IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION ONE

In re **LESLIE VAN HOUTEN,** Petitioner, on Habeas Corpus.	Case No. B291024

Los Angeles County Superior Court Case No. BH011585
The Honorable William C. Ryan, Judge

RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

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RETURN

Respondent submits this return to this Court's February 20, 2019 order to show cause regarding Leslie Van Houten's petition for writ of habeas corpus. Respondent admits, denies, and alleges as follows:

1. Van Houten is lawfully in the custody of the California Department of Corrections and Rehabilitation (CDCR), following her August 1978 conviction for two counts of first degree murder and one count of conspiracy to commit murder in Los Angeles County Superior Court. She was sentenced to concurrent life sentences with the possibility of parole. (Ex. 1, Abstract of Judg.)

2. On September 6, 2017, Van Houten appeared for a parole consideration hearing before the Board of Parole Hearings (Board)[1] and was found suitable for release on parole. (Pet.-Ex. C, 2017 Board Transcript.) On January 19, 2018, the Governor considered all of the parole suitability factors required by law and reversed the Board's decision, relying on Van Houten's life crimes and her continued minimization of her role in the life crimes, specifically her continued shifting of blame to Charles Manson and failure to account for her own willing and pivotal role in the slayings. (Pet.-Ex. A 2018 Governor's Decision at pp. 3-4.)

[1] Van Houten appeared for a subsequent parole consideration hearing on January 30, 2019. The panel found her suitable for release on parole. Once that decision is final (Cal. Penal Code sect. 3041, subd. (b)(2)) the Governor will have 30 days to review that decision. (Cal. Penal Code sect. 3041.2 subd. (a).)

3. Respondent alleges that the Governor's decision satisfies state due process because some evidence supports his determination that Van Houten's release to parole poses an unreasonable risk to public safety. Thus, the Governor's decision must be upheld under the same evidence standard of review. (*In re Shaputis* (2011) 53 Cal.4th 192, 212, 214-215 (*Shaputis II*); *In re Lawrence* (2008) 44 Cal.4th 1181, 1212; *In re Shaputis* (2008) 44 Cal.4th 1241, 1258-1260 (*Shaputis I*).)

4. Respondent alleges that the Governor's decision denying Van Houten release to parole satisfies federal due process. (*Swarthout v. Cooke* (2011) 131 S.Ct. 859, 862 (per curiam); *Greenholtz v. Inmates of Neb. Penal & Corr. Complex* (1979) 442 U.S. 1, 16.) The federal constitution guarantees no more than the opportunity to be heard and a statement of reasons Van Houten's parole was denied—here, Van Houten appeared and was granted parole by the Board and received the federal process due. (*Swarthout*, at p. 862.)

5. Respondent denies that no evidence supports the Governor's decision, that the decision is arbitrary or capricious, and that the positive factors outweigh the negative. Respondent alleges that the Governor is entitled to a *de novo* review of all the evidence to determine Van Houten's suitability for parole. (*In re Prather* (2010) 50 Cal.4th 238, 255; *Shaputis II*, *supra*, 53 Cal.4th at 215.)

6. Respondent alleges that the Governor has broad discretion to determine an inmate's suitability for release to parole. (*Shaputis II*, *supra*, 53 Cal.4th at p. 215; *In Lawrence*,

supra, 44 Cal.4th at p. 1232; *In re Rosenkrantz* (2002) 29 Cal.4th 616, 627; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1080, 1082, 1088.) The Governor duly considered all relevant factors, including the circumstances of Van Houten's life crime, and his decision that Van Houten poses an unreasonable risk of danger to society is supported by some credible evidence. Therefore, this Court must defer to the Governor's balancing of the factors. (*Shaputis II*, at p. 218; *In re Lawrence*, at pp. 1232-1233; *Shaputis I*, *supra*, 44 Cal.4th at pp. 1260-1261.)

