S289976

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

No. _____

Anthony Price,
Petitioner,

v.

The Superior Court of Alameda County,
Respondent,

The People,
Real Party in Interest.

Court of Appeal of California
First District, Division Two
No. A171310

Superior Court of California
Alameda County
No. 164869B
Hon. Thomas Reardon
Stay Requested
(Next Hearing 4/11/25)
Department 8: 510-891-6049,
dept8@alameda.courts.ca.gov

PETITION FOR REVIEW

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TO THE HONORABLE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME COURT:

Petitioner Anthony Price respectfully petitions this Court for review of the First District Court of Appeal, Division Two's January 16, 2025 denial of his petition for writ of mandate or prohibition, a copy of which is attached as Appendix A. The petition raised a novel issue relating to California Penal Code section 1172.6[1] proceedings. The Court of Appeal issued a *Palma* notice and requested briefing from the parties. The Court of Appeal then issued a stay of all proceedings on November 1, 2024. On March 21, 2025 the court issued a single line denial, without a reasoned opinion or oral argument.

Pursuant to California Rules of Court, rule 1.10 and 8.500(3), this petition is timely filed within 10 days of the Court of Appeal's final order.

As discussed herein, Petitioner requests the Court grant review on the merits, or alternatively grant review and transfer the matter back to the Court of Appeal, with directions to vacate its earlier denial and issue an alternative writ and/or order respondent to show cause why the relief sought in the petition should not be granted. (Cal. Rules of Court, rule 8.500(b)(4).) Furthermore, a stay is necessary to maintain the status quo and preclude Petitioner from suffering further injury.

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[1] Further undesignated statutory references are to the Penal Code.

INTRODUCTION

This case presents an issue on a matter of great interest in the ongoing evolution of our understanding of the parameters of Penal Code section 1172.6 proceedings. When the parties, pursuant to section 1172.6, subdivision (d)(2) ("1172.6(d)(2)") agree to waive a hearing on the order to show cause, stipulate the petitioner is eligible and agree to resentencing, may the court reject the waiver and stipulation and insist the parties proceed to hearing? If the court *can* reject the waiver and stipulation, what principles should guide the court's decision? Or, does a waiver and stipulation under section 1172.6(d)(2) create a binding vacatur procedure? If so, what are the boundaries of that process?

There is no published case addressing these important issues. One case holding that the court *may* reject a stipulation was ordered depublished by this Court. The Court denied review with at least two Justices of this Court expressing interest in addressing the matter on the merits. This case presents an excellent vehicle to address this issue and clarify the law.

Here, Anthony Price was originally tried under a natural and probable consequence theory and convicted of special circumstance gang murder based on a drive-by shooting. The prosecution never argued he was the shooter; rather he was a passenger in the back seat of the car. The prosecution theory was that a co-defendant (Mr. Flowers) was the shooter, and the trial court agreed, having stated in a previous hearing the evidence "was overwhelming" that Mr. Flowers was the shooter and that Mr. Price was not. (*People v. Campbell* (2023) 98 Cal.App.5th 350, 359.)

After numerous appeals and post-conviction litigation, at the direction of the Court of Appeal, the trial court issued an order to show cause why Mr. Price should not be resentenced pursuant to section 1172.6. After preparing and filing hearing briefs, but prior to the hearing, the prosecution and Mr. Price agreed to waive the hearing and stipulated he was eligible for vacatur. The parties further agreed he would be resentenced to 28 years in state prison. Mr. Price had already served 15 years, and the arrangement would not result in his immediate release. Respondent Court refused to accept the parties' agreement to waive the hearing and stipulate to vacatur, insisting instead that the hearing proceed. Petitioner sought writ relief in the Court of Appeal.

Because Respondent Court lacked authority to refuse the parties' stipulation, this Court should grant review and ultimately direct Respondent Court to accept the waiver of the hearing and proceed directly to resentencing.

ISSUE PRESENTED FOR REVIEW

May a court reject a waiver and stipulation by the parties under Penal Code section 11726.(d)(2), or is it a binding vacatur procedure? If a waiver and stipulation can be rejected, what principles should guide the court's decision?

