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**SUPREME COURT
FILED**

DEC 13 2004

Frederick K. Ohlrich Clerk

DEPUTY

Attorneys for Appellant Stanley Bryant

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

_____)	
PEOPLE OF THE STATE OF CALIFORNIA,)	S049596
)	
<i>Plaintiff and Respondent,</i>)	Los Angeles County
)	Superior Court
)	No. A711739
v.)	
)	
STANLEY BRYANT, DONALD SMITH)	
AND LEROY WHEELER,)	
)	
<i>Defendants and Appellants.</i>)	
)	
_____)	

**REQUEST FOR JUDICIAL NOTICE OF
COURT FILES**

TO THE HONORABLE RONALD M. GEORGE, CHIEF JUSTICE,
AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME
COURT OF THE STATE OF CALIFORNIA:

Appellant STANLEY BRYANT, by and through his counsel, the State Public Defender, requests, pursuant to Evidence Code sections 452, subdivision (d)(1), 453, and 459, this Court take judicial notice of two case files in the Court of Appeal, Second Appellate District, which stem from a writ and an appeal taken from trial court rulings in this case and which are referenced in Argument I of appellant Bryant's opening brief. The first is *People v. Superior Court of Los Angeles County (Bryant, et al., Real Parties in Interest)*, case number B070501 and the second is *People v. Bryant, et al.*, case number BA74364.

Evidence Code section 452, subdivision (d)(1) provides that judicial notice "may be taken" of records of any court in this state. Evidence Code section 453 requires a trial court to take judicial notice of matters referred to in section 452 "if a party requests it and: ¶ (a) [g]ives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare and to meet the request; and ¶ (b) [f]urnishes the court with sufficient information to enable it to take judicial notice of the matter." Evidence Code section 459, subdivision (a), mandates that reviewing courts must take judicial notice of each matter of which that the trial court was required to take judicial notice pursuant to Evidence Code section 453.

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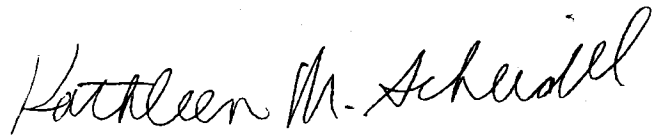
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Appellant Bryant thus requests this Court take judicial notice of the
aforementioned court records and that these records be incorporated into the
appellate record in this case.

DATED: December 13, 2004

Respectfully submitted,

MICHAEL J. HERSEK
State Public Defender

A handwritten signature in black ink, reading "Kathleen M. Scheidel". The signature is written in a cursive style with a large, looping initial 'K'.

KATHLEEN M. SCHEIDEL
Assistant State Public Defender

Attorneys for Appellant

DECLARATION OF SERVICE

Re: People v. Bryant, Wheeler and Smith

No. S049596

I, Glenice Fuller, declare that I am over 18 years of age, and not a party to the within cause; my business address is 221 Main Street, 10th Floor, San Francisco, California 94105; that I served a copy of the attached:

**REQUEST FOR JUDICIAL NOTICE OF
COURT RULES**

on each of the following, by placing same in an envelope addressed respectively as follows:

Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

David Goodwin
P. O. Box 93579
Los Angeles, CA 90093-0579
(Attorney for appellant Smith)

Conrad Petermann
323 East Matilija St.
Suite 110, PMB 142
Ojai, CA 93023
(Attorney for appellant Wheeler)

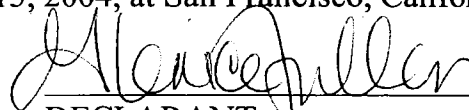
Addie Lovelace
Death Penalty Appeals Clerk
Criminal Courts Building
210 W. Temple Street, Room M-6
Los Angeles, CA 90012

Stanley Bryant
CDC ID # J-83400
San Quentin State Prison
San Quentin, CA 94964
(TO BE DELIVERED BY HAND ON DECEMBER 14, 2004)

Each said envelope was then, on December 13, 2004, sealed and deposited in the United States mail at San Francisco, California, the county in which I am employed, with the postage thereon fully prepaid.

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

Executed on December 13, 2004, at San Francisco, California.


DECLARANT