

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA – CRIMINAL DIVISION

**FILED**  
SEP 20 2016

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

THE PEOPLE OF THE STATE )  
OF CALIFORNIA, )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
ANTOLIN GARCIA-TORRES, )  
 )  
Defendant. )

Case No. 213515

**ORDER DENYING MOTION  
FOR SEVERANCE**

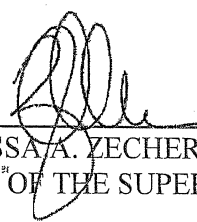
The court has read and considered the moving and responsive pleadings with respect to the Motion for Severance filed on behalf of the defendant. The court also considered the comments and arguments of counsel at the time of the hearing.

Both sides agree that the charges meet the statutory requirements for joinder under Penal Code section 954.

The court has conducted the analysis most recently articulated by the California Supreme Court in People v. Simon 1 Cal.5<sup>th</sup> 98, 204 Cal.Rptr.3d 380 (2016). Although there may be some potential prejudice to the charges remaining joined, the defendant has not made a clear showing of prejudice to support the granting of the Motion for Severance. The potential prejudice does not outweigh the benefits of joinder.

Defendant's Motion for Severance is DENIED.

DATED: September 20, 2016

  
VANESSA A. ZECHER  
JUDGE OF THE SUPERIOR COURT

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

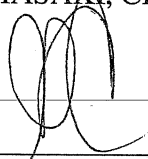
In the Matter of  <b>ANTOLIN GARCIA TORRES</b>  <p style="text-align: center;">Defendant</p>	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <p>SEP 20 2016</p> <p>DAVID H. YAMASAKI Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara</p> <p>BY _____ DEPUTY</p>
PROOF OF SERVICE:	
<b>ORDER DENYING MOTION FOR SEVERANCE</b>	CASE NO: <b>213515</b>

CLERK'S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT, **ORDER DENYING MOTION FOR SEVERANCE**, WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY'S INTER-OFFICE PICK-UP BOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON DATE SHOWN BELOW.

DATED: 09/20/16

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER/CLERK

  
 BY: \_\_\_\_\_  
 Gina Colbenson, Deputy Courtroom Clerk

SANTA CLARA COUNTY OFFICE OF THE DISTRICT ATTORNEY ATTN: David Boyd  (via: inter-office pick-up box)	SANTA CLARA COUNTY OFFICE OF THE ALTERNATE DEFENDER ATTN: Al Lopez & Brian Matthews  (via: inter-office pick-up box)
SANTA CLARA COUNTY SUPERIOR COURT ATTN: Rose Silva Hall of Justice – Public Service (via: inter-office pick-up box)	SANTA CLARA COUNTY SUPERIOR COURT ATTN: Joe Macalusco Administration (via: inter-office pick-up box)

\*\* (see page to for additional proof of service.)

\*\* Continuing proof of service:

SANTA CLARA COUNTY SUPERIOR COURT ATTN: Regina Lopez Hall of Justice – Courtroom Clerk Supervisor (via: inter-office pick-up box)	SANTA CLARA COUNTY SUPERIOR COURT ATTN: Hon. Deborah A. Ryan Hall of Justice – Dept. 27 (via: inter-office pick-up box)
SANTA CLARA COUNTY SUPERIOR COURT ATTN: Hon. Rise Pichon PRESIDING JUDGE OCH – Dept. 17 (via: inter-office pick-up box)	SANTA CLARA COUNTY SUPERIOR COURT ATTN: Hon. Patricia Lucas OCH – Dept. 19 (via: inter-office pick-up box)
SANTA CLARA COUNTY SUPERIOR COURT ATTN: CJIC Hall of Justice (via: inter-office pick-up box)	