THE NECESSITY FOR REVIEW OF THE ISSUE PRESENTED

Section 1172.6 (originally numbered 1170.95) was created by Senate Bill 1437 "'to more equitably sentence offenders in

accordance with their involvement in homicides.'" (*People v. Curiel* (2023) 15 Cal.5th 433, 448, quoting Stats. 2018, SB 1437 ch. 1015, § 1(b).) Section 1172.6 is a complex statute that has divided Courts of Appeal and for which this Court has had to issue definitive interpretations and corrections. (See, e.g., *People v. Gentile* (2020) 10 Cal.5th 830; *People v. Lewis* (2021) 11 Cal.5th 952; *People v. Strong* (2022) 13 Cal.5th 698; *People v. Curiel*, *supra*; *People v. Arellano* (2024) 16 Cal.5th 457.) And this Court continues to review the proper interpretation of the statute. (See *People v. Antonelli* (Oct. 18, 2023, No. S281599) __Cal.5th___[2023 Cal. LEXIS 6007]; *People v. Lopez* (Jan. 15, 2025, No. S287814) ___Cal.5th___ [2025 Cal. LEXIS 85]; *People v. Robinson* (Feb. 26, 2025, No. S288606) ___Cal.5th___ [2025 Cal. LEXIS 1043].)

Here, this Court is again called upon to clarify the statute. The very issue presented here was addressed in *People v. Machado* (2022) 84 Cal.App.5th 973, where the Court of Appeal upheld a trial court's rejection of a stipulation and waiver under section 1172.6(d)(2); this Court *denied review and on its own motion, ordered the decision not published*. (*People v. Machado* (Cal. Jan. 11, 2023) 2023 Cal. LEXIS 15).) Justices Liu and Evans were of the opinion that the petition should have been granted. (*Ibid.*)

The opportunity to clarify the statute has again arrived, and the issue is not limited to Mr. Price. Mr. Price's co-defendant also reached a stipulation that was denied by the court, and the Court of Appeal similarly denied that writ petition. (*Campbell v. Superior Court,* A171343.) This is an issue that requires this

Court's attention, and it makes sense to address the case in this procedural posture, rather than wait for the inevitable appeal.[2]

Section 1172.6(d)(2) is designed to obviate the need for hearings and the unnecessary expenditure of judicial resources when the parties agree that the petitioner is eligible for relief, "to streamline the process." (*People v. Ramirez* (2019) 41 Cal.App.5th 923, 932.) If the parties are unable to waive a hearing, it renders subdivision (d)(2) a nullity. Addressing the case now, in the current posture, would be consistent with the purpose of subdivision (d)(2). If the Court does not address this issue now, the parties will be forced to utilize judicial resources to litigate the hearing and then present the matter to the Court of Appeal. Since the Court of Appeal seems disinclined to grant relief to Mr. Price, this matter will again come before this Court, but only after the passage of significant time and expenditure of judicial, prosecutorial and defense resources.

This case thus presents an important issue for review within the meaning of California Rules of Court, rule 8.500(b)(1). Review is also proper to transfer the matter to the Court of Appeal for further proceedings on the writ petition pursuant to rule 8.500(b)(4).

REQUEST FOR STAY

Petitioner requests an immediate stay of all proceedings in Alameda County Superior Court case number 164869B. The next court date is April 11, 2025, at which point a hearing date will be

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[2] Respondent court already told the parties that it was inclined to deny the section 1172.6 petition at a hearing on the merits.

set. The Court of Appeal recognized the potential for irreparable harm and ordered the proceedings stayed for almost four months while it considered the writ petition. Because Respondent Court has stated it will require the parties to proceed to a hearing, and because Respondent Court has already indicated the likely outcome of that hearing, Petitioner may be denied appellate review should the Court find that he waived his right to address the stipulation by proceeding to hearing.

REQUEST FOR JUDICIAL NOTICE

Petitioner requests the Court take judicial notice of the exhibits filed in support of the petition below in *Price v. Superior Court* A171310. The California Evidence Code allows California courts to take judicial notice of appropriate matters. (Evid. Code, § 450, et seq.) Judicial notice may be taken by reviewing courts. (§ 459.)

Matters of which the court may take judicial notice includes the official records of any court of this state. (Evid. Code, § 452, subd. (d).) The exhibits in *Price v. Superior Court* A171310 are records of a court of this state and are thus a proper subject for judicial notice.

