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FILED
 MAR 12 2014
 DAVID H. YAMASAKI
 Superior Court of CA County of Santa Clara DEPUTY
 DIANA GUTIERREZ

6 Attorneys for Plaintiff

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

THE PEOPLE OF THE STATE)	Criminal Case No. 213515
OF CALIFORNIA,)	
)	
Plaintiff,)	DATE: April 16, 2014
)	TIME: 1:30 p.m.
v.)	DEPT: 24
)	TIME EST.: 2 MINUTES
ANTOLIN GARCIA-TORRES,)	
)	NOTICE OF MOTION AND
)	MOTION TO CONTINUE TRIAL
Defendant.)	PURSUANT TO PENAL CODE
)	SECTION 1050

PLEASE TAKE NOTICE THAT on April 16, 2014, at 1:30 p.m. in Department 24, or as soon thereafter as the matter may be heard, the People of the State of California, by and through their counsel, Jeffrey F. Rosen, District Attorney, and David R. Boyd, Deputy District Attorney, will move to continue the above-referenced case pursuant to Penal Code section 1050.

This motion is made on the following grounds: this prosecutor will then be engaged in a jury trial before the Honorable Sharon Chatman and all counsel have agreed that the hearing currently set for April 16, 2014, can be heard on April

1 25, 2014. The motion is based on the attached memorandum of
2 points and authorities and the attached declaration.

3 The People request that the trial setting and hearing on a
4 determination whether the grand jury transcript should be sealed
5 in whole, or in part, be continued to the agreed upon date of
6 April 25, 2014.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 The People have complied with the procedural elements of
9 Penal Code section 1050(b): this motion is in writing,
10 accompanied by a declaration detailing specific facts showing that
11 a continuance is necessary, and was served on all parties at least
12 two days prior to the proceeding.

13 Penal Code section 1050(e) allows a continuance of any
14 hearing, including the trial, on a showing of good cause. Good
15 cause for continuance of this hearing exists because this
16 prosecutor has now commenced, and will then be engaged in, a jury
17 trial before the Honorable Sharon Chatman. Penal Code section
18 1050(g)(2) contemplates good cause continuances when the assigned
19 prosecutor is engaged in another trial.

20 CONCLUSION

21 For the above reasons, the People request that the hearing
22 be continued to April 25, 2014, or as soon thereafter as the
23 Court determines.

24 Dated: March 7, 2014

25 Respectfully submitted,

26 JEFFREY F. ROSEN
27 District Attorney

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DAVID R. BOYD
Deputy District Attorney

DECLARATION OF DAVID R. BOYD IN SUPPORT OF
MOTION FOR CONTINUANCE

I, David R. Boyd, do hereby declare that:

1. I am the assigned Deputy District Attorney to the above-referenced case.
2. On February 24, 2014, the undersigned commenced a jury trial before the Honorable Sharon Chatman. The trial is expected to last through June 2014.
3. Judge Chatman's schedule has the trial in session on April 16, 2014, but not in session most Fridays.
4. The undersigned contacted defense counsel in the instant matter to move the current trial setting and hearing on a determination regarding the grand jury transcripts to an available Friday. Counsel for defendant Antolin Garcia-Torres agreed and authorized the People to contact the court clerk for available dates.
5. This Court's clerk provided the date of April 25, 2014.
6. The undersigned contacted defense counsel for defendant Antolin Garcia-Torres who agreed to the proposed date. Counsel noted they may seek a further continuance due to the fact that the grand jury transcripts had not been received as of February 25, 2014.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Dated: March 7, 2014



DAVID B. BOYD
Deputy District Attorney

