

# CaseBank: Cases added during August 2024 (sorted by Court)

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<b>ab CONSTITUTIONAL ISSUES</b>				<b>eb D. P. / SPEC. CIRC.</b>			
<b>FIRST AMENDMENT</b>				<b>PEN -</b>			
<b>1ST AMEND - PRESS - FILMING POLICE; HECKLING POLICE</b>				<b>MISC - ATTY / CLIENT DISAGREEMENT OVER WHAT TO PRESENT</b>			
SAN DIEGO APPELLATE DIV: Def observed his friend being arrested. Def criticized the officer and videotaped the arrest. HELD: Both the criticizing and the videotaping are protected by the 1st amendment.				Def atty wishes to introduce penalty phase evid about def being molested as a child. Def objects. HELD: this is an issue where the atty has the final word.			
<b>DORSETT</b>	<i>P. v. ()</i>		<b>SUPP</b>	<b>FRAZIER</b>	<i>P. v. ()</i>		<b>CAL</b>
5/24/2024				8/5/2024			
<b>cd MOTIONS</b>				<b>db APPELLATE ISSUES</b>			
<b>FARETTA</b>				<b>HARMLESS ERROR</b>			
<b>TIMELINESS - BEFORE PENALTY PHASE - NO CONTINUANCE ASKED FOR</b>				<b>HARMLESS RETROACTIVE ERROR - SB 567 - UPPER TERM HURDLES</b>			
Def's FARETTA motion made after guilt verdict, but before Penalty phase, was UNTIMELY even though def has NOT asking for any continuance.				PC 1170(b) re: findings required for UPPER TERM is retroactive to all non-final cases. Appellate Courts must apply the CHAPMAN (beyond reasonable doubt) harmless error standard when deciding whether or not to REMAND for a new post-1170(b) sentencing.			
<b>FRAZIER</b>	<i>P. v. ()</i>		<b>CAL</b>	<b>LYNCH</b>	<i>P. v. ()</i>		<b>CAL</b>
8/5/2024				8/1/2024			
<b>de SENTENCING</b>				<b>cd MOTIONS</b>			
<b>RESTITUTION</b>				<b>PLEA BARGAINING</b>			
<b>GENERALLY - ADDING RESTITUTION AFTER PROBATION COMPLETED</b>				<b>PLEA GENERALLY - ADVISEMENT OF COLLATERAL CONSEQUENCES - SVP</b>			
Def was ordered to pay Restitution in an amount to be determined later. Then probation expired. Then the court set the amount. UPHELD. PC 1202.46 gives unlimited time for the court to ascertain the proper amount of Restitution.				Fact that a conviction would make def POTENTIALLY eligible for later SexVioPredator proceedings is a significant threat to Liberty. Therefore, the def must be ADVISED of this risk before a guilty plea can be accepted.			
<b>McCUNE</b>	<i>P. v. ()</i>	8/8/2024	<b>CAL</b>	<b>TELLEZ</b>	<i>In Re ()</i>		<b>CAL</b>
8/8/2024				8/26/2024			
<b>cd MOTIONS</b>				<b>cd MOTIONS</b>			
<b>WITHDRAW PLEA / STRIKE PRIOR</b>				<b>1385</b>			
<b>ADVISEMENT - COLLATERAL CONSEQUENCES - SVP EXPOSURE</b>				<b>ENHANCEMENTS - 1385(c) - "WEIGH GREATLY" = REBUTT PRESUMP - NOT</b>			
Fact that a conviction would make def POTENTIALLY eligible for later SexVioPredator proceedings is a significant threat to Liberty. Therefore, the def must be ADVISED of this risk before a guilty plea can be accepted.				PC 1385(c)'s "great weight" language does NOT create a Rebuttable Presumption that can only be overcome by evidence of danger to public safety. Nor is it mere surplusage that can be ignored. Great weight means great weight.			
<b>TELLEZ</b>	<i>In Re ()</i>		<b>CAL</b>	<b>WALKER</b>	<i>P. v. ()</i>		<b>CAL</b>
8/26/2024				8/15/2024			
<b>ac STATUTORY CONSTRUCTION</b>				<b>ab CONSTITUTIONAL ISSUES</b>			
<b>STATUTORY CONSTRUCTION</b>				<b>DUE PROCESS / EQUAL PROTECTION</b>			
<b>RULE - LEGISLATIVE HISTORY - LANGUAGE CHANGES IN COMMITTEE</b>				<b>EQUAL PROTECTION - 3051 PC PAROLE - ONE-STRIKE SEX DEFS</b>			
When legislature took out ABC from a bill and substituted EDF. That is strong evidence of legislative intent that EDF should NOT be interpreted as being equivalent to ABC.				At age 24, def sentenced to 100-to-life, plus 86 years for one-strike sex cases. Def seeks PC 3051 remedies on EQUAL PROTECTION grounds. Denied. UPHELD.			
<b>WALKER</b>	<i>P. v. ()</i>		<b>CAL</b>	<b>WILLIAMS</b>	<i>P. v. ()</i>		<b>CAL</b>
8/15/2024				8/29/2024			