ARGUMENT

I. THE PENAL CODE SECTION 1172.6 PROCESS

"The Legislature enacted Senate Bill 1437 "to more equitably sentence offenders in accordance with their involvement in homicides." (Stats. 2018, SB 1437 ch. 1015, § 1(b).) The

Legislature recognized, "It is a bedrock principle of the law and of equity that a person should be punished for his or her actions according to his or her own level of individual culpability." (*Id.*, § 1(d).) With this purpose in mind, Senate Bill 1437 "amend[ed] the felony murder rule and the natural and probable consequences doctrine, as it relates to murder, to ensure that murder liability is not imposed on a person who is not the actual killer, did not act with the intent to kill, or was not a major participant in the underlying felony who acted with reckless indifference to human life." (Stats. 2018, ch. 1015, § 1(f).) Outside of the felony-murder rule, "a conviction for murder requires that a person act with malice aforethought. A person's culpability for murder must be premised upon that person's own actions and subjective mens rea." (*Id.*, § 1(g).)" (*People v. Curiel*, *supra*, 15 Cal.5th at p. 448.)

"[D]efendants convicted under a natural and probable consequences theory may file a petition for resentencing if they were charged in a way that allowed the prosecution to proceed under the natural and probable consequences doctrine, were convicted or pled guilty to first degree or second degree murder, and "could not be convicted of first or second degree murder because of changes to Section 188 or 189 made effective January 1, 2019." (*People v. Clements* (2022) 75 Cal.App.5th 276, 293 (citing prior version of the statute which was renumbered without change).)

"When the trial court receives a petition containing the necessary declaration and other required information, the court must evaluate the petition 'to determine whether the petitioner has made a prima facie case for relief.' (§ 1172.6, subd. (c);

[citation].) If the petition and record in the case establish conclusively that the defendant is ineligible for relief, the trial court may dismiss the petition. (See § 1172.6, subd. (c); [citation].) If, instead, the defendant has made a prima facie showing of entitlement to relief, 'the court shall issue an order to show cause.' (§ 1172.6, subd. (c).)" [Citation.]

"Within 60 days after the order to show cause has issued, the court shall hold a hearing to determine whether to vacate the murder, attempted murder, or manslaughter conviction and to recall the sentence and resentence the petitioner on any remaining counts in the same manner as if the petitioner had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence." (§ 1172.6, subd. (d)(1).) "At the hearing to determine whether the petitioner is entitled to relief, the burden of proof shall be on the prosecution to prove, beyond a reasonable doubt, that the petitioner is guilty of murder or attempted murder under California law as amended by the changes to Section 188 or 189 made effective January 1, 2019." (*Id*., subd. (d)(3).)" (*People v. Curiel*, *supra*, 15 Cal.5th at p. 450 [some internal citations omitted].)

The role of the trial court is to determine if a petitioner is guilty of murder under a theory that remains valid after the amendments to the substantive definition of murder. (*People v. Vargas* (2022) 84 Cal.App.5th 943, 952 *(Vargas)*; *People v. Garrison* (2021) 73 Cal.App.5th 735, 745.) The Superior Court acts as an independent fact finder in determining whether the prosecution has met their burden of proof. (*Vargas*, *supra*, at p.

951.) The statutory scheme also provides a process by which the parties may waive the hearing and stipulate to eligibility, as discussed below.

II. PENAL CODE SECTION 1172.6(d)(2) CREATES A BINDING VACATUR PROCEDURE

The question of how to interpret the waiver and stipulation provisions of section 1172.6(d)(2) is a question of statutory interpretation subject to independent review by this Court. (*People v. Spriggs* (2014) 224 Cal.App.4th 150, 154.)

A. Section 1172.6(d)(2) Requires the Court to Vacate and Resentence Under Certain Conditions

Section 1172.6, subdivision (d) contains three subdivisions, all describing the procedure by which a hearing is to proceed. Subdivision (d)(1) sets forth the 60 day deadline to hold a hearing upon issuance of an order to show. Subdivision (d)(3) allocates the burden of proof beyond a reasonable doubt to the prosecution and sets forth the rules of evidence for the hearing. Subdivision (d)(2) describes two circumstances under which a hearing is *unnecessary*. First, "[t]he parties may waive a resentencing hearing and stipulate that the petitioner is eligible to have the murder, attempted murder, or manslaughter conviction vacated and to be resentenced." Second, "[i]f there was a prior finding by a court or jury that the petitioner did not act with reckless

indifference to human life or was not a major participant in the felony, the court shall vacate the petitioner's conviction and resentence the petitioner."

