

SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA

**FILED**  
OCT 18 2017  
Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY B. FARONE DEPUTY

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

ANTOLIN GARCIA-TORRES,

Defendant.

Case No. 213515

**ORDER RE DEFENDANT'S REQUEST  
THAT THE COURT TAKE JUDICIAL  
NOTICE IN DECIDING THE CCP 170.1  
CHALLENGE TO THE HONORABLE  
VANESSA ZECHER**

On September 14, 2017, Defendant Garcia-Torres (“defendant”) filed “Judicial Challenge CCP Section 170.3” (the “Challenge”) objecting to the Honorable Vanessa Zecher hearing any motions in the above-entitled case (the “Case”).

In Assignment Order 1052970-17, the Chief Justice of the State of California and Chairperson of the Judicial Council assigned Judge Jeffrey S. Ross, Judge of the Superior Court of California, City and County of San Francisco, to sit as a Judge of the Superior Court of California, County of Santa Clara, under Code of Civil Procedure § 170.3(c)(1) to hear the Challenge.

Upon assignment, the following documents were provided to the reviewing judge by the Clerk of the Superior Court, County of Santa Clara:

- A. Judicial Challenge CCP Section 170.3
- B. Supplemental Verified Statement Regarding Challenge Pursuant to CCP § 170.3

C. Verified Answer of Judge Vanessa A. Zecher to Defendants "Judicial Challenge CCP Section 170.3" and "Supplemental Verified Statement Regarding Challenge Pursuant to CCP § 170.3" Memorandum of Points and Authorities

D. Reply to Verified Answer to Judicial Challenge Pursuant to CCP Section 170.3

In the Supplemental Verified Statement Regarding Challenge Pursuant to CCP § 170.3, Defendant asks the reviewing judge to take judicial notice of "the pleadings related to the *Pitchess* motion and the Motion for a New Trial filed in the above-captioned case" and "to take judicial notice of the contents of the Santa Clara County court file in the matter of *John Leonti and Elsie Leonti vs. County of Santa Clara, et. Al., case number 691074.*"

Cal.Rules of Court, Rule 3.1306 (c) requires:

A party requesting judicial notice of material under Evidence Code sections 452 or 453 must provide the court and each party with a copy of the material. If the material is part of a file in the court in which the matter is being heard, the party must:

- (1) Specify in writing the part of the court file sought to be judicially noticed; and
- (2) Make arrangements with the clerk to have the file in the courtroom at the time of the hearing.

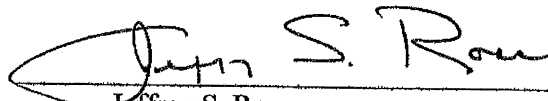
The Court hereby requests that Defendant comply with California Rules of Court, Rule 3.1306(c) as to all matters for which judicial notice is requested by delivering or mailing copies of the material to the address below with proof of service of copies on counsel for the

Hon. Vanessa A. Zecher and the People:

Judge Jeffrey S. Ross, Department 23  
Superior Court of California  
County of San Francisco  
850 Bryant Street  
San Francisco, CA 94103

IT IS SO ORDERED.

DATE: October 16, 2017

  
Jeffrey S. Ross,  
Judge of the Superior Court

<b>IN THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA</b>	<b>FILED</b> OCT 18 2017 Clerk of the Court Superior Court of CA County of Santa Clara BY <u>G. Zamora</u> DEPUTY G. Zamora
<b>PEOPLE OF THE STATE OF CALIFORNIA,</b> vs. <b>ANTOLIN GARCIA-TORRES,</b>	<b>Plaintiff,</b>  <b>Defendant.</b>
<b>PROOF OF SERVICE OF:</b> Order Re Defendant's Request That The Court Take Judicial Notice In Deciding The CCP170.1 Challenge To The Honorable Vanessa Zecher	Case Number: <b>213515</b>

CLERK'S CERTIFICATE OF SERVICE: I certify that I am not a party to this case and that a true copy of this document was served as follows:

- By personal service on the parties and on the date shown below.
- By first class mail, postage prepaid, addressed as shown below and mailed on the date shown below.
- By interoffice pony pick-up as listed below.

**DATED:** October 18, 2017

Clerk of the Court

BY: Gina Zamora  
Gina Zamora, Legal Process Supervisor  
Courtroom Services Division

<i>District Attorney</i>  David Boyd District Attorney's Office County Government Center, West Wing 70 West Hedding Street San Jose, CA 95110  <i>Via Interoffice pony and U.S. Mail</i> <i>Counsel on behalf of Judge Vanessa Zecher</i>	<i>Defense Counsel</i>  David Epps, Alfonso Lopez, Brian Matthews The Law Offices of the Alternate Defender 701 Miller Street, 1 <sup>st</sup> Floor San Jose, CA 95110  <i>Via Interoffice pony and U.S. Mail</i>
Sarah L. Overton Cummings, McClorey, Davis, Acho & Associates, P.C. 3801 University Avenue, Suite 560 Riverside, CA 92501  <i>Via U.S. Mail</i>	