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<b>cb DEFENDANT'S STATEMENTS</b>				<b>cd MOTIONS</b>			
<b>AMBIG. INVOKE</b> <b>GENERALLY - MANIPULATIVE DEF - FREQUENT INVOKE / UNINVOKE</b> Def invoked, and then uninvoiced, Miranda so many times that officers were justified in doubting def's sincerity during some invocations.				<b>ID - PRETRIAL</b> <b>PHOTO LINEUP - DOUBLE BLIND PROCEDURE</b> Def's expert opines that photo lineups must be "double-blind" meaning the person conducting the photo lineup must not know which photo is of the suspect. Supreme Ct declines invitation to impose such a rule.			
<b>WILSON</b>	<i>P. v. ()</i>	<b>CAL</b>		<b>WILSON</b>	<i>P. v. ()</i>	<b>CAL</b>	
8/5/2024				8/5/2024			
<b>cd MOTIONS</b>				<b>cd MOTIONS</b>			
<b>CONTINUANCES</b> <b>CAUSE - DEF ATTY'S UNPREPAREDNESS - DEF OBJECTS TO CONTINUE</b> In Death Penalty case, def atty sought a continuance over the def's objection because he was not yet ready for trial. Court finds Good Cause for the continuance. UPHELD.				<b>DISCRIMINATORY PROSECUTION</b> <b>CRJA - APPELLATE STAYS WHILE TRIAL CT WORKS ON CRJA CLAIMS</b> While an appellate ct has discretion to STAY an Appeal while post-conviction CRJA motions are being heard in the trial court, the appellate ct also has discretion to deny such a Stay request. This case: all CRJA issues required evid that was not part of appellate record. Supreme Ct denied the stay.			
<b>WILSON</b>	<i>P. v. ()</i>	<b>CAL</b>		<b>WILSON</b>	<i>P. v. ()</i>	<b>CAL</b>	
8/5/2024				8/5/2024			
<b>ce SEARCH &amp; SEIZURE</b>				<b>ce SEARCH &amp; SEIZURE</b>			
<b>GOOD FAITH</b> <b>S/W - EXECUTION - EXCEEDING SCOPE OF WARRANT</b> Search Warrant on def's phone was for pictures taken at a particular date and time. Technician who executed warrant also extracted pictures that were undated. Officer reviewed undated photos and saw evid of unrelated crime. HELD: Suppressed. Technician's actions were NOT in good faith.				<b>S/W - EXECUTION</b> <b>THINGS - CELL PHONES - EXCEEDING SCOPE OF WARRANT</b> Search Warrant on def's phone was for pictures taken at a particular date and time. Technician who executed warrant also extracted pictures that were undated. Officer reviewed undated photos and saw evid of unrelated crime. HELD: Suppressed. Technician's actions were NOT in good faith.			
<b>DIMAGGIO</b>	<i>def v. SUP CT</i>		<b>6:</b>	<b>DIMAGGIO</b>	<i>def v. SUP CT</i>		<b>6:</b>
8/30/2024				8/30/2024			
<b>ce SEARCH &amp; SEIZURE</b>				<b>dd PETITIONS TO RESENTENCE</b>			
<b>S/W - EXECUTION</b> <b>MISC - SCOPE OF WARRANT</b> The Scope of the search warrant is determined by the WARRANT itself, not the affidavit in support of the warrant.				<b>PETITIONS TO</b> <b>1172.75 PC - 667.5 PRIORS - IMPOSED, THEN STRICKEN</b> 2017: Court "imposed" a one-yr 667.5(b) prior, and then immediately said it was "striking the additional punishment". HELD: the word IMPOSED is magic. Once uttered, def is irrevocably eligible for a PC 1172.75 resentencing.			
<b>DIMAGGIO</b>	<i>def v. SUP CT</i>		<b>6:</b>	<b>ESPINO</b>	<i>P. v. ()</i>		<b>6:</b>
8/30/2024				8/12/2024			
<b>de SENTENCING</b>				<b>bc INSTRUCTIONS/ELEMENTS</b>			
<b>MISC - SENTENCING</b> <b>CRUEL AND UNUSUAL - 60 YEARS - SEX W/ EX - BY DURESS, NOT FORCE</b> 40 yr old w/ no record has dark and twisted sex relationship that started consensually, but that ends up with def committing multiple (daily) Sex by Duress crimes. (no force, no violence). Def sentenced to 60 years. HELD: 60 years is not Cruel and Unusual.				<b>ADULT SEX CRIMES</b> <b>RAPE - MAYBERRY - INCOMPATIBLE WITH FORCE, DURESS ETC</b> Def/Victim relationship morphed from Boss/subordinate to mutual romance and sex, to consensual Dominance sex, to have-sex-or-be-fired. HELD: Def is NOT entitled to a MAYBERRY (belief of consent) instruction when charged with Sex by Duress.			
<b>GUENTHER</b>	<i>P. v. ()</i>		<b>6:</b>	<b>GUENTHER</b>	<i>P. v. ()</i>		<b>6:</b>
8/22/2024				8/22/2024			

