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(ENDORSED)
FILED
JAN 05 2016
DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY DIANA GUTIERREZ DEPUTY

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,)	
)	DATE: January 20, 2016
Plaintiff,)	TIME: 1:30 P.M.
)	DEPT: 24
v.)	EST.: 5 MINUTES
)	
ANTOLIN GARCIA-TORRES,)	
)	REQUEST FOR ASSIGNMENT TO
Defendant.)	A SINGLE JUDGE FOR ALL
)	PURPOSES
)	

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

A. PROCEDURAL HISTORY

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

During the investigation it was revealed that the defendant attempted kidnappings of other women in Morgan Hill on March 19 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 A Grand Jury returned an indictment alleging in substance the
6 same charges as in the first amended complaint. Antolin Garcia-
7 Torres was arraigned on the indictment on February 13, 2014. On
8 September 2, 2015, the defense agreed to a trial date of April 25,
9 2016.

10 The People previously brought this motion for all purpose
11 assignment prior to the trial date being selected. It was denied
12 without prejudice on May 13, 2015. At the time the motion was
13 brought and heard, no trial date had been set.

14 **B. DISCUSSION**

15 The People request assignment to a single judge for all
16 purposes. There is little question this Court has the power to do
17 so in the management of its criminal trial calendar. While there
18 is no local rule identifying criteria for such an assignment, the
19 Santa Clara County Superior Court local rules contemplate the
20 assignment of a case to a judge for all purposes (SCC LR 1.F), as
21 does CCP §170.6. The reasons for this request are
22 straightforward.

23 Judicial economy suggests an all purpose assignment as there
24 are expected to be protracted motions in limine. Jury selection
25 is also expected to be lengthy in this capital case. Assignment
26 now will allow a conference with the assigned judge to schedule
27 the filing of motions, the time allotted for jury selection and an
28 expectation of when evidence will commence. Advanced notice of

1 such a schedule will assist counsel in the notification of
2 witnesses and preparation of the necessary motions and documents
3 in a timely way.

4 For example, the assigned trial judge could set the timing of
5 motions in limine to be submitted for the Court's advanced review
6 in order to ensure timely rulings. Additionally a schedule could
7 be set for the resolution of jury questionnaires and jury
8 selection. The court could give counsel guidance on how it
9 intends to conduct voir dire to aid the attorneys in preparation
10 for the likely lengthy process.

11 In the interim period before April 25, 2016, the trial court
12 could settle expectations of trial counsel regarding the trial
13 schedule so that witness schedules can be made and counsel can
14 plan other professional and personal obligations. While many of
15 these issues are common to long trials, given that this is a
16 capital case, the number of issues and their complexity is likely
17 to be substantially increased. It is expected that there will at
18 least be a severance motion, change of venue motion, and motions
19 to suppress the evidence collected in this case. Some of these
20 motions are often left to the trial department for final
21 resolution (e.g. venue change, severance) even if they are
22 originally filed in the law and motion department.

23 It is the People's opinion that having an assigned trial
24 judge, with the assistance of counsel, to identify and plan for
25 the issues now will save substantial judicial resources in the
26 long run. As a result are asking the Presiding Judge to assign a
27 single judge for all purposes in this capital case.

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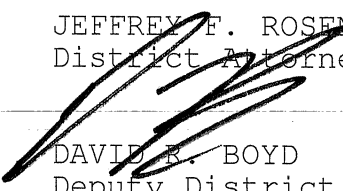
C. CONCLUSION

The People recognize that because of the circumstances of this case, and the penalty sought, delay has been inevitable. However, assignment to a single judicial officer will allow the court and counsel to "hit the ground running" on April 25, 2016, and therefore will substantially improve the fair and efficient resolution of the case.

DATED: January 5, 2016

Respectfully Submitted,

JEFFREY F. ROSEN
District Attorney


DAVID R. BOYD
Deputy District Attorney

(ENDORSED)
FILED
JAN 05 2016

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

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PROOF OF SERVICE

STATE OF CALIFORNIA) People v. ANTOLIN GARCIA TORRES
) ss.
COUNTY OF SANTA CLARA) Docket No. 213515

I am employed in the County of Santa Clara, State of California. I am over the age of eighteen years, and not a party to the above-entitled action. My business address is: Office of the District Attorney, 70 West Hedding Street, West Wing, San Jose, CA 95110

On January 5, 2016, I served the following documents upon the interested parties in this action by the method(s) indicated below:

REQUEST FOR ASSIGNMENT TO A SINGLE JUDGE FOR ALL PURPOSES

BY FIRST CLASS MAIL: by placing a true copy thereof, enclosed in a sealed envelope, for postage and deposit with the U.S. Postal Service on the same date it is submitted for mailing, and addressed as follows:

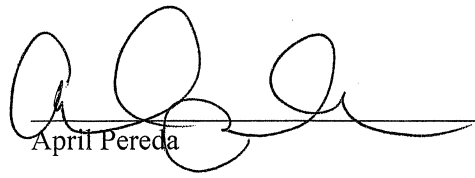
BY PERSONAL DELIVERY: by causing a true copy thereof to be hand-carried to the recipient at the address indicated:

BY FACSIMILE TRANSMISSION: by faxing a true copy thereof to the recipient at the facsimile number indicated:

BY COUNTY PONY MAIL: by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Brian Matthews
Santa Clara County
Alternate Defender Office
701 Miller Street
San Jose, CA 95110

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 5, 2016, at San Jose, California.


April Pereda