

XAVIER BECERRA
Attorney General of California
GERALD A. ENGLER
Chief Assistant Attorney General
JULIE L. GARLAND
Senior Assistant Attorney General
MICHAEL PULOS
Supervising Deputy Attorney General
JOY UTOMI
Deputy Attorney General
State Bar No. 279983
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9117
Fax: (619) 645-2191
Email: Joy.Utomi@doj.ca.gov
Attorneys for Plaintiff and Respondent

COPY

**SUPREME COURT
FILED**

DEC 13 2018

Jorge Navarrete Clerk

Deputy

In the Supreme Court of the State of California

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

JEREMY FOSTER,

Defendant and Appellant.

Case No. S248046

Fourth Appellate
District Division One,
Case No. D071733

San Diego County
Superior Court, Case
No. SCD204096

REQUEST FOR JUDICIAL NOTICE

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

Pursuant to California Rules of Court, rule 8.252 and Evidence Code
section 452, subdivision (c), respondent requests this Court to take judicial
notice of the Clerk's Transcripts (Exhibit A) and Reporter's Transcripts

(Exhibit B) in *People v. Jeremy Foster*, Case No. B230766, the record of appellant's initial Mentally Disordered Offender (MDO) commitment proceedings.

Under Evidence Code section 452, this Court may exercise its discretion to take judicial notice of certain matters. (Cal. Rules of Court, rule 8.252(a)(1); Evid. Code, § 459, subd. (a).) As set forth in subdivision (d) of Evidence Code section 452, this Court may take notice of "records of any court in this state[.]"

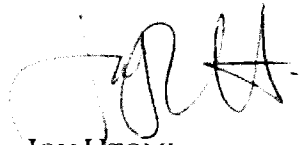
The records requested here are appropriate subjects of judicial notice because they provide relevant factual background underlying appellant's initial MDO commitment, as well as relevant details regarding the procedural background leading to his commitment. Although these records were not noticed by the Court of Appeal below, they are necessary to establish a clear and complete picture of appellant's MDO proceedings. As cited in respondent's answer brief on the merits, the records establish the trial court's factual basis in finding appellant qualified as an MDO under the statutory criteria. Finally, the materials do not relate to proceedings occurring after the order or judgment that is the subject of this appeal. (Cal. Rules of Court, rule 8.252(a)(2)(D).)

Accordingly, respondent requests that this Court take judicial notice of the aforementioned records, attached herein as Exhibits A and B.

I hereby declare, under penalty of perjury, that the copies of the appellant's records attached as Exhibits A and B are true and correct copies from our internal records department.

Dated: December 11, 2018 Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GERALD A. ENGLER
Chief Assistant Attorney General
JULIE L. GARLAND
Senior Assistant Attorney General
MICHAEL PULOS
Supervising Deputy Attorney General



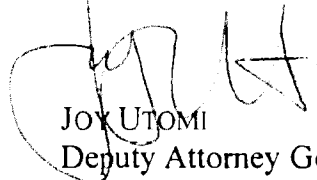
JOY UTOMI
Deputy Attorney General
Attorneys for Plaintiff and Respondent

SD2018700849
82088454.doc
JU: jms

CERTIFICATE OF COMPLIANCE

I certify that the attached **MOTION FOR JUDICIAL NOTICE** uses
a 13 point Times New Roman font and contains 292 words.

Dated: December 11, 2018 XAVIER BECERRA
Attorney General of California

A handwritten signature in black ink, appearing to read "Joy Utomi", is written over the printed name and title.

JOY UTOMI
Deputy Attorney General
Attorneys for Plaintiff and Respondent

EXHIBIT A

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

Appeal from the Superior Court of California

County of San Luis Obispo

Before HON. JACQUELYN H. DUFFY, Judge

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Petitioner/Respondent,

VS.

JEREMY FOSTER,

Respondent/Appellant.

Second Appellate
Number B230766

Superior Court
Number F454357

Appeal Filed:
January 18, 2011

CLERK'S TRANSCRIPT ON APPEAL

APPEARANCES:

HON. KAMALA D. HARRIS
ATTORNEY GENERAL
300 SOUTH SPRING ST., SUITE 500
LOS ANGELES, CA 90013

CALIFORNIA APPELLATE PROJECT
520 SOUTH GRAND AVE., 4TH FLOOR
LOS ANGELES, CA 90017

COPY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

Before HON. JACQUELYN H. DUFFY, Judge

IN RE THE PETITION OF
JEREMY FOSTER,
Petitioner

Superior Court
Case Number F454357

CLERK'S TRANSCRIPT ON APPEAL

APPEARANCES:

DISTRICT ATTORNEY
ROOM 450, COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CA 93408

JENNIFER L. FEHLMAN
1190 MARSH STREET, SUITE H
SAN LUIS OBISPO, CA 93401

4 9 11
ABAlvarez
LA201150184

CHRONOLOGICAL INDEX

		VOL	PAGE
1	PETITION AND ORDER FOR APPOINTMENT OF COUNSEL AND HEARING FILED 11-18-10	I	1
2	MINUTE ORDER DATED 12-8-10	I	3
3	MINUTE ORDER DATED 1-5-11	I	4
4	MINUTE ORDER DATED 1-10-11	I	5
5	JUDGMENT AND ORDER FILED 1-10-11	I	6
6	PROOF OF SERVICE FILED 1-13-11	I	8
7	NOTICE OF APPEAL, LETTER FORM, FILED 1-18-11	I	10
8	NOTICE TO REPORTER(S) TO PREPARE TRANSCRIPT(S) ON APPEAL FILED 1-23-11	I	14
9	CLERK'S CERTIFICATE	I	16

ALPHABETICAL INDEX

			1
		VOL	PAGE
1	CLERK'S CERTIFICATE	I	16
2	JUDGMENT AND ORDER FILED 1-10-11	I	6
3	MINUTE ORDER DATED 1-10-11	I	5
4	MINUTE ORDER DATED 12-8-10	I	3
5	MINUTE ORDER DATED 1-5-11	I	4
6	NOTICE OF APPEAL, LETTER FORM, FILED 1-18-11	I	10
7	NOTICE TO REPORTER(S) TO PREPARE TRANSCRIPT(S) ON APPEAL FILED 1-23-11	I	14
8	PETITION AND ORDER FOR APPOINTMENT OF COUNSEL AND HEARING FILED 11-18-10	I	1
9	PROOF OF SERVICE FILED 1-13-11	I	8

PETITIONER OR PARTY WITHOUT ATTORNEY (Name and Address): Jeremy Foster in Pro Per TASCADERO STATE HOSPITAL TASCADERO, CA 93423 TELEPHONE NUMBER OF INSTITUTIONAL RECORDS OFFICE: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO STREET ADDRESS: SAN LUIS OBISPO COUNTY GOVERNMENT CENTER, Room 355 MAILING ADDRESS: CITY AND ZIP CODE: SAN LUIS OBISPO, CA 93408 PETITIONER (Name): Jeremy Foster (Image No: F 82809)		FOR COURT USE ONLY FILED NOV 18 2010 SAN LUIS OBISPO SUPERIOR COURT BY M. GOOSSENS M. Goossens, Deputy Clerk
PETITION AND ORDER FOR APPOINTMENT OF COUNSEL AND HEARING [Penal Code, 2966(b)]		

CASE NUMBER:
F454357

12810 DI 130
Felman

- Petitioner was sentenced to prison:
 - by the superior court of (name of county): **San Diego**
 - date sentenced: **08/03/07**
 - length of term: years: **1** months: **4**
- After applicable credits the petitioner is due for release on (date): **10/12/10 RKO 09/07/10 CDD 05/19/11**
- As a condition of parole, petitioner has been required to accept treatment through the State Department of Mental Health.
- The Board of Prison Terms (BPT) determined petitioner met the criteria of Penal Code section 2962 and sustained the requirement of treatment on (date): **09/02/10**
- Petitioner was represented at the hearing by
 Name of attorney: **SAM R. JUDD**
 Address of attorney: **668 ARTHUR AVENUE, CHULA VISTA, CA 91910-6211**
 Telephone number: **(619) 426-7755**
- Petitioner requests
 - a hearing before the court to determine whether petitioner meets the criteria of Penal Code section 2962.
 - Check only one box
 - appointment of attorney who represented him or her at the Board of Prison Terms hearing.
 - appointment of an attorney.
 - appearance before the court for appointment of an attorney and setting of trial.

Date: **11/12/10**

Jeremy Foster **Jeremy Felman Foster**
 (TYPE OR PRINT NAME) (SIGNATURE OF PETITIONER)

The original and three copies of the petition are filed with the courts. Original-Court copy; copy 1-district attorney; copy 2-defense attorney; copy 3-retained to petitioner.

ORDER AND NOTICE OF HEARING

7. (Name): _____ is appointed to represent petitioner
 (Address): _____

ASH PATIENT INFO.

8. Hearing in the petition shall be held as follows:
 Date: _____ Time: _____ Place: _____

AT# XATM73

Admitted 9-14-10

Date: _____ (SIGNATURE OF) _____

DOB 2-19-75

PETITION AND ORDER FOR APPOINTMENT OF COUNSEL AND HEARING
 [Penal Code, 2966(b)]

KC-700/TEMP KC-12/04/08 (2)

SAN LUIS OBISPO SUPERIOR COURT
COUNTY OF SAN LUIS OBISPO
1050 MONTEREY STREET, ROOM 220
SAN LUIS OBISPO, CA 93408

CASE NUMBER: F000454357

FILED

NOV 22 2010

SAN LUIS OBISPO SUPERIOR COURT
BY M. Goossens
M. Goossens, Deputy Clerk

IN THE MATTER OF:

FOSTER, JEREMY / 001

ORDER AND NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED THAT A PETITION AND ORDER FOR APPOINTMENT OF COUNSEL AND HEARING PURSUANT TO PENAL CODE 2966(B), (C) HAS BEEN FILED IN THE ABOVE ENTITLED MATTER.

INITIAL HEARING ON THE PETITION SHALL BE HELD ON: 12/08/10 IN SLD BRANCH - DEPT 1, AT 1:30 PM. THE HEARING WILL BE HELD AT THE COUNTY GOVERNMENT CENTER AT 1050 MONTEREY STREET, SAN LUIS OBISPO, CALIFORNIA.

THE ATTORNEY NAMED BELOW HAS BEEN APPOINTED TO REPRESENT PETITIONER ON THE DATE AND TIME INDICATED ABOVE.

FEHLMAN, JENNIFER
992 MONTEREY STREET, STE D, SAN LUIS OBISPO, CA 93401

ATASCADERO STATE HOSPITAL IS ORDERED TO PRODUCE PETITIONER AT THE ABOVE SAID HEARING

/S/ JACQUELYN H. DUFFY

DATED: 11/23/10

SUPERIOR COURT JUDGE

BY: M. GOOSSENS
DEPUTY CLERK

NOTIFIED: DISTRICT ATTORNEY,
ADAMS & LUCERO,
ATASCADERO STATE HOSPITAL (VIA INTEROFFICE)

015 LSL114-M134

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN LUIS OBISPO
PENAL CODE 2960, ET SEQ. MINUTE ORDER/SUPERIOR CASE: F000454357

THE PEOPLE OF THE STATE OF CALIFORNIA, VS
FOSTER, JEREMY / 001
ID NO: 0000305037 MNID: D000243078
CUSTODY STATUS: ASH
EVENT: 2960 1ST APPR
DEPARTMENT: SLO BRANCH - DEPT 1
DATE: 12/08/10 TIME: 1330
DA CASE NO:

001 PC2966(B)
JUDGE: J. DUFFY
PEOPLE: *Manderino*
DEFENSE COUNSEL FEHLMAN, JENNIFER
CLERK: S. CARDWELL
COURT REPORTER: *Flasher* NONE WAIVED
BAILIFF:
INTERPRETER TYPE:
INTERPRETER:
PROBATION OFFICER:
(IS) (IS NOT) PRESENT
ATTY TYPE: PC ATTORNEY
DEFENDANT (IS) (IS NOT) PRESENT
REV=STRE CASE=0607473 CT=D1

PETITIONER ADVISED OF RIGHTS COUNSEL/PETITIONER WAIVE
 RIGHT TO JURY TRIAL 12 PERSON JURY TRIAL
 RESPONDENT/PEOPLE JOIN
 PETITIONER WAIVES TIME FOR TRIAL TO
COURT APPOINTS _____ TO REPRESENT PETITIONER
MATTER CONTINUED TO _____ AT _____ DEPT _____
FOR _____
 READINESS CONFERENCE SET 1/5/11 AT 1330 DEPT 1
 JURY COURT TRIAL DATE (RE) SET CONFIRMED/VACATED/CONTINUED TO
AT 1320 DEPT 1

(COUNSEL/PETITIONER) (RESPONDENT/PEOPLE) SUBMIT MATTER ON
PETITION AND REPORTS RECEIVED INTO EVIDENCE
COURT TRIAL COMMENCES AT _____ / CONCLUDES AT _____

WITNESSES SWORN AND EXAMINED	EXHIBIT	MARKED	RECEIVED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

COUNSEL ARGUE MATTER SUBMIT MATTER WITHOUT ARGUMENT
PETITION PURSUANT TO PENAL CODE 2966(B) 2966(C) 2970
IS GRANTED DENIED

COURT FINDS PETITIONER DOES (NOT) MEET THE CRITERIA REQUIRED
PURSUANT TO PENAL CODE AS STATED ON THE RECORD

COURT ORDERS PETITIONER COMMITTED TO CALIFORNIA DEPARTMENT OF
MENTAL HEALTH FOR TREATMENT AS PRESCRIBED BY LAW

COURT ORDERS PETITIONER RELEASED AS PRESCRIBED BY LAW TO
PAROLE AUTHORITIES

MATTER ORDERED OFF CALENDAR PETITIONER HERETOFORE RELEASED BY
HOSPITAL AUTHORITIES PETITIONER WITHDRAWS PETITION

RESPONDENT/PEOPLE DECIDE TO CONTEST PETITION

PETITION DISMISSED BY COURT

COUNSEL STIPULATE THAT THE EARLY PAROLE RELEASE DATE WAS
AND THAT THE PETITIONER WAS PROPERLY EVALUATED AND CERTIFIED AS
REQUIRED BY LAW.

COUNSEL STIPULATE TO THE QUALIFICATION OF DR. _____
AS AN EXPERT IN THE FIELD OF _____

COUNSEL STIPULATE BOARD OF PRISONS TERMS HEARING WAS HELD
OTHER _____

DEFENDANT ORDERED TO PROVIDE A SALIVA SAMPLE, A RIGHT THUMPRINT,
A FULL IMPRESSION OF BOTH THE LEFT AND RIGHT PALMS AND ANY BLOOD WORK
AS REQUESTED PURSUANT TO PC296.
 PETITIONER REMANDED TO THE CUSTODY OF ATASCADERO STATE HOSPITAL
COPY TO: ATASCADERO STATE HOSPITAL
LSL142-M119 015

THE PEOPLE OF THE STATE OF CALIFORNIA, VS
FOSTER, JEREMY / 001
ID NO: 0000305037 MNID: D000243078
CUSTODY STATUS: ASH

EVENT: 2960 READ
DEPARTMENT: SLC BRANCH - DEPT 1
DATE: 01/05/11 TIME: 1330
DA CASE NO: 080005448B

001 PC2966(B)

JUDGE: *L. J. J. ST*
PEOPLE: *L. J. J. ST*
DEFENSE COUNSEL: FEHLMAN, JENNIER
(IS) (IS NOT) PRESENT
ATTY TYPE: PC ATTORNEY
DEFENDANT (IS) (IS NOT) PRESENT
REV-STRE CASE=0607473 CT=D1

CLERK: *S. ...*
COURT REPORTER: *...*
BAILIFF:
INTERPRETER TYPE:
INTERPRETER:
PROBATION OFFICER:

--- PETITIONER ADVISED OF RIGHTS --- COUNSEL/PETITIONER WAIVE
RIGHT TO JURY TRIAL --- 12 PERSON JURY TRIAL
--- RESPONDENT/PEOPLE JOIN
--- PETITIONER WAIVES TIME FOR TRIAL TO
COURT APPOINTS TO REPRESENT PETITIONER
--- MATTER CONTINUED TO AT DEPT
FOR
--- READINESS CONFERENCE SET AT DEPT
--- *JURY/COURT TRIAL DATE (RE)SET/CONFIRMED/VACATED/CONTINUED TO*
1-10-11 AT *1:30* DEPT *1*
--- (COUNSEL/PETITIONER) (RESPONDENT/PEOPLE) SUBMIT MATTER ON
PETITION AND REPORTS RECEIVED INTO EVIDENCE
--- COURT TRIAL COMMENCES AT / CONCLUDES AT

WITNESSES SWORN AND EXAMINED	EXHIBIT	MARKED	RECEIVED

--- COUNSEL ARGUE MATTER --- SUBMIT MATTER WITHOUT ARGUMENT
--- PETITION PURSUANT TO PENAL CODE 2966(B) 2966(C) 2970
IS GRANTED DENIED
--- COURT FINDS PETITIONER DOES (NOT) MEET THE CRITERIA REQUIRED
PURSUANT TO PENAL CODE AS STATED ON THE RECORD
--- COURT ORDERS PETITIONER COMMITTED TO CALIFORNIA DEPARTMENT OF
MENTAL HEALTH FOR TREATMENT AS PRESCRIBED BY LAW
--- COURT ORDERS PETITIONER RELEASED AS PRESCRIBED BY LAW TO
PAROLE AUTHORITIES
--- MATTER ORDERED OFF CALENDAR PETITIONER HERETOFORE RELEASED BY
HOSPITAL AUTHORITIES PETITIONER WITHDRAWS PETITION
--- RESPONDENT/PEOPLE DECINE TO CONTEST PETITION
--- PETITION DISMISSED BY COURT
--- COUNSEL STIPULATE THAT THE EARLY PAROLE RELEASE DATE WAS
AND THAT THE PETITIONER WAS PROPERLY EVALUATED AND CERTIFIED AS
REQUIRED BY LAW.
--- COUNSEL STIPULATE TO THE QUALIFICATION OF DR. AS AN EXPERT IN THE FIELD OF
--- COUNSEL STIPULATE BOARD OF PRISONS TERMS HEARING WAS HELD
--- OTHER

--- DEFENDANT ORDERED TO PROVIDE A SALIVA SAMPLE, A RIGHT THUMPRINT,
A FULL IMPRESSION OF BOTH THE LEFT AND RIGHT PALMS AND ANY BLOOD WORK
AS REQUESTED PURSUANT TO PC296.
--- PETITIONER REMANDED TO THE CUSTODY OF ATASCADERO STATE HOSPITAL
--- TO: ATASCADERO STATE HOSPITAL

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN LUIS OBISPO
PENAL CODE 2950, ET SEQ. MINUTE ORDER/SUPERIOR CASE:F000454357

THE PEOPLE OF THE STATE OF CALIFORNIA, FOSTER, JEREMY VS 001 ID NO: 0000305037 MNID: D000243078 CUSTODY STATUS: ASH	EVENT: 2960-READ <i>Court trial</i> DEPARTMENT: SLO BRANCH - DEPT 1 DATE: 01/05/11 TIME: 1:33P DA CASE NO: 0800054488 <i>1/10/11</i>
001 PC2966(B)	
JUDGE: J. DUFFY PEOPLE: <i>Mandelino</i> DEFENSE COUNSEL FEHLMAN, JENNIFER (IS) (IS NOT) PRESENT ATTY TYPE: <i>PE</i> ATTORNEY DEFENDANT (IS) (IS NOT) PRESENT REV=STR CASE=0607473 CT=D1	CLERK: S. CARDWELL COURT REPORTER: <i>Low</i> NONE/WAIVED BAILIFF: INTERPRETER TYPE: INTERPRETER: PROBATION OFFICER:

PETITIONER ADVISED OF RIGHTS _____ COUNSEL/PETITIONER WAIVE
 RIGHT TO JURY TRIAL _____ 12 PERSON JURY TRIAL
 RESPONDENT/PEOPLE JOIN _____
 PETITIONER WAIVES TIME FOR TRIAL TO _____
 COURT APPOINTS _____ TO REPRESENT PETITIONER
 MATTER CONTINUED TO _____ AT _____ DEPT _____
 FOR _____
 READINESS CONFERENCE SET _____ AT _____ DEPT _____
 JURY/COURT TRIAL DATE (RE)SET/CONFIRMED/VACATED/CONTINUED TO _____
 AT _____ DEPT _____

(COUNSEL/PETITIONER) (RESPONDENT/PEOPLE) SUBMIT MATTER ON
 PETITION AND REPORTS RECEIVED INTO EVIDENCE
 COURT TRIAL COMMENCES AT *1:43 p.m.* / CONCLUDES AT *2:05 p.m.*

WITNESSES SWORN AND EXAMINED	EXHIBIT	MARKED	RECEIVED
<i>Dr. Kevin Perry</i>			

COUNSEL ARGUE MATTER _____ SUBMIT MATTER WITHOUT ARGUMENT
 PETITION PURSUANT TO PENAL CODE ~~2966(B)~~ *2966(B)* _____ 2966(C) _____ 2970
 IS GRANTED _____ DENIED _____
 COURT FINDS PETITIONER ~~DOES~~ *DOES NOT* MEET THE CRITERIA REQUIRED
 PURSUANT TO PENAL CODE _____ AS STATED ON THE RECORD
 COURT ORDERS PETITIONER COMMITTED TO CALIFORNIA DEPARTMENT OF
 MENTAL HEALTH FOR TREATMENT _____ AS PRESCRIBED BY LAW
 COURT ORDERS PETITIONER RELEASED AS PRESCRIBED BY LAW TO
 PAROLE AUTHORITIES
 MATTER ORDERED OFF CALENDAR _____ PETITIONER HERETOFORE RELEASED BY
 HOSPITAL AUTHORITIES _____ PETITIONER WITHDRAWS PETITION
 RESPONDENT/PEOPLE DECLINE TO CONTEST PETITION
 PETITION DISMISSED BY COURT
 COUNSEL STIPULATE THAT THE EARLY PAROLE RELEASE DATE WAS
 AND THAT THE PETITIONER WAS PROPERLY EVALUATED AND CERTIFIED AS
 REQUIRED BY LAW.
 COUNSEL STIPULATE TO THE QUALIFICATION OF *DR. Perry*
 AS AN EXPERT IN THE FIELD OF *2960 et seq.*
 COUNSEL STIPULATE BOARD OF PRISONS TERMS HEARING WAS HELD *1/12/10*
 OTHER _____

DEFENDANT ORDERED TO PROVIDE A SALIVA SAMPLE, A RIGHT THUMBPRINT,
 A FULL IMPRESSION OF BOTH THE LEFT AND RIGHT PALMS AND ANY BLOOD WORK
 AS REQUESTED PURSUANT TO PC296.
 PETITIONER REMANDED TO THE CUSTODY OF ATASCADERO STATE HOSPITAL
 COPY TO: ATASCADERO STATE HOSPITAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gerald T. Shea
District Attorney
State Bar # 62745
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: 781-5800

SAN
BY _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

In Re the Petition of

NO. F454357

JUDGMENT AND ORDER
(P.C. 2962)

JEREMY FOSTER, DOB: 2/19/75

Petitioner.

[] THIS MATTER HAVING BEEN HEARD before Judge [Signature] in
Department 1 of the above-entitled Court on Feb 2011

Both parties having waived jury and the matter having been tried before the Court;

[] THE MATTER HAVING BEEN TRIED before a jury and a verdict rendered;

The Court ~~Jury~~ hereby finds as follows:

/////
/////
/////
/////
/////
/////
/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Petitioner **WAS**, beyond a reasonable doubt, as of the date of the Board of
Prison Terms Hearing, a person as described in Penal Code Section 2962 et.
seq. and the requisite criteria were found to be true.

Petitioner **WAS NOT**, as of the date of the Board of Prison Terms Hearing, a
person as described in Penal Code Section 2962 et. seq.

ORDER

Therefore, IT IS HEREBY ORDERED that:

Petitioner be committed/recommitted to the California Department of Mental
Health for treatment as required by law.

Petitioner be released from the Department of Mental Health as required by
law. Release is to be delayed five working days to allow for orderly release.

Dated: May 2011

Jacquelyn H. Duffy
Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gerald T. Shea
District Attorney
State Bar # 62745
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: 781-5800

FILED
JAN 13 2011
SAN LUIS OBISPO SUPERIOR COURT
BY *S. Gonzales*
S. Gonzales, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

In Re the Petition of,) No. F454357
JEREMY FOSTER)
Petitioner.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned was a citizen of the United States and a resident of the County of San Luis Obispo, over the age of 18 years and not a party to the within entitled action; that my business address is County Government Center, Room 450, San Luis Obispo, California.

That on January 13, 2011 I served the documents, to-wit:

JUDGMENT AND ORDER (P.C. 2962)

PEOPLE vs. JEREMY FOSTER (F454357)

PERSONAL SERVICE ("Will-Call" Box Located Outside of Room 385)

SERVICE BY MAIL

(by placing a true copy there of in a sealed envelope, with postage thereon fully prepaid, in the United States Mail at San Luis Obispo, California, addressed to:)

Jennifer Fehlman
Attorney at Law
1190 Marsh Street, Suite H
San Luis Obispo, CA 93401

Robert Knapp, M.D., Medical Director
Atascadero State Hospital
P.O. Box 7004
Atascadero, CA 93423-7004

Executed at San Luis Obispo, California, on January 13, 2011.

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


Pam Barnabei

RECEIVED
SAN LUIS OBISPO
SUPERIOR COURT

1/13/11

JAN 18 2011

F45435

BY: GG
Deputy Clerk

To clerk,
I am being housed at Atascadero state
Hospital. I was arrested for missing Appt's at
the parole office in June of 2010.
I had a Board of Prison hearings that held
me at ASH here. I lost my court hearing
for my parole at the court house My Appeal

I want to file a ReAppeal. My info. is on
the Return address and I would like a
response.

I have talk to the people here at ASH &
they have no idea how to file a ReAppeal
but I know it's possible.

FILED

JAN 18 2011

SAN LUIS OBISPO SUPERIOR COURT

K.S., Deputy Clerk

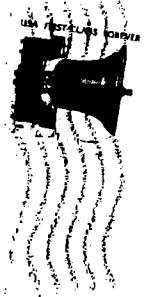
Thank you,

Jeremy John
Foster

Deemed a Notice of Appeal
by Ct of Appeal/Ventura 1/27/11 IS

Terry J. Foster
Unit 30 At 060747-3
P.O. Box 7001
Mascadero, CA 93423

SANTA BARBARA
CA 931 21
San Luis Obispo
Superior Court
Received



JAN 18 PM 12:16

Courts

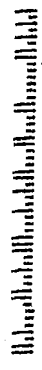
Jury Services

The Courthouse

1050 Monterey Street Room 200

San Luis Obispo, CA 93406-0001

3340810001



San Luis Obispo
Superior Court
Received

JAN 18 PM 1:15

San Luis Obispo Branch
220

CERTIFICATE OF MAILING

F454357

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

I, SUSAN MATHERLY, COURT EXECUTIVE OFFICER of the Superior Court of California, County of San Luis Obispo, do hereby certify: I am not a party of the action:

That on February 2, 2011, I served copies of the attached NOTICE OF APPEAL (letter form) filed on January 18, 2011, by depositing them, enclosed in sealed envelopes/packages with the postage thereon fully prepaid, in the United States Post Office at San Luis Obispo, California, hand delivered, or drop box, addressed as follows:

COURT OF APPEAL
CLERK'S OFFICE
200 East Santa Clara St
Ventura, CA 93001

ATTORNEY GENERAL
HON. EDMUND G. BROWN JR.
300 S. Spring Street, Suite 500
Los Angeles, CA 90013

DISTRICT ATTORNEY (DROP BOX)
Room 450, County Government Center
San Luis Obispo, CA 93408
Attn: K. Manderino

Jeremy Foster
Unit 30, AT#060747-3
ATASCADERO STATE HOSPITAL
P.O. Box 7001
Atascadero, CA 93423-7001

and that the persons on whom service was made(reside)(have their office) at a place where there is delivery service by mail/hand delivered/drop box, and that there is a regular communication by mail/hand delivered/drop box between the place of mailing, hand delivered or drop box and the place so addressed.

Dated: February 2, 2011

SUSAN MATHERLY,
COURT EXECUTIVE OFFICER

By Kam Spook
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

IN RE JEREMY FOSTER, Petitioner	Superior Court No: F454357 NOTICE TO REPORTER(S) TO PREPARE TRANSCRIPT(S) ON APPEAL Appeal Filed: 1-18-11 <u>TRANSCRIPTS DUE: 3-14-11</u>
---	--

<u>REPORTER</u>	<u>DATE OF HEARING(S)</u>
CASSIE FRASHER(DROP BOX) Superior Court, Room 355 County Government Center San Luis Obispo, CA 93408	12-8-10
BRENDA BOWEN(DROP BOX) Superior Court, Room 355 County Government Center San Luis Obispo, CA 93408	1-10-11

FILED
 JAN 28 2011
 SAN LUIS OBISPO SUPERIOR COURT
 BY K.S., Deputy Clerk

Please check your records within "5" days of this notice and immediately contact the appeals clerk if you are not the "noticed reporter"

CERTIFICATE OF DELIVERY/SERVICE

I, SUSAN MATHERLY, COURT EXECUTIVE OFFICER of the Superior Court of California, County of San Luis Obispo, do hereby certify that on January 28, 2011, I deposited in the United States mail/hand delivered/drop box, at San Luis Obispo, California, a copy of the Notice to Reporter(s) to Prepare Transcript(s) on Appeal, with an attached copy of the filed Notice of Appeal, to the above.

Date: January 28, 2011

SUSAN MATHERLY,
COURT EXECUTIVE OFFICER

By: [Signature]
 Deputy Clerk

cc: A. Hernandez

copies: Original and 2 copies

CERTIFICATE OF MAILING

CASE NO. F454357

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.

I, SUSAN MATHERLY, COURT EXECUTIVE OFFICER of the Superior Court of California, County of San Luis Obispo, do hereby certify: I am not a party of the action:

That on February 2, 2011, I served copies of the attached NOTICE TO REPORTER TO PREPARE TRANSCRIPT(S) ON APPEAL filed January 28, 2011, by depositing them, enclosed in sealed envelopes/packages with the postage thereon fully prepaid, in the United States Post Office at San Luis Obispo, California, addressed as follows:

COURT OF APPEAL
CLERK'S OFFICE
200 East Santa Clara St
Ventura, CA 93001

and that the persons on whom service was made(reside)(have their office) at a place where there is delivery service by mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: February 2, 2011

SUSAN MATHERLY,
COURT EXECUTIVE OFFICER

By 
Deputy Clerk

CLERK'S CERTIFICATE

Case No. F454357

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)

I, SUSAN MATHERLY, COURT EXECUTIVE OFFICER of the Superior Court of California, County of San Luis Obispo, pursuant to California Rules of Court, Rule 8.336(c)(5), HEREBY CERTIFY that the foregoing Clerk's Transcript on Appeal is a true and correct Transcript;

And that, pursuant to California Rules of Court, Rule 8.336(f), on MAR 15 2011, I served the original/copies of the Clerk's and Reporter's Transcripts via United Parcel Service/hand delivered as follows:

ORIGINAL

COURT OF APPEAL
CLERK'S OFFICE
200 East Santa Clara St
Ventura, CA 93001
(VIA UPS)

COPIES

ATTORNEY GENERAL
HON. EDMUND G. BROWN, JR.
300 So Spring St, Suite 500
Los Angeles, CA 90013
(VIA UPS)

CALIFORNIA APPELLATE PROJECT
520 South Grand Ave., 4th Floor
Los Angeles, CA 90017
(VIA UPS)

Dated: MAR 15 2011

SUSAN MATHERLY,
COURT EXECUTIVE OFFICER

By [Signature]
Deputy Clerk

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

FROM THE SUPERIOR COURT OF THE COUNTY OF SAN LUIS OBISPO
BEFORE THE HONORABLE MICHAEL L. DUFFY, JUDGE

IN RE THE MATTER OF:)	
)	APPELLATE COURT
JEREMY FCSTER,)	NO.
)	
)	SUPERIOR COURT
PETITIONER AND APPELLANT.)	NO. F454357

REPORTER'S TRANSCRIPT ON APPEAL

VOLUME I OF II
PAGES 1 THROUGH 300, INCLUSIVE
DECEMBER 8, 2010

APPEARANCES OF COUNSEL:

FOR THE PETITIONER
AND APPELLANT:

FOR THE RESPONDENT:

HONORABLE KAMALA D. HARRIS
ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CALIFORNIA 90013

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
BEFORE THE HONORABLE MICHAEL L. DUFFY, JUDGE
DEPARTMENT FIVE

IN RE)
JEREMY FOSTER,) CASE NO. F454357
PETITIONER.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
DECEMBER 8, 2010

APPEARANCES OF COUNSEL:

FOR THE RESPONDENT:

GERALD T. SHEA
DISTRICT ATTORNEY
BY: KELLY A. MANDERINO
DEPUTY DISTRICT ATTORNEY
COUNTY GOVERNMENT CENTER
1050 MONTEREY STREET, ROOM 450
SAN LUIS OBISPO, CA 93408

FOR THE PETITIONER:

JENNIFER L. FEHLMAN
ATTORNEY AT LAW
1160 MARSH STREET, #219
SAN LUIS OBISPO, CA 93401

REPORTED BY: CASSIE R. FRASHER, CSR NO. 12305

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SAN LUIS OBISPO, CALIFORNIA; DECEMBER 8, 2010

-000-

THE COURT: THIS IS THE MATTER OF JEREMY FOSTER,
F454357.

GOOD AFTERNOON, MR. FOSTER.

THE PETITIONER: GOOD AFTERNOON, MA'AM.

THE COURT: MR. FOSTER IS PRESENT IN CUSTODY.

MS. FEHLMAN, CAN YOUR OFFICE ACCEPT THE
APPOINTMENT?

MS. FEHLMAN: I CAN.

THE COURT: MS. MANDERINO APPEARING ON BEHALF OF THE
PEOPLE.

THE MATTER IS ON THEN TODAY FOR AN INITIAL
APPEARANCE ON A 2966(B) PETITION.

WHAT WAS YOUR REQUEST, MS. FEHLMAN?

MS. FEHLMAN: WE'D LIKE TO SET THIS FOR A COURT TRIAL,
PLEASE, AND MY CLIENT WOULD JOIN.

THE COURT: MR. FOSTER, YOUR ATTORNEY ADVISED ME YOU'D
LIKE TO HAVE THE MATTER DECIDED BY A JUDGE.

IS THAT CORRECT?

THE DEFENDANT: YES, MA'AM.

THE COURT: PEOPLE WAIVE?

MS. MANDERINO: YES.

THE COURT: AND WHAT'S THE DATE THAT YOU ARE
REQUESTING? THE PETITION WAS FILED NOVEMBER 18TH.

MS. FEHLMAN: HOW ABOUT JANUARY 6TH FOR READINESS, ON
THE 11TH FOR A COURT TRIAL.

THE COURT: WE WOULD NEED TO SET THIS ON A

1 MONDAY/WEDNESDAY SETTING, ON EITHER THE 5TH OR 10TH.

2 ALL RIGHT. THEN THE MATTER WILL BE SET FOR COURT
3 TRIAL JANUARY 10TH AT 1:30 P.M. IN THIS DEPARTMENT, WITH A
4 READINESS JANUARY 5TH ALSO AT 1:30 P.M. IN THIS DEPARTMENT.

5 MS. FEHLMAN, MS. MANDERINO, FOR YOUR INFORMATION
6 IT DOES APPEAR FROM THE DOCKET, THAT AS TO TWO PRIOR PROCEEDINGS
7 ONE ON AUGUST 28TH, 2008, AND A SECOND ON SEPTEMBER 11TH, 2009 --
8 THE PETITION HAD PREVIOUSLY BEEN GRANTED.

9 BUT IT DOES APPEAR THAT AS TO THE SECOND OF THOSE
10 TWO PROCEEDINGS, THE ONE HELD ON SEPTEMBER 11, 2009, JUDGE HURST
11 SPECIFICALLY HAD PLACED ON THE MINUTE ORDER THAT THE CRITERIA WAS
12 NOT MET AS TO CRITERIA NUMBER IV AND NUMBER VI.

13 I'M SIMPLY BRINGING THAT TO YOUR ATTENTION,
14 MS. FEHLMAN, BECAUSE IT DOES NOT APPEAR THAT YOU WERE THE ATTORNEY
15 OF THOSE TWO PRIOR HEARINGS.

16 MS. FEHLMAN: THANK YOU, YOUR HONOR.

17 THE COURT: MR. FOSTER, WE'LL SEE YOU BACK IN COURT ON
18 THE 5TH OF JANUARY.

19 THE PETITIONER: THANK YOU, MA'AM.

20 (PROCEEDINGS ADJOURNED.)

21 (VOLUME I CONSISTS OF PAGES 1 THROUGH 5.)

22 (THERE ARE NO PAGES 6 THROUGH 300.)

23

24

25

26

27

28

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN LUIS OBISPO) SS.
3

4 I, CASSIE R. FRASHER, CSR NO. 12305, OFFICIAL
5 REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
6 COUNTY OF SAN LUIS OBISPO, DO HEREBY CERTIFY THAT THE FOREGOING
7 PAGES 1 - 5 COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THAT
8 PORTION OF THE PROCEEDINGS HAD IN THE WITHIN-ENTITLED MATTER
9 REPORTED BY ME BY STENOTYPE ON THE DATE AND AT THE HOUR HEREIN
10 WRITTEN AND THEREAFTER TRANSCRIBED UNDER MY DIRECTION INTO
11 TYPEWRITING.

12 AND IN COMPLIANCE WITH SECTION 8106 OF THE
13 BUSINESS AND PROFESSIONS CODE, I CERTIFY UNDER PENALTY OF PERJURY
14 THAT I AM A CERTIFIED SHORTHAND REPORTER WITH LICENSE NO. 12305 IN
15 FULL FORCE AND EFFECT.

16
17 DATED THIS 7TH DAY OF MARCH, 2011.
18

19
20 
21

22 CASSIE R. FRASHER
23 OFFICIAL REPORTER, CSR NO. 12305
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

- - - - -

FROM THE SUPERIOR COURT OF THE COUNTY OF SAN LUIS OBISPO
BEFORE THE HONORABLE JACQUELYN DUFFY, JUDGE

IN RE THE MATTER OF:) SECOND APPELLATE
JEREMY FOSTER) NO.
PETITIONER AND APPELLANT.) SUPERIOR COURT
NO. F454357)

REPORTER'S TRANSCRIPT ON APPEAL

VOLUME II OF II
PAGES 301 THROUGH 600
MONDAY, JANUARY 10, 2011

APPEARANCES OF COUNSEL:

FOR THE PETITIONER
AND APPELLANT:

FOR THE RESPONDENT
AND RESPONDENT:

HONORABLE EDMUND G. BROWN
ATTORNEY GENERAL
300 SOUTH SPRING STREET
LOS ANGELES, CALIFORNIA 90013

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I N D E X

<u>RESPONDENT'S</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
KEVIN PERRY, PH.D.	303	312		

EXHIBITS

(NONE MARKED)