

COPY

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,
v.
CHARLES CHITAT NG,
Defendant and Appellant.

CAPITAL CASE
Case No. S080276

SUPREME COURT FILED

FEB - 8 2013

Frank A. McGuire Clerk

Orange County Superior Court, Case No. 94ZF0195 Deputy
The Honorable John J. Ryan, Judge

MOTION REQUESTING JUDICIAL NOTICE

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INTRODUCTION

Pursuant to Evidence Code section 459 and rule 8.252(a) of the California Rules of Court, respondent respectfully asks this Court to take judicial notice of its own order denying review in case number S042283. Respondent has appended a copy of the docket from that case.

POINTS AND AUTHORITIES IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

In respondent's brief, respondent has provided a summary of this case's long, complex history. (RB 1-20.) In recounting this history, respondent refers to appellant's petition for review in case no. S042283, and to this Court's order denying review. (RB 10 & fn. 7.) In that petition, appellant sought review of the Court of Appeal's denial of his petition for writ of mandate, in which he had challenged the venue transfer to Orange County. (See 1 Orange County Superior Court Clerk's Transcript 93-130.) On September 29, 1994, this Court denied review. The order denying review, however, does not appear in the appellate record. Under Evidence Code section 452, subdivision (c), this Court may take judicial notice of the official acts of any court of this state. Consequently, respondent asks this Court to take judicial notice of its own order denying review in case no. S042283.

CONCLUSION

For the reasons stated, respondent respectfully asks this Court to take judicial notice of its order of September 29, 1994, denying review in case no. S042283.

Dated: February 5, 2013

Respectfully submitted,

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ATTACHMENT
Supreme Court of California Docket
Case No. S042283

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

Change court ▾

Court data last updated: 01/22/2013 02:05 PM

Docket (Register of Actions)

NG (CHARLES) v. S.C. (PEOPLE)

Case Number S042283

| Date | Description | Notes |
|------------|-------------------------------------------------|----------------------------------------------------------------------|
| 09/19/1994 | Petition for Review with request for Stay filed | Ptr Ng (filed in Sac) Next Court appearance 9/29/94 in Orange County |
| 09/21/1994 | Received: | CA Record - 2 Doghouses |
| 09/29/1994 | Petition for Review and Stay Denied | |

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Charles Chitat Ng**

No. **S080276**

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 February 6, 2013, I served the attached **MOTION REQUESTING 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 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

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Superior Court of California
County of Orange
Central Justice Center-Criminal
700 Civic Center Drive West
Santa Ana, CA 92701

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 February 6, 2013, at Sacramento, California.

Declarant