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<b>bb EVIDENCE</b>				<b>bc INSTRUCTIONS/ELEMENTS</b>			
<b>MISC - EVID</b>				<b>ADULT SEX CRIMES</b>			
<b>LAY OPINION - VICTIM OPINION OF ATTACKERS KNOWLEDGE</b>				<b>DURESS - EMPLOYER / EMPLOYEE RELATIONSHIP</b>			
Def/Victim relationship morphed from Boss/subordinate to mutual romance and sex, to consensual Dominance Sex, to have-sex-or-be-fired. At the end Victim ordered to pretend she wanted the sex. HELD: Victim's OPINION that def KNEW she was pretending was admissible.				Def/Victim relationship morphed from Boss/subordinate to mutual romance and sex, to Dominance sex, to have-sex-or-be-fired. HELD: In the final stage, def was committing sex by duress (PC 287, 286).			
<b>GUENTHER</b>	<i>P. v. ()</i>	8/22/2024	6:	<b>GUENTHER</b>	<i>P. v. ()</i>	8/22/2024	6:
<b>cd MOTIONS</b>				<b>cd MOTIONS</b>			
<b>DISCRIMINATORY PROSECUTION</b>				<b>DISCRIMINATORY PROSECUTION</b>			
<b>CRJA - DDA CROSS OF DEF - IMPLICATIONS OF QUESTIONS</b>				<b>CRJA - IMPLICIT OR IMPLIED BIAS IS ENOUGH</b>			
DDA questions designed to connect def to a particular Black neighborhood with a notorious gang problem (while relevant and not 352) can, perhaps, nevertheless, violate CRJA. DCA finds def made Prima Facie CRJA claim and REMANDS for a full hearing.				While the record fails to show the DDA acted with express bias or animus, it "does not necessarily mean that the prosecutor's conduct was free of implicit or implied bias." DCA finds def made Prima Facie CRJA claim and REMANDS for a full hearing.			
<b>HOWARD</b>	<i>P. v. ()</i>	8/27/2024	6:	<b>HOWARD</b>	<i>P. v. ()</i>	8/27/2024	6:
<b>cd MOTIONS</b>				<b>dd PETITIONS TO RESENTENCE</b>			
<b>DISCRIMINATORY PROSECUTION</b>				<b>PETITIONS TO</b>			
<b>CRJA - EFFECTIVE DATE - CASES TRIED BEFORE</b>				<b>1172.6 PC - SUMMARY DENIALS - SPEC CIRC / INTENT TO KILL FINDINGS</b>			
Def wishes to make CRJA claim against his 1997 murder conviction. PC 745(j) lays out phasing plan for when old cases can be raised. Def must wait until 2026.				2005: def convicted of felony 187 with Spec Circ - Kidnapping. Spec Circ required finding that def had intent to kill. HELD: Def NOT eligible for 1172.6 resentencing. 2005 jury did not make finding that def specifically aided the 187 (and not just the kidnap) --- DCA's are split			
<b>VIGIL</b>	<i>P. v. ()</i>	8/28/2024	5:	<b>LOPEZ</b>	<i>P. v. ()</i>	8/27/2024	4:3
<b>ce SEARCH &amp; SEIZURE</b>				<b>ad ATTORNEY / JUDGE DUTIES &amp; ETHICS</b>			
<b>AUTOS / CONTAINERS</b>				<b>ATTY DUTIES &amp; ETHICS</b>			
<b>DETAIN - AUTO - ASKING DRIVER TO EXIT CAR</b>				<b>CONTEMPT - ACCUSING COURT OF BAD FAITH</b>			
During traffic stop, the officer DOES NOT NEED a reason or justification to ask the driver to exit the vehicle.				DCA chastises the DDA who wrote appellate brief for saying the trial court "fabricated" a legal basis to grant the defense motion. (DDA was appellant). "Fabricated" comes awful close to an allegation of bad faith which would be a severe no-no.			
<b>RAMIREZ</b>	<i>P. v. ()</i>	8/20/2024	4:3	<b>RAMIREZ</b>	<i>P. v. ()</i>	8/20/2024	4:3
<b>dd PETITIONS TO RESENTENCE</b>				<b>bc INSTRUCTIONS/ELEMENTS</b>			
<b>PETITIONS TO</b>				<b>GENERAL INSTRUCTIONS</b>			
<b>1172.75 PC - 667.5 PRIORS - PRIOR BASED ON SEX CRIME AND NON SEX</b>				<b>EVID - 1101(b) EV - USING CHARGED ACTS TO 1101(B) EACH OTHER</b>			
1990: Def sent to prison for a sex crime and a non-sex crime (concurrent time). In 1998, def was given 26-to-life, plus a one-yr 667.5(b) prior for 1990 conviction - the 667.5(b) allegation only named the non-sex crime. HELD: Def gets 1172.75 resentencing. The allegation controls.				Trial ct tinkered with CALCRIM 375 (re: 1101(b) evidence) in such a way that as to some counts, it DID lower the People's burden of proof. -- The instruction permitted jury to use counts 2 and 3 as 1101(b) evidence, and said 2 and 3 could be proved by preponderance.			
<b>GREEN</b>	<i>P. v. ()</i>	8/21/2024	4:1	<b>HOLLIDAY &amp; ESQUEDA</b>	<i>P. v. ()</i>	8/22/2024	4:1

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<b>dd PETITIONS TO RESENTENCE</b>				<b>de SENTENCING</b>			
<b>PETITIONS TO</b>				<b>CTS/GOOD TIME</b>			
<b>1172.75 PC - 667.5 PRIORS - FULL RESENTENCE - UPPER TERMS</b>				<b>CTS - IS NOT APPLIED AGAINST LENGTH OF PROBATION</b>			
HELD: at a PC 1172.75 resentencing, previously imposed UPPER terms can be re-imposed w/out the findings currently required due to 1172.75(d)(4).				Def placed on two years felony probation with a jail term of 228 days, CTS 228.			
Def asserts those 228 days apply against the length of probation. HELD: the def is wrong.				Def asserts those 228 days apply against the length of probation. HELD: the def is wrong.			
<b>BRANNON-THOMPSON</b>	<i>P. v. ()</i>		3:	<b>DAUTERMAN</b>	<i>P. v. ()</i>		3:
8/22/2024				8/23/2024			
<b>de SENTENCING</b>				<b>ab CONSTITUTIONAL ISSUES</b>			
<b>PROBATION</b>				<b>DUE PROCESS / EQUAL PROTECTION</b>			
<b>LENGTH - UNAFFECTED BY AMOUNT OF CTS</b>				<b>EQUAL PROTECTION - SEX REGISTRATION - JUVI SEX OFFENDERS</b>			
Def placed on two years felony probation with a jail term of 228 days, CTS 228.				New legislation (PC 290.008) treats minors differently re: 290 registration based on if they were sent to DJJ. Equal Protection claim is resolved on "rational basis" standard since a 290 requirement does NOT involve a loss of liberty. (i.e. jail)			
Def asserts those 228 days apply against the length of probation. HELD: the def is wrong.							
<b>DAUTERMAN</b>	<i>P. v. ()</i>		3:	<b>I. B.</b>	<i>P. v. ()</i>		3:
8/23/2024				8/28/2024			
<b>ce SEARCH &amp; SEIZURE</b>				<b>ce SEARCH &amp; SEIZURE</b>			
<b>AUTOS / CONTAINERS</b>				<b>AUTOS / CONTAINERS</b>			
<b>PC TO SEARCH AUTO - MJ - POST PROP 64</b>				<b>PC TO SEARCH AUTO - MJ - POST PROP 64</b>			
During traffic stop, a nervous driver says there is NO MJ in the car. Officer sees small amount of MJ in the car. HELD: This is PC to search car for more MJ				During traffic stop, officer observes small amount of "loose" MJ on seat and floorboard (a useable amount). HELD: this equivalent to MJ being in a "open container". Therefore, illegal, therefore, search of car for more MJ is permissible.			
<b>SELLERS</b>	<i>def v. SUP CT</i>		3:	<b>SELLERS</b>	<i>def v. SUP CT</i>		3:
8/22/2024				8/22/2024			
<b>de SENTENCING</b>				<b>bc INSTRUCTIONS/ELEMENTS</b>			
<b>RESTITUTION</b>				<b>ENHANCEMENTS</b>			
<b>CRIMES - HIT-AND-RUN CASES (20002 VC)</b>				<b>GBI - 12022.7 PC - BASE CRIME - HIT-AND-RUN</b>			
Court ordered Restitution in Hit-and-Run. HELD: this is okay, but, the damage must be from the flight, not the impact. Since the jury found V's injuries were aggravated by the delay in treatment due to def's flight, Restitution for the aggravation is appropriate.				Def convicted of hit-and-run with a GBI enhancement. HELD: this is okay, but, the GBI must be from the flight, not the impact. Since the jury found V's injuries were aggravated by the delay in treatment due to def's flight, the enhancement stands.			
<b>MEJIA</b>	<i>P. v. ()</i>	8/30/2024	2:8	<b>MEJIA</b>	<i>P. v. ()</i>	8/30/2024	2:8
<b>bc INSTRUCTIONS/ELEMENTS</b>				<b>bc INSTRUCTIONS/ELEMENTS</b>			
<b>GENERAL INSTRUCTIONS</b>				<b>MISC -</b>			
<b>ATTEMPT - INDIRECT, CONVOLUTED ACTS - THAT WORK</b>				<b>STALKING - 646.9 PC - USING INDIRECT METHODS</b>			
Just because the def used indirect and convoluted methods to threaten and stalk the victim does not mean he did not violate PC 649.9. If you do the elements of the crime, it matters not how you do them. (this case: def argued he was guilty of only ATTEMPT stalking.)				Just because the def used indirect and convoluted methods to threaten and stalk the victim does not mean he did not violate PC 649.9. If you do the elements of the crime, it matters not how you do them. (this case: def argued he was guilty of only ATTEMPT stalking.)			
<b>OBERMUELLER</b>	<i>P. v. ()</i>	8/16/2024	2:8	<b>OBERMUELLER</b>	<i>P. v. ()</i>	8/16/2024	2:8

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## bd OTHER TRIAL ISSUES

### WHEELS

#### CRJA - PREEMPT - 231.7(g) PRESUMPTIVE INVALID REASONS

Racial Minority juror said he did not trust police due bad personal experiences.

He also said he could be fair juror. DDA challenge for cause denied. DDA

preempt brought PC 231.7 objection. Preempt UPHELD. Court found reasonable

person would view preempt unrelated to race.

GONZALES P. v. () 8/6/2024 2:3

## ab CONSTITUTIONAL ISSUES

### DUE PROCESS / EQUAL PROTECTION

#### EQUAL PROTECTION - 1170(d)(2) / 3051 - LIFE TERMS FOR MINORS

At age 15, in 2005, def sentenced to 130 years-to-life. 2023: def seeks

resentencing under PC 1170(d), which only applies to minors who get LWOP

sentence. HELD: Def entitled to 1170(d) remedy under EQUAL PROTECTION.

(fact that def also entitled to PC 3051 is not relevant)

SORTO P. v. () 8/21/2024 2:3

## dd PETITIONS TO RESENTENCE

### PETITIONS TO

#### 1170(d)(2) PC - DE FACTO LWOP - EQUAL PROTECTION

At age 15, in 2005, def sentenced to 130 years-to-life. 2023: def seeks

resentencing under PC 1170(d), which only applies to minors who get LWOP

sentence. HELD: Def entitled 1170(d) remedy under EQUAL PROTECTION.

(fact that def also entitled to PC 3051 is not relevant)

SORTO P. v. () 8/21/2024 2:3

## cd MOTIONS

### MISC -

#### EXPUNGEMENT - 1203.4 PC - UNPAID (UNORDERED) RESTITUTION

After completing misd probation, def seeks dismissal under PC 1203.4. DDA

objects because restitution not paid. Restitution was never ordered. (issue was

reserved at sentencing and never addressed). Court denies 1203.4 relief.

REVERSED. No "record" that restitution is appropriate.

DAFFEY P. v. () 8/29/2024 1:5

## db APPELLATE ISSUES

### POST GUILTY PLEA

#### POST GUILTY PLEA - CERTIF OF PC - NEED FOR

Def pled No Contest. AFTER def was found to have violated probation, def

APPEALS on grounds atty incompetent for failure to seek mental health

diversion. HELD: Appeal requires Certif of PC, which def does not have. Appeal

Dismissed.

MOORE P. v. () 8/9/2024 1:5

## bb EVIDENCE

### PRIVILEGE

#### PSYCHOTHERAPIST - WAIVER BY STARTING 1368 PROCESS

Minor is being evaluated for competency to stand trial. Minor objects to ct app'ts

shrink seeing his psych records. HELD: Ev 1014 privilege is WAIVED by minor

putting his mental status at issue. -- Minor's atty was the one that started the

competency process.

T. M. def v. SUP CT 8/27/2024 1:5

## ab CONSTITUTIONAL ISSUES

### MISC CONSTITUTIONAL ISSUES

#### BEAR ARMS, RIGHT TO - POST-BRUEN - FELONS AND GUNS

Statute prohibiting FELONS from possessing guns survives a 2nd Amendment

challenge.

ANDERSON P. v. () 1:3

8/22/2024

## ed JUVENILE

### MISC - JUVENILE

#### RECORDS - SEALING OF - 786 W&I

MINOR has three petitions. ONE of which was not eligible for SEALING under

W&I 786. Trial Ct refused to seal any of the petitions. REVERSED. The

SEALING of each petition should be considered separately.

BRANDON H. In Re () 1:3

8/5/2024

## bb EVIDENCE

### EXPERT

#### GENERALLY - OPINION BASED ON UNSUPPORTED THEORY

Expert opined tool mark on fired cartridge was "unique", and only def's gun could

have made it. Expert cited ZERO studies in support of opinion. HELD: trial court

should have excluded the opinion as being UNSUPPORTED. Saying

"consistent" with def's gun is fine. Excluding all others not fine.

TIDD P. v. () 8/29/2024 1:3

## bb EVIDENCE

### EXPERT

#### TOOL MARKS - OVERREACHING BY EXPERT

Expert opined tool mark on fired cartridge was "unique", and only def's gun could

have made it. Expert cited ZERO studies in support of opinion. HELD: trial court

should have excluded the opinion as being UNSUPPORTED. Saying

"consistent" with def's gun is fine. Excluding all others not fine.

TIDD P. v. () 8/29/2024 1:3

db APPELLATE ISSUES				db APPELLATE ISSUES			
WRITS				WRITS			
HABEAS - NEW EVIDENCE - EXPOSE SECRET DDA DEALS W/ WITNESS				HABEAS - NEW EVIDENCE - PROOF OF FALSE TESTIMONY			
1987: Def convicted of 187. X testified at prelim he had no immunity deal. (prelim testimony admitted at trial because X took 5th at trial). 2007: def obtains letter, dated pre-prelim, from DDA to X's atty promising X won't be charged. HABEAS summarily denied. REVERSED and remanded for full hearing.				False evid used against def at prelim, but not trial. HELD: that MAY be grounds for HABEAS relief. Summary denial REVERSED and remanded for full hearing. Issue: was "the conviction obtained" by false evidence.			
HILL	In Re ()	8/2/2024	1:2	HILL	In Re ()		1:2
				8/2/2024			
cd MOTIONS							
IMMUNITY							
SECRET UNOFFICIAL IMMUNITY - UNDISCLOSED							
X takes 5th at trial. DDA declines to give X immunity. X's prelim testimony admitted at trial. -- DDA had SECRET agreement with Def atty to NOT CHARGE X. HELD: this stinks. REMANDED to trial court to further address the problem.							
HILL	In Re ()	8/2/2024	1:2				