RT 1834, 1894-1895.)

Virginia Ramos and David Rodriguez lived on Palmer Court, an alley in Long Beach. (9RT 1517, 1539; 10RT 1684-1685, 1691.) On the night of March 6 to 7, 2002, they noticed a dark-colored Japanese car parked in the alley with two or three people standing near it. (10RT 1684, 1691-1693, 1702-1703.) Several minutes later, Ramos's and Rodriguez's dog barked. (10RT 1686, 1693, 1700-1701, 1704.) Rodriguez went outside and saw a man in the alley moaning and crawling away from where the dark car had been parked. (10RT 1693-1694, 1698, 1701, 1705, 1709.) Thinking the man might be drunk or injured, Rodriguez called 911. (10RT 1686, 1694, 1705, 1708.) Rodriguez later saw a small white car drive south through the alley quite fast—about 25 to 35 miles per hour—with its headlights on. (10RT 1687, 1694-1696, 1706, 1711.) Fearing that the man would be run over, and not wanting to witness such a thing, Rodriguez turned to go back inside. (10RT 1695, 1706, 1711.) Ramos and Rodriguez both heard two thumps as the white car drove past. (10RT 1687, 1689, 1695, 1707, 1709.) The white car made a three-point turn and drove north, back through the alley. (10RT 1687, 1696, 1707.) Ramos called 911 and reported that the man in the alley whom they had previously called about had just been hit by a car. (10RT 1687-1688.)

At 1:57 a.m., Captain Jorge Pedroza and Engineer Christopher Tave of the Long Beach Fire Department arrived at Palmer Court in a rescue truck with lights and sirens activated in response to a dispatch call regarding a man staggering in the alley. (9RT 1539, 1544, 1546, 1549, 1551-1552, 1554-1555.) When the fire department rescue truck entered the alley southbound, it came face-to-face with the northbound Infiniti, which was attempting to exit the alley. (9RT 1541-1542, 1555-1556; 10RT 1697, 1707; 11RT 1834, 1838.) Captain Pedroza and Engineer Tave saw two