Section (d)(2)'s first sentence creates a binding process which requires the court to vacate the conviction and resentence the petitioner. Section (d)(2)'s second sentence describes the preclusive effect of a prior jury finding that also binds the court. As one court put it "the first sentence of subdivision (d)(2) expressly provides that the parties may waive a hearing and stipulate to eligibility for relief. The next sentence mandates vacatur and resentencing due to a prior court finding. The provision's placement in the same subparagraph suggests that both sentences are meant to streamline the process, one with a waiver, the other with a presumption." (*People v. Ramirez*, *supra*, 41 Cal.App.5th at p. 932.)

Petitioner is aware there is case authority limiting parties' ability to stipulate to legal issues, as opposed to stipulating to facts. (See, e.g., *Leonard v. City of Los Angeles* (1973) 31 Cal.App.3d 473, 476 and cases cited therein.) And certainly, courts may reject stipulations that are contrary to public policy or that incorporate an erroneous rule of law. (*California State Auto. Assn. Inter-Ins. Bureau v. Superior Court* (1990) 50 Cal.3d 658, 664.) But absent those exceptions, which are inapplicable here, the plain language of section 1172.6(d)(2) creates a binding procedure to which Respondent Court failed to adhere. Moreover, the subject of the stipulation is factual, not legal. "The question is whether the petitioner committed murder under a still-valid theory, and that is a *factual* question. The Legislature made this

clear by explicitly holding the People to the beyond a reasonable doubt evidentiary standard ...." (*People v. Clements*, *supra*, 75 Cal.App.5th at p. 294 (emphasis supplied).)

Furthermore, section 1172.6(d)(2) specifically contemplates not just a stipulation to eligibility, but a *waiver* of the hearing, which functionally means the prosecution *will not be presenting any evidence*. By waiving the hearing, the prosecution *presents no facts* and thereby is unable to meet its burden. The burden of producing evidence "means the obligation of a party to introduce evidence sufficient to avoid a ruling against him on the issue." (Evid. Code, § 110.) Where, as here, the prosecution does not meet its burden, it must receive an adverse ruling; that is, the court must vacate the conviction. This process thus creates a mandatory vacatur which the court was bound to execute.

In the absence of any evidence, the prosecution cannot sustain its burden, and the court is not permitted to usurp the role of the prosecution. If the court chooses instead to sua sponte review any evidence, including but not limited to the trial record, it commits numerous errors. It violates federal due process guarantees by taking on the role of both prosecutor and judge. It violates state law on the separation of powers. And it engages in misconduct by acting as a biased adjudicator. "[U]nder the separation of powers doctrine, our state's courts must avoid interfering with the executive's prosecutorial functions." (*People v. Solis* (2015) 232 Cal.App.4th 1108, 1122–1123, internal citations omitted). California law expressly reserves for the prosecutor the power to "initiate and conduct on behalf of the people all prosecutions for public offenses." (Gov. Code, § 26500.) When the court takes on the role of both prosecutor and judge, the court denies the

defendant his right to a fair trial in a fair tribunal. "[N]o man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome." (*In re Murchison* (1955) 349 U.S. 133, 136.) The parties are entitled to "the presence of a judge who does not (as an inquisitor does) conduct the factual and legal investigation himself, but instead decides on the basis of facts and arguments pro and con adduced by the parties." (*McNeil v. Wisconsin* (1991) 501 U.S. 171, 181 fn. 2.) Therefore, where, as here, the prosecution elects to waive the hearing, and th*ereby presents no evidence*, the court cannot insert itself in the process by refusing the prosecution its right to prosecute the case as it sees fit.

Here, the parties agreed to waive the hearing and submitted a proposed sentence to the court. The court refused to accept the hearing waiver on the basis that "it is not a reasonable disposition." (Exh. H, 125.)[3] The court lacked authority to require the parties to proceed despite their waiver of the hearing.

B. The Agreement Here Was Consistent with Public Policy as Reflected in Senate Bill 1437

As acknowledged above, courts are not bound by stipulations contrary to public policy. (E.g., *Mary R. v. B. & R. Corp.* (1983) 149 Cal.App.3d 308, 316.) No such concerns excused Respondent court from its obligation to proceed under section 1172.6. In enacting what is now section 1172.6, the Legislature found:

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[3] Citations are to the exhibits lodged with the Court of Appeal.

> Reform is needed in California to limit convictions and subsequent sentencing so that the law of California fairly addresses the culpability of the individual and assists in the reduction of prison overcrowding, which partially results from lengthy sentences that are not commensurate with the culpability of the individual.

(2018 Stats. SB 1437 ch. 1015 § 1(e).)

The Legislature was particularly concerned with defendants such as Mr. Price, who received extremely long sentences for homicides in which they did not cause death.

Here, accepting the parties' stipulation was completely consistent with the intent of Legislature, as there was no question Mr. Price was not the shooter and had a limited role in the shooting. While there was evidence suggesting Mr. Price knew his companions *might* commit an assault, that is not sufficient to prove beyond a reasonable doubt he knew they harbored the *intent to kill*. Instead, the prosecution would have to effectively continue to rely on a natural and probable consequence theory. In other words, this is a meritorious section 1172.6 petition, because the prosecution cannot prove beyond a reasonable doubt that Mr. Price harbored the intent to kill. This is *precisely* the scenario in which the parties should stipulate to avoid the time and expense of a hearing and the prospect of many more years of litigation in the matter. Recognizing this, the prosecution, as a representative of the People, determined it was in their interest to agree to waive the hearing stipulate to the fact of his eligbility and have Mr. Price resentenced.

This was not a situation such as *Mary R.*, where a stipulated confidentiality order would "subvert public policy by shielding the

doctor from governmental investigation designed to protect the public from misconduct within the medical profession." (*Mary R. v. B. & R. Corp.*, *supra*, 149 Cal.App.3d at p. 316.) Nor was this an "attempt to conceal judicial proceedings and to obstruct justice for the purpose of wronging others interested." (*Maryland Cas. Co. v. Fid. & Cas. Co.* (1925) 71 Cal.App. 492, 499.) There was no contravening public policy at play here. Rather, the prosecution, as the representative of the People, determined it was in the best interests of the People to stipulate. (Exh. E.) Prosecutors have the power to determine "what charges to bring (or not to bring)." (*People v. Garcia* (2020) 46 Cal.App.5th 786, 791.) The interests of the public were well represented and there was no reason for the court to refuse the stipulation. The court's disagreement with the District Attorney's decision is just that, a disagreement, and does not render the agreement void on public policy grounds.

C. Even if the Court Is Not Bound By the Parties' Sentencing Proposal, It is Bound by the Waiver and Stipulation as to Eligibility

Petitioner acknowledges that while section 1172.6(d)(2) allows the parties to waive a hearing and proceed directly to resentencing, the language of the statute is silent on whether the parties can stipulate to the *sentence*. Petitioner believes that the language is broad enough to allow the parties to stipulate to the sentence, much as in a traditional plea agreement.

However, given the traditionally broad discretion afforded courts in sentencing, petitioner concedes there is a reasonable argument the court would not be bound by the parties' agreement *to a specific sentence*. (See, e.g., *People v. Groomes* (1993) 14

Cal.App.4th 84, 87 ("It is well established that the trial court has broad discretion when it comes to sentencing").) In this respect, then, there is some resemblance to an unconditional plea bargain pursuant to section 1192.1, where a court may not reject the parties' agreement, but has discretion to sentence within the range established by the agreement. (*People v. Mikhail* (1993) 13 Cal.App.4th 846, 857.)

Under this construction of the law, the court would be bound to accept the parties' waiver of the hearing, but would retain jurisdiction to resentence within its own discretion, regardless of the parties' agreement. And, following the analogy to a plea agreement, the defendant could withdraw from the agreement if the court refused to accept the parties sentencing recommendation. (See § 1192.5; *People v. Silva* (2016) 247 Cal.App.4th 578, 587.) Here, however, the court rejected the waiver because it disagreed with the parties' sentencing recommendation. What it should have done is accept the waiver of the hearing and inform petitioner that it was not going to abide by the parties' sentencing recommendation and give petitioner an opportunity to withdraw.

III. IF THE COURT HAD DISCRETION TO REJECT THE STIPULATION AND WAIVER, IT ABUSED ITS DISCRETION IN DOING SO

As discussed above, petitioner maintains the absence of countervailing considerations means the court was without discretