

SUPREME COURT COPY

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE,)
)
 Plaintiff and Respondent,)
)
 v.)
)
 JOSEPH GENTILE, JR.,)
)
 Defendant and Appellant.)
 _____)

No. S256698

**SUPREME COURT
FILED**

FEB 18 2020

Jorge Navarrete Clerk

Deputy

Fourth District Court of Appeal, Division Two, Case Nos. E069088/E064822
Riverside County Superior Court Case No. INF1401840
Honorable Graham A. Cribbs, Judge Presiding

**APPELLANT'S MOTION TO TAKE JUDICIAL NOTICE
OF THE RECORD ON APPEAL AND THE COURT FILE
IN PRIOR COURT OF APPEAL CASE NO. E064822;
[PROPOSED] ORDER**

Eric R. Larson, #185750
330 J Street, # 609
San Diego, CA 92101
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Attorney for Defendant and
Appellant Joseph Gentile

By appointment of the
Supreme Court of California

Pursuant to California Rules of Court, rules 8.520, subdivision (g), and 8.252, subdivision (a), as well as Evidence Code sections 452, subdivision (d), and 459, defendant and appellant Joseph Gentile hereby moves this Court to take judicial notice of the prior record on appeal and the Court of Appeal's file in Court of Appeal Case No. E064822.

Pursuant to California Rules of Court, rule 8.252, subdivision (a)(2):

(A) This case ultimately involves review arising from two separate Court of Appeal cases numbers, E069088 and E064822. The original record on appeal in Case No. E064822 contains the transcripts from appellant's trial. In subsequent Case No. E069088, the Court of Appeal considered several issues left unresolved on appeal in Case No. E064822, and this Court granted review following the Court of Appeal's decision in Case No. E069088. The record on appeal in prior Case No. E064822, including the transcripts from appellant's trial, as well as the pleadings filed by the parties within the Court of Appeal's case file in Case No. E064822, are all relevant to the issues pending before this Court. The record on appeal and the Court of Appeal's file in Case No. E064822 were also cited on numerous occasions within recently submitted Appellant's Opening Brief on the Merits.

(B) All the matters to be noticed relating to prior Court of Appeal Case No. E064822 occurred within the trial court and the Court of Appeal in this case.

(C) All the requested matters are subject to judicial notice as official court records pursuant to Evidence Code section 452, subdivision (d).

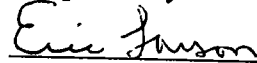
(D) The record on appeal in prior Case No. E064822 relates to proceedings occurring prior to the order or judgment that is the subject of the pending appeal. The Court of Appeal's file in Case No. E064822 relates to matters that occurred on appeal in this case following the Superior Court's judgment that is the subject of the pending appeal.

Pursuant to California Rules of Court, rule 8.252, subdivision (a)(3), the record on appeal in Case No. E064822 and the Court of Appeal's file in that case are already within this Court's possession.

For the foregoing reasons, and in the interests of justice, petitioner hereby respectfully requests his Motion to Take Judicial Notice be granted.

Dated: February 12, 2020

Respectfully submitted,



Eric R. Larson, #185750
Attorney For Defendant and
Appellant Joseph Gentile

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE,)	No. S256698
)	
Plaintiff and Respondent,)	[PROPOSED] ORDER
)	
v.)	
)	
JOSEPH GENTILE, JR.,)	
)	
Defendant and Appellant.)	
_____)	

Good cause appearing, appellant Joseph Gentile's Motion to Take Judicial Notice of the record on appeal and the Court of Appeal's file in Court of Appeal Case No. E064822 is hereby GRANTED.

Dated: _____

Chief Justice

Eric R. Larson, #185750
330 J Street, # 609
San Diego, CA 92101
Larson1001@yahoo.com

Court of Appeal No.: S256698
Superior Court No.: INF1401840

DECLARATION OF SERVICE

I, Eric R. Larson, declare as follows:

I am over the age of eighteen (18), a citizen of the United States, am employed in the County of San Diego, and not a party to the within action. My business address is 330 J Street, #609, San Diego, California, 92101. I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On this 12th day of February, 2020, I caused to be served the following:

MOTION TO TAKE JUDICIAL NOTICE; [PROPOSED] ORDER

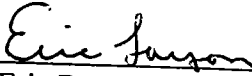
of which a true and correct copy of the document(s) filed in the cause is affixed, by placing a copy thereof in a separate sealed envelope, with postage fully prepaid, for each addressee named hereafter, addressed to each such addressee respectively as follows:

Joseph Gentile, #AY3628
CMC East Facility A2144
P.O. Box 8101
San Luis Obispo, CA 93409

Appellate Defenders, Inc.
eservice-court@adi-sandiego.com

Office of the Attorney General
SDAG.Docketing@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 12, 2020, at San Diego, California.


Eric R. Larson