

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT 100

Date:	September 11, 2019	Judge	J. CASTELLANOS
Honorable:	WILLIAM C. RYAN	Bailiff	NONE
	NONE		Deputy Clerk Reporter

BH012512 (L.A.S.C. Case No. A253156)	(Parties and Counsel checked if present)
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In re, LESLIE VAN HOUTEN,	Counsel for Petitioner:
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Petitioner,

On Habeas Corpus	Counsel for Respondent:
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Nature of Proceedings: ORDER TO SHOW CAUSE (HABEAS CORPUS)

TO RESPONDENT, THE HONORABLE GAVIN NEWSOM, GOVERNOR OF THE STATE OF CALIFORNIA:

Petitioner Leslie Van Houten is currently serving an indeterminate sentence of seven years to life following her 1978 convictions for two counts of first degree murder and one count of conspiracy to commit murder. She is currently serving out her sentence at the California Institution for Women.

On January 30, 2019, the Board of Parole Hearings (“Board”) convened a subsequent parole suitability hearing wherein it found Petitioner suitable for release on parole. On June 3, 2019, the Governor reversed the Board’s decision based on the commitment offense, lack of insight, and minimization. On July 10, 2019, Petitioner filed the instant petition for writ of habeas corpus with this court, challenging the Governor’s reversal and alleging that the District Attorney’s Office has wrongfully failed to disclose tapes containing statements made by Charles “Tex” Watson, in violation of *Brady v. Maryland* (1963) 373 U.S. 83 (“*Brady*”).

This court previously denied Petitioner’s request for discovery of the Watson tapes on September 12, 2017, finding the evidence contained in the tapes to be cumulative. On September 21, 2017, Petitioner filed a motion for reconsideration of that denial, alleging that the prosecution has a *Brady* obligation to disclose the tapes. The motion for reconsideration was denied by this court, noting that Petitioner’s *Brady* argument had been raised and rejected in a prior petition for writ of habeas corpus filed in 2015 (case no. BH010328). The claim was also raised and rejected last petition for writ of habeas corpus in case number BH011585. Therefore, these arguments in the instant petition are procedurally barred as successive. (*In re Clark* (1993) 5 Cal.4th 750, 770, superseded by Proposition 66 on other grounds as stated in *Briggs v. Brown* (2017) 3 Cal.5th 808, quoting *In re Horowitz* (1949) 33 Cal.2d 534, 546–547 [“petitioner cannot be allowed to present his reasons against the validity of the judgment against him piecemeal by successive proceedings for the same general purpose”].) Successive petitions waste scarce judicial resources, requiring the court to repeatedly review the record in order to assess the merits of the petitioner’s claims. (*Ibid.*) Petitioner fails to justify the reason for her successive petition. (*In re Reno* (2012) 55 Cal.4th 428, 455; *In re Clark, supra*, at p. 798, fn. 35.)

Minutes Entered 09-11-19 County Clerk

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Petitioner,

On Habeas Corpus Counsel for Respondent:

Therefore, the petition is DENIED as to Petitioner’s claim regarding the Watson tapes, as well as the estoppel claim. As for the some evidence claim, assuming the truth of Petitioner’s factual allegations, as the court must at this stage of the proceeding, the court finds Petitioner has made a prima facie showing that she is entitled to habeas corpus relief. (Cal. Rules of Court, rule 4.551(c)(1).) Accordingly, Respondent is ORDERED TO SHOW CAUSE, if any he has, why the relief requested should not be granted. Respondent is to file a return on the petition within 30 days of service of this order. (Cal. Rules of Court, rule 4.551(d).)

Petitioner may file a traverse or denial 30 days after filing and service of the return. (Cal. Rules of Court, rule 4.551(e).) Unless a further hearing is ordered, the matter will be deemed submitted upon receipt of Petitioner’s traverse or denial, or after the expiration of the time for filing the traverse or denial. (Cal. Rules of Court, rule 4.551(f).)

The court specifically requests that the parties address in their briefings whether some evidence supports the Governor’s finding as well as whether he gave great weight to elderly parole and intimate partner battery factors. The parties are further requested to address whether Petitioner’s case is one of the rare cases contemplated by *In re Lawrence* (2008) 44 Cal.4th 1181, 1214, in which the circumstances of the commitment offense alone would be sufficient to support the Governor’s finding of unsuitability for parole.

The Clerk is ordered to serve a copy of this order upon Petitioner and upon the Office of the Attorney General (Los Angeles), as counsel for Respondent, the Governor of the State of California. The Clerk is also ordered to serve a courtesy copy of the order upon the Office of the District Attorney.

The court order is signed and filed this date.

A true copy of this minute order is sent via U.S. Mail to the following parties:

Rich Pfeiffer, Attorney at Law
P.O. Box 721
Silverado, CA 92676

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Department of Justice, State of California
Office of the Attorney General
300 South Spring St., Suite 1702
Los Angeles, CA 90013
Attn: Julie Malone, Supervising Deputy Attorney General

Office of the District Attorney
Post-Conviction Litigation & Discovery Division
Habeas Corpus Litigation Team
320 W. Temple St., Rm. 540
Los Angeles, CA 90012



THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE. SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES.

Attested: SEP 12 2019 BY: G. ALONZO DEPUTY