7. Respondent alleges that the crime alone provides some evidence that Van Houten remains an unreasonable risk to public safety. (*In re Rozzo* (2009) 172 Cal.App.4th 40, 58-59.) Regardless, respondent alleges that some evidence, including the commitment offense, Van Houten's lack of insight into the causative factors of her life crime, and her minimization support the Governor's decision.

8. Respondent asserts that, if the Court finds the Governor's decision violates due process in that it is not supported by some evidence, the appropriate remedy is an order that "vacates the Governor's reversal, reinstates the Board's grant of parole, and directs the Board to conduct its usual proceedings for a release on parole." (*In re Lira* (2014) 58 Cal.4th 573, 582.) Respondent denies any other remedy would be appropriate.

9. Respondent asserts that Van Houten was 19 years old at the time of the crime (Pet. at p. 1.); and the Governor gave "great

weight[2]" to the youthful offender factors in his reversal, as well as to Van Houten's experience with "intimate partner battering." (Pet.-Ex. A at pp. 2-4; Cal. Penal Code section 4801, subds. (b)(1) & (c).)

10. Except as expressly admitted herein, respondent denies each allegation of the petition. Respondent specifically denies that the Governor's decision was in any way improper or that Van Houten's rights were violated by the decision denying her release to parole. Respondent also denies that Van Houten is entitled to the relief requested or to any relief whatsoever.

11. This return is based upon the allegations made in the pleading portion of the return, the supporting memorandum of points and authorities, and the attached exhibits, all of which are incorporated as though fully set forth herein.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Van Houten claims that she is suitable for release to parole. However, she continues to minimize her role in the life crimes which terrorized an entire country and generation. Further, the nature of her life crimes themselves provide a rare instance where the circumstances continue to offer evidence of her current dangerousness. As such, some evidence supports the Governor's

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[2] The California Supreme Court is currently considering a matter in which the meaning of "great weight" under the youth offender statute is at issue. (*In re Palmer*, review granted January 16, 2019, S252145.)

decision that Van Houten is currently dangerous. The petition should be denied accordingly.

ARGUMENT

I. DUE PROCESS WAS NOT VIOLATED BECAUSE SOME EVIDENCE SUPPORTS THE GOVERNOR'S CONCLUSION THAT VAN HOUTEN POSES A CURRENT RISK TO PUBLIC SAFETY.

A parole decision complies with due process so long as the Governor duly considers the relevant parole factors and identifies some evidence probative of the prisoner's current dangerousness. (See *Shaputis II*, *supra*, 53 Cal.4th at p. 199; *In re Lawrence*, *supra*, 44 Cal.4th at p. 1212.) Judicial review of the Governor's parole decision is highly deferential, as the Court views the record in a light most favorable to the Governor's determination. (*Shaputis II*, *supra*, 53 Cal.4th at p. 214.) As explained below, the Governor found that Van Houten committed exceptionally egregious crimes and continues to minimize her willing participation in such extreme violence. Such evidence is probative of Van Houten's current dangerousness, and the Governor's findings are supported by the record. The Governor is constitutionally authorized to make "an independent decision" as to parole suitability and may weigh the evidence in the record differently than the Board of Parole Hearings. (Cal. Const., art. V, § 8, subd. (b); *In re Rosenkrantz*, *supra*, 29 Cal.4th 616, 670; *In re Elkins* (2006) 144 Cal.App.4th 475, 490) For these reasons, the Governor's decision satisfies due process of law.

To assess Van Houten's current dangerousness, the Governor properly considered the aggravated nature of Van Houten's crimes. (Pet., Ex. A at pp. 3-4.) While the circumstances of an inmate's offense do not, "in every case, provide evidence that the inmate is a current threat to public safety," in rare and particularly egregious cases, the fact that the inmate committed the offense can provide an indication of the inmate's potential for future danger, even absent other evidence of rehabilitation in the record. (*Lawrence*, *supra*, 44 Cal.4th 1181, 1213-1214.) The circumstances of Van Houten's crimes as a Manson Family member and the devastation and loss they caused provide a reasonable basis for the Governor to conclude that the crimes are so aggravated in nature that they exemplify the rare instance in which the crimes alone support a denial of parole. (Pet., Ex. A at p. 4; See *Lawrence*, *supra*, 44 Cal.4th at p. 1211; *In re Van Houten* (2004) 116 Cal.App.4th 339, 353 ["the Board would have been justified in relying solely on the character of the offense in denying parole, and the Board was justified in relying primarily and heavily on the character of the offense in denying parole"].)

In the summer of 1968, 19-year-old Van Houten met Charles Manson and began living with his cult, the Manson Family, which was trying to provoke Helter Skelter – a civilization ending race war – by killing high-profile Caucasians to incite retaliatory violence against African-Americans. (*Van Houten*, at p. 344; *People v. Manson* (1976) 61 Cal.App.3d 102, 127-130). Van Houten "desperately wanted to be what [Manson] envisioned" her being, which was "an empty vessel of - - of him." (Pet.-Ex. C at p. 108.)

She observed numerous demonstrations on how to kill people and participated in "creepy crawling" outings with the Manson Family to commit thefts and burglaries in preparation for Helter Skelter. (Pet., Ex. C at p. 116; Pet.-Ex. B at p. 5.) Van Houten wanted "to commit to the cause" of Helter Skelter, which she believed meant "revolution and chaos." (Pet., Ex. C at pp. 119-120.) To that end, she burglarized her own father's home and "didn't question" the logic of any of Manson's disturbing philosophies. (*Id*. at pp. 113, 116-117.)

On August 9, 1969, several Family members gruesomely murdered Abigail Folger, Wojiciech Frykowski, Jay Sebring, Steven Parent, and Sharon Tate, who was eight-months pregnant. (*Van Houten*, *supra*, 116 Cal.App.4th at p. 345.) Van Houten was not involved in these murders, but after hearing about them, complained she felt "left out." (*Ibid*.) At some point, when Manson asked Van Houten "if she was crazy enough to believe in him and what he was doing," she responded, "Yes." (*Ibid*; Cal. Code Regs., tit. 15, § 2281, subd. (c)(1)(E) [an inexplicable or trivial motive for a crime indicates a prisoner's parole unsuitability].) On August 10, 1969, Van Houten, Manson, and others drove around looking for victims, eventually arriving at the home of Rosemary and Leno LaBianca. (*Van Houten*, at p. 345; Cal. Code Regs., tit. 15, § 2281, subd. (c)(1)(B) [a dispassionate and calculated murder indicates a prisoner's parole unsuitability].) After Manson and another Family member, Charles "Tex" Watson, had entered, Manson reemerged and told Van Houten and another member, Patricia

Krenwinkel, to go inside and "do what Watson told them to." (*Van Houten*, at p. 345.)

Upon entering, Van Houten found Mr. and Mrs. LaBianca tied up and was told to take Mrs. LaBianca into her bedroom and kill her. (*Van Houten*, *supra*, 116 Cal.App.4th at p. 345; Cal. Code Regs., tit. 15, § 2281, subd. (c)(1)(A) [a crime involving multiple victims indicates a prisoner's unsuitability for parole].) Krenwinkel fetched knives as Van Houten put a pillowcase over Mrs. LaBianca's head and wrapped a lamp cord around her neck. (*Van Houten*, at p. 345; Cal. Code Regs., tit. 15, § 2281, subd. (c)(1)(D) [a murder displaying callous disregard for human suffering indicates a prisoner's parole unsuitability].) When Mrs. LaBianca heard the "guttural" sounds of her husband being stabbed in the next room, she grabbed the lamp attached to the cord around her neck and swung it at Van Houten—but Van Houten knocked the lamp away, wrestled Mrs. LaBianca onto a bed, and held her steady as Krenwinkel stabbed her with such force that Krenwinkel's knife bent on Mrs. LaBianca's collarbone. (*Van Houten*, at p. 346.) Watson rushed in and began stabbing Mrs. LaBianca with a bayonet and then handed Van Houten a knife, telling her to "do something." (*Ibid*.) Van Houten, unsure if Mrs. LaBianca was dead, proceeded to stab her at least 16 times. (*Van Houten*, at pp. 346, 350-351.) Van Houten next wiped fingerprints from the house, before changing into Mrs. LaBianca's clothes, drinking chocolate milk from the refrigerator, and fleeing back to the ranch where she bragged to others that the more

times she stabbed Mrs. LaBianca, "the more fun it was." (*Van Houten*, at p. 346; Cal. Code Regs., tit. 15, § 2281, subd. (c)(1)(B).)

"[E]xamples of aggravated conduct reflecting an 'exceptionally callous disregard for human suffering,' are set forth in Board regulations relating to the matrix used to set base terms for life prisoners (§ 2282, subd. (b)); namely, 'torture,' as where the '[v]ictim was subjected to the prolonged infliction of physical pain through the use of non-deadly force prior to act resulting in death,' and 'severe trauma,' as where '[d]eath resulted from severe trauma inflicted with deadly intensity; e.g., beating, clubbing, stabbing, strangulation, suffocation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or actions calculated to induce terror in the victim.'" (*In re Scott* (2004) 119 Cal.App.4th 871, 891.) Van Houten's crime exceeds any definition of "especially heinous." (Cal. Code Regs., tit. 15, § 2402, subd. (c)(1); *Van Houten*, *supra*, 116 Cal.App.4th at p. 351.) Indeed, the Governor took note of Van Houten's extraordinary violence, noting that her crimes stand apart from others by their heinous nature and shocking motive. Unquestionably, Van Houten was both fully committed to the radical beliefs of the Manson Family, and she actively contributed to "a bloody horror that terrorized the nation." (Pet., Ex. A, p. 4.) By engaging in Manson's philosophy, she set out to start a civilization-ending war between the races, and played a vital part in brutally stabbing Mrs. LaBianca numerous times, then coldly cleaning the scene and disposing of the evidence. Van Houten's participation, along with the devastation and impact on the victims' families and society,

rendered it one of the rare circumstances in which the crime alone justified a finding that Van Houten remains currently dangerous and unsuitable for parole. (Pet., Ex. A at p. 4.) That conclusion is well-supported.

The superior court in denying Van Houten's writ petition on the Governor's denial posited, "it is hard to envision what sort of case would support parole denial on the facts of the offense alone," if not petitioner's. (Pet. at Ex. G.) Here, however, the circumstances of Van Houten's crime are such that the potential remoteness has not resulted in a loss of reliability as a predictor of future dangerousness. (*Rozzo*, *supra*, 172 Cal.App.4th at pp. 58-59; see also *In re Van Houten* (2004) 116 Cal.App.4th 339, 356 ["Petitioner's murders were not as if she had murdered people whom she knew and had given her a once-in-a-lifetime motive to kill as in *Rosenkrantz*—she just went along with the other Family members to murder whomever they haphazardly picked to sacrifice to their evil apocalyptic fantasies. No one can convincingly say with certainty that, having done that once, she will never do it again. Her deeds are 'some evidence' that the horrible potential may still be within her."].) Therefore, Van Houten's due process rights would not be violated had the Governor reversed the Board of Parole Hearings decision solely based on the commitment offense[3]. (*In re Rozzo* (2009) 172

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[3] Petitioner's contention that the Governor is estopped from relying on the nature of Van Houten's commitment offense to analyze her parole suitability is inapposite. (Pet. at pp. 38-39.) The petition cites to no authority showing estoppel applies in

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Cal.App.4th 40, 58-59.) The egregiousness of Van Houten's crimes, however, was not the sole basis for the Governor's decision.

The Governor also found that Van Houten continues to downplay her role in these murders and in the Manson Family's ideology. (Pet., Ex. A at pp. 3-4.) Established law provides that "an inmate's understanding, current mental state, and insight into factors leading to the life offense are highly probative 'in determining whether there is a 'rational nexus' between the inmate's dangerous past behavior and the threat the inmate currently poses to public safety.'" (*In re Montgomery* (2012) 208 Cal.App.4th 149, 161 *citing Shaputis II*, at p. 218; see *Lawrence, supra,* 44 Cal.4th at p.1220.)

Courts have found that downplaying responsibility may support a parole denial. In *In re Shigemura* (2012) 210 Cal.App.4th 440, 457, the court found the inmate was a "willing participant" in the murder, which was "totally at odds with her continuing portrayal of the crime as something which simply happened in her presence and without her active assistance." Likewise, in *In re Tapia* (2012) 207 Cal.App.4th 1104, 1113, the court held there was some evidence supporting the Board's finding the inmate was downplaying the crime's planning elements and

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this context, and Van Houten can not accurately state she was "ignorant of the true state of facts" of her commitment offense, nor does the Governor rely on any "conduct to his injury." (Pet. At 38.) As such, the petitioner cannot suggest that her crime is a "new and different reason" for her parole unsuitability. (*Id*. at p. 39.) And, the argument in this context is meritless.

justified the Board's conclusion that the inmate was unsuitable for parole.

Similarly, here, the evidence shows Van Houten willingly participated in the murders and other Manson Family activities, contradicting her shifting blame to Manson and his "being able to do what he did to all of us." (Pet., Ex. A at pp. 3-4.) Van Houten still conditions her responsibility on her "allow[ing Manson] to conduct [her] life in that way" without adequately noting her own active participation. (*Ibid.*)

In fact, during her 2016 psychological evaluation, Van Houten told the psychologist that when asked to join Manson's "utopia," she "bit into it, hook, line and sinker." (Pet., Ex. A at p. 3.) Reiterating at her 2017 hearing that she "desperately wanted to be what [Manson] envisioned us being." (*Ibid.*) And, confirming she wanted to participate in the LaBianca murders because she "wanted to go and commit to the cause too." (Pet., Ex. A at pp. 3-4.) Her inability to discuss her active role in these crimes demonstrates her susceptibility to their root causes in the future. Without imputing some responsibility to her drug use and her dependent personality, Van Houten continues to evidence a lack of insight into her crimes.

Van Houten's shifting focus to Manson's influence is incompatible with the record evidence and offers the false impression that she was a trapped victim forced to participate in the Manson Family activities. According to statements from another Manson Family member at Van Houten's 2013 hearing, many people visited the ranch, coming and going as they pleased,

without planning or participating in murders. (Pet., Ex. B at p. 4.) Van Houten admitted that she liked living on the ranch. (*Van Houten*, *supra*, 116 Cal.App.4th at p. 344.) She had lived with the Manson Family for about a year before the murders and participated in criminal activity with them. (Pet., Ex. C at pp. 262-263.) Van Houten also admitted she had thought about killing someone for "quite a while" before deciding that she could do it. After being left out of the Sharon Tate murders, she begged to be a part of the next Family outing to murder someone. (*Van Houten*, at p. 345.)

On the night of the LaBianca murders, Van Houten entered the LaBianca home cognizant of her surroundings. (*Van Houten*, *supra*, 116 Cal.App.4th at p. 345.) Van Houten restrained Mrs LaBianca while others stabbed her. (*Ibid.*) Van Houten herself stabbed Mrs. LaBianca at least 16 times before wiping away her fingerprints, treating herself to chocolate milk from the LaBiancas' refrigerator, and bragging about the murder back on the ranch. (*Id.* at pp. 345-346.) From this record, the Governor could conclude that Van Houten did not behave as someone with an aversion to violence, who was desperate to escape the Manson Family once the Family began its murder spree. Rather, the evidence demonstrates that Van Houten weighed the consequences of murder before preparing and participating in the LaBianca slaying. (Pet., Ex. A at p. 3.) Thus, the Governor reasonably concluded that Van Houten has not come to terms with her central role in the Manson Family and its crimes.

The Governor identified evidence "sufficient to at least raise an inference that petitioner remains dangerous because he has not . . . taken full responsibility for [his violent actions]." (*In re Shippman* (2010) 185 Cal.App.4th 446, 459.) The Governor also acknowledged Van Houten's youth offender status, evidence of intimate partner battering by Manson, the positive aspects of Van Houten's record, as well as the positive gains she made while incarcerated. However, after considering "all relevant, reliable information available," the Governor reasonably concluded Van Houten would still pose an unreasonable risk to society. (Cal. Code Regs., tit. 15, § 2281, subd. (a).) It is the Governor who must weigh the factors and the evidence in the record: "it is not for the reviewing court to decide which evidence in the record is convincing." (*Shaputis II*, *supra*, 53 Cal.4th at pp. 199, 214.)

II. THE GOVERNOR GAVE GREAT WEIGHT TO BOTH THE YOUTH FACTORS AND INTIMATE PARTNER BATTERING REQUIRED BY PENAL CODE 4801.

Penal Code section 4801 requires the Board of Parole Hearings in reviewing a prisoner's suitability for parole to give "great weight to any information or evidence that, at the time of the commission of the crime, the prisoner had experienced intimate partner battering," or for offenders under age 25 "to the diminished culpability of youth as compared to adults, the hallmark feature of youth, and any subsequent growth and increased maturity in the prisoner." (Cal. Penal Code sect. 4801,

subds. (b)(1), (c)[4].) The Governor adequately considered both factors in his reversal.

The Governor noted that petitioner was 19 at the time of the offense, and provided his own analysis of the youth offender factors described in Penal Code section 4801, subd. (c). (Pet. Ex. A at p. 3.) The Governor specifically noted his obligation to conduct this analysis, and noted "her immaturity and impetuosity, her failure to appreciate risks and consequences, her dysfunctional home environment, the peer pressures that affected her, and her other hallmark features of youth," in his decision. (*Ibid*.) He acknowledged her subsequent growth and increased maturity over the time of her incarceration. (*Ibid*.) The Governor met his statutory obligation to consider the factor of Van Houten's youth. The Court is not entitled to reweigh the evidence before the Governor. (*In re Rosenkrantz*, *supra*, 29 Cal.4th at pp. 656, 665-667.)

Additionally, the Governor considered the evidence that petitioner had been the victim of intimate partner battering at the hands of Charles Manson, but decided that factor was also outweighed by the analysis described above. (Pet.-Ex. A at p. 3.) The Governor adequately considered this factor, and the Court should not reweigh the evidence to reach an alternative conclusion.

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[4] As expressed above, there is currently no California Supreme Court authority describing the standard required by "great weight" in this context. The California Supreme Court is currently considering a matter in which the meaning of "great weight" under the youth offender statute is at issue. (*In re Palmer*, review granted January 16, 2019, S252145.)

III. THE ISSUE OF THE "TEX" WATSON TAPES AT PETITIONER'S *FRANKLIN* HEARING HAS BEEN PREVIOUSLY DETERMINED ADVERSELY TO PETITIONER.

Petitioner argues that the failed disclosure of tapes from co-defendant, "Tex" Watson at her *Franklin* hearing violated her *Brady* rights. This is inaccurate, and there was no failed disclosure. The evidence at issue was presented to the superior court at petitioner's *Franklin* hearing where the superior court reviewed transcripts of the tapes and issued a "written decision denying release of the tapes because they contained nothing that was not already 'very well known.'" (Petn. at pp. 12-13.) Petitioner filed petitions for review (Cal. Supreme Case Nos. S230851 & S238110) regarding the Watson tapes. (*Id*.) Because these evidentiary issues have already been heard by the California Supreme Court, this latest iteration is a successive bite at the apple, and should be denied.

Substantively, a *Franklin* hearing is not a criminal or post-conviction hearing. Ms. Van Houten's criminal guilt and sentence was not at issue. As such, petitioner has no *Brady* right to this information. Regardless it was not withheld, but was admittedly produced to the superior court, which made a merits determination that it was duplicative of information already on the record. Because the issue has been previously decided, petitioner has no *Brady* right to the Watson Tapes, and because transcripts of the tapes were in fact shared at her *Franklin* hearing, any further claim regarding this information should be denied.

CONCLUSION

Van Houten challenges the Governor's decision by asking this Court to reweigh the evidence and disregard the Governor's credibility determinations. "When, as in this case, the parole authority declines to give credence to certain evidence, a reviewing court may not interfere unless that determination lacks any rational basis and is merely arbitrary." (*Shaputis II*, *supra*, 53 Cal.4th at p. 215.) The Governor's findings are reasonably supported by ample evidence in the record. He adequately considered and gave great weight to the mitigating factors as required by statute. Therefore, Respondent respectfully requests that the Court deny the petition.

Dated: March 15, 2019 Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the attached Return to Order to Show Cause; Memorandum of Points and Authorities in Support Thereof uses a 13 point Century Schoolbook font and contains 3,905 words.

Dated: March 15, 2019

XAVIER BECERRA
Attorney General of California

/s/ *Jill Vander Borght*

JILL VANDER BORGHT
Deputy Attorney General

EXHIBIT 1

W08314 W13378

1858

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

April 19 19 71 Department No. 104

CHARLES H OLDER Judge E DARROW Clerk

APPEARANCES:
(Parties and Counsel checked if present. Counsel shown opposite parties represented.)

J HOLLOMBE Reporter
W MURRAY, Deputy Sheriff

Case No. A253156

Joseph P. Busch, Jr. District Attorney by

THE PEOPLE OF THE STATE OF CALIFORNIA vs

X V BUGLIOSI and S KAY Deputy District Attorneys

X VAN HOUTEN, LESLIE

X M KEITH

Whereas the said defendant having been duly found guilty in this court of the crime of MURDER (Sec.187 PC), a felony, as charged in each of the Counts 6 and 7 of the indictment, which the Jury found to be Murder of the first degree and fixed the penalty at death and CONSPIRACY TO COMMIT MURDER (Secs 182.1 and 187 PC), a felony, as charged in Count 8 and the Jury fixed the penalty at death; Counts 6 and 7 having been merged as one count for purpose of sentence.

It is now the judgment and sentence of this Court for the offense of Murder in the first degree on the merged count, you suffer the death penalty, and that said penalty be inflicted within the walls of the State Penitentiary at San Quentin, California, in the manner and means as prescribed by law and you are remanded to the care, custody and control of the Sheriff of Los Angeles County, to be by him delivered within ten days from date hereof to the Superintendent of the California Institution for Women at Frontera, California, to be held by said superintendent pending final determination of the appeal in this matter, which is automatic.

Execution on Count 8 is stayed pending determination of any appeal on other counts, such stay to become permanent when sentence on any one of Counts 6 and 7 has been completed.

- [ ] Remaining counts dismissed
- [ ] Released
- [ ] Bail exonerated

Corrected Nunc Pro Tunc per minute order of NOV 17 1971

THIS MINUTE ORDER WAS
ENTERED
4.19.71
WILLIAM G. SHARP, COUNTY CLERK AND CLERK OF THE SUPERIOR COURT

PROB.____
CSHR.____
MISC.____

JUDGMENT - STATE PRISON

16J700-Cdb 5-67

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: ***In re Leslie Van Houten on Habeas Corpus***

No.: **B291024**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On March 15, 2019, I electronically filed the attached **RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** with the Clerk of the Court using the Court's TrueFiling system provided by the California Court of Appeal, Second Appellate District.

On March 15, 2019, I served the attached **RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** by transmitting a true copy via this Court's TrueFiling system to:

highenergylaw@yahoo.com
Richard D. Pfeiffer
Attorney for Petitioner Leslie Van Houten

tetreault150352@gmail.com
Nancy Tetreault
Attorney for Petitioner Leslie Van Houten

appellate.nonurgent@da.lacounty.gov
Los Angeles County District Attorney

capdocs@lacap.com
California Appellate Project

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 15, 2019, I served the attached **RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

The Honorable William C. Ryan
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street, Department 100
Los Angeles, CA 90012

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 15, 2019, at Los Angeles, California.

Virginia Gow	/s/ *Virginia Gow*
Declarant	Signature

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