


1 JEFFREY F. ROSEN
District Attorney
2 DAVID R. BOYD
Deputy District Attorney
3 California State Bar No. 184614
County Government Center, West Wing
4 70 West Hedding Street
San Jose, California 95110
5 Telephone: (408)792-2968

FILED

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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY
Mark McCoy

6 Attorneys for Plaintiff

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

11 THE PEOPLE OF THE STATE)	Criminal Case No. 213515
12 OF CALIFORNIA,)	
13 Plaintiff,)	DATE: April 15, 2015
14 v.)	TIME: 1:30 P.M.
15 ANTOLIN GARCIA-TORRES,)	DEPT: 24
16 Defendant.)	EST.: 5 MINUTES
17)	REQUEST FOR ASSIGNMENT TO
)	A SINGLE JUDGE FOR ALL
)	PURPOSES

18 The People request the Presiding Judge assign a judge for all
19 purposes.

20 A. PROCEDURAL HISTORY

21 Sierra LaMar was kidnapped on her way to school on March 16,
22 2012. Her body has never been found. Since her disappearance no
23 trace of her has been located, except in the defendant's car. On
24 May 21, 2012, Antolin Garcia-Torres was arrested for her kidnap
25 and murder.

26 During the investigation it was revealed that the defendant
27 attempted kidnappings of other women in Morgan Hill on March 19
28 and March 26, 2009. Because these events were just short of

1 defendant's 18th birthday, charges were filed in Santa Clara County
2 Juvenile Court. The defendant was found unfit to be adjudicated
3 in Juvenile Court and was arraigned on a first amended complaint
4 on December 12, 2012.

5 ~~Thereafter, there were no less than 11 separate court dates~~
6 spanning over 1 year where no preliminary examination was set. A
7 Grand Jury returned an indictment alleging in substance the same
8 charges as in the first amended complaint.^{1/} Antolin Garcia-Torres
9 was arraigned on the indictment on February 13, 2014.

10 In the over one year since his arraignment on the Indictment,
11 counsel for the defendant has never indicated a willingness to set
12 a trial date^{2/} or a willingness to set any motions dates. On
13 February 25, 2015, the People asked the Court to inquire with the
14 defense when a motions date or a trial date could be set and
15 counsel could not indicate when the defense would be ready or
16 willing to set any motions or trial dates.

17 **B. DISCUSSION**

18 The People request assignment of the case to one judge for
19 all purposes. There is little question this Court has the power
20 to do so in the management of its criminal trial calendar. While
21 there is no local rule identifying criteria for such an
22 assignment, the Santa Clara County Superior Court local rules
23 contemplate the assignment of a case to a judge for all purposes
24

25 ^{1/} The indictment does add an allegation under Penal Code
26 section 12022(b)(1).

27 ^{2/} To be fair, counsel for the People was engaged in a
28 jury trial from February 24, 2014 to January 5, 2015. However,
counsel for the defense was not similarly engaged to the
People's knowledge.

1 (SCC LR 1.F), as does CCP §170.6. The reasons for this request
2 are straightforward.

3 1. Centralize Judicial Responsibility

4 An all purpose assignment will centralize the responsibility
5 of this Court to comply with the California Constitution and Penal
6 Code. Those authorities require proceedings that are as
7 expeditious as possible.

8 "In a criminal case, the people of the State of California
9 have the right to due process of law and to a speedy and public
10 trial." Cal. Const. art. I, §29. Additionally, victims are
11 entitled to "a speedy trial and a prompt and final conclusion of
12 the case and any related post-judgment proceedings." Cal. Const.,
13 art. I, §28(b)(9). "[V]ictims of crime are entitled to finality
14 in their criminal cases." Cal. Const., art. I, §28(a)(6). Due to
15 lengthy appeals and post-judgment proceedings as well as the
16 constant risk that sentences will be reduced, the Constitution
17 declares that "prolonged suffering of crime victims and their
18 families must come to an end." Cal. Const., Art. I, §28(a)(6).
19 The prescribed method to end the suffering is an expeditious
20 proceeding. See Cal. Const., art. I, § 28(b)(9); PC
21 §§679.02(a)(10).

22 To that end - an expeditious proceeding - and well over 30
23 years ago, the California Legislature provided this directive to
24 the courts:

25 It is therefore recognized that the people, the
26 defendant, and the victims and other witnesses have the
27 right to an expeditious disposition, and to that end **it**
28 **shall be the duty of all courts and judicial officers**
and of all counsel, both for the prosecution and the
defense, to expedite these proceedings to the greatest
degree that is consistent with the ends of justice.

1 PC §1050(a) (emphasis added).

2 2. Judicial Economy

3 Judicial economy also suggests an all purpose assignment as
4 there are expected to be protracted pre-trial motions. While the
5 ~~defense has not filed any pre-trial motions and has not indicated~~
6 when they will, there is little doubt that there will be numerous
7 pre-trial motions. An all purpose assignment will aid the
8 parties, and the Court, by limiting the amount of information that
9 needs to be repeated in briefing or in argument. The parties will
10 be able to rely on the fact that a single judge has extensive
11 knowledge of the facts and procedural history, thus allowing for
12 a simplified presentation. Finally, extensive knowledge of the
13 case and its procedural history will aid the Court in more quickly
14 analyzing and deciding the issues presented.

15 C. CONCLUSION

16 The People recognize that because of the circumstances of
17 this case, and the penalty sought, delay will be inevitable.
18 However, assignment to a single judicial officer will reduce some
19 of the inevitable delay by centralizing responsibility for the
20 significant public policy of expeditious proceedings and due to
21 judicial familiarity with the case, ease the burden on the parties
22 and the Court in deciding the significant issues in this case.

23 DATED: April 2, 2015

24
25 Respectfully Submitted,

26 JEFFREY E. ROSEN
District Attorney

27
28 DAVID R. BOYD
Deputy District Attorney

