

FILED

MAY 12 2015

DAVID H. HANSEN
Clerk of the Superior Court
Santa Clara County, California
BY _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA

Case No. 213515

Plaintiff,

v.

ORDER RE: REQUEST THAT
DEFENDANT BE UNSHACKLED
FOR ALL COURT APPEARANCES

ANTOLIN GARCIA-TORRES

Defendant.

Defendant has filed a request to be unshackled for all court appearances.

Defendant's request is GRANTED only for court proceedings in Department 24 in which the court has granted a media request allowing cameras (still and/or video) in the courtroom and there is actually a camera present in the courtroom pursuant to said court authorization.

This order is subject to modification as conditions dictate and is without prejudice to defendant renewing the same request for proceedings in other courtrooms.

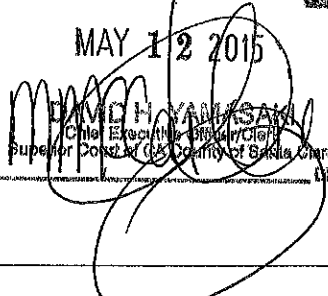
IT IS SO ORDERED.

Dated: May 12, 2015



[Handwritten Signature]

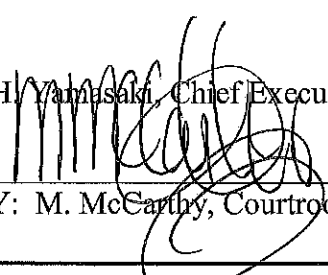
THANG NGUYEN BARRETT
Supervising Judge
Criminal Division of the Superior Court

<p align="center">IN THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA</p>	<p align="center">FILED</p> <p align="center">MAY 12 2015</p> <p align="center">  <small>DAVID H. YAMASAKI Chief Executive Officer/Clerk Superior Court of the County of Santa Clara</small> BY _____ DEPUTY </p>
<p>The People of the State of California,</p> <p align="center">Plaintiff,</p> <p>vs.</p> <p>ANTOLIN GARCIA-TORRES</p> <p align="center">Defendant.</p>	
<p>PROOF OF SERVICE OF: ORDER RE: REQUEST THAT DEF BE UNSHACKLED FOR ALL COURT APPEARANCES</p>	<p>Case Number: 213515</p>

CLERK'S CERTIFICATE OF MAILING: I certify that I am not a party to this cause and that a true copy of this document was hand-delivered into the below-listed agency's inter-office pick-up box or was mailed with first class postage fully prepaid in a sealed envelope addressed as shown below and the documents were placed for pick-up or mailed at SAN JOSE, CALIFORNIA on the date shown below. I declare under penalty of perjury that the foregoing is true and correct.

DATED: 5/12/15

David H. Yamasaki, Chief Executive Officer


BY: M. McCarthy, Courtroom Clerk

<p align="center">Office of the Alternate Defender County of Santa Clara Alfonso Lopez 701 Miller Street San Jose, CA 95110</p>	<p align="center">VIA – Dept 27 Pick Up</p>
<p align="center">Office of the District Attorney County of Santa Clara David Boyd, DDA 70 West Hedding St San Jose, CA 95110</p>	<p align="center">VIA – Inter – Office Mail</p>

1 LAW OFFICES OF THE ALTERNATE DEFENDER
2 DAVID EPPS, # 160173
3 ALFONSO LOPEZ, # 203564
4 County of Santa Clara
701 Miller Street
San Jose, CA 95110
Telephone: (408) 299-7207

5 Attorneys for Defendant
6 Antolin Garcia Torres

FILED
MAY 19 2015
DAVID H. YAMASAKI
Deputy Executive Officer
Superior Court of Santa Clara
BY _____ DEPUTY

7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SANTA CLARA**

10
11 PEOPLE OF THE STATE OF CALIFORNIA, NO. 213515
12 Plaintiff, DECLARATION OF COUNSEL
13 vs. (Client Dress out)
14 ANTOLIN GARCIA-TORRES,
15 Defendant

16 I, Alfonso O. Lopez, declare as follows:

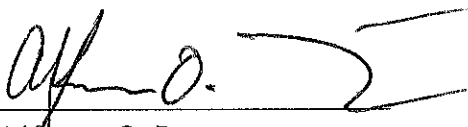
- 17 1. I am an attorney at the Office of the Alternate Defender for the County of Santa
18 Clara and I am assigned to represent Mr. Garcia Torres in the above-entitled
19 matter;
- 20 2. That this case is a high profile case where the media has been regularly
21 publishing photographs, video footage, and news articles regarding his court
22 appearances in this case;
- 23 3. That images of Mr. Garcia Torres have regularly been published in news print
24 and television news footage which can be seen at any time on the internet;
- 25 4. That the general public, including prospective jurors, will see images of Mr.
26 Garcia Torres while in court due to the high publicity of this case;
- 27 5. That Mr. Garcia Torres has State and Federal rights to a fair trial, due process,
28 and equal protection which will be violated when prospective jurors see him

1 dressed in jail clothes (Estelle v. Williams (1976) 425 U.S. 501,; People v.
2 Taylor (1982) 31 Cal.3d 488; Chapman v. California (1967) 386 U.S. 18);

- 3 6. That even if the trial court orders prospective jurors not to view the news, it will
4 be too late as many, if not all, will have already seen images of Mr. Garcia
5 Torres from the news media;
- 6 7. That Honorable Judge Chatman has previously ordered Mr. Garcia Torres be
7 dressed out in court clothes and allowed to shave and shower for his past court
8 appearances;
- 9 8. That Honorable Judge Barrett has also previously ordered Mr. Garcia Torres be
10 dressed out in court clothes and allowed to shave and shower but that some
11 deputies refuse to unshackle him without articulating a manifest need for
12 shackling (People v. Miller, (2009) 175 Cal.App.4th 1109, 1117;
- 13 9. That Mr. Garcia Torres is seeking this order to include unshackling him which
14 was not specifically stated in the previous court orders;
- 15 10. That the People have been sent a copy of this declaration and proposed court
16 order;

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

18 Executed on May 7th, 2015, San Jose, California.

19 
20 _____
21 Alfonso O. Lopez
22 Deputy Alternate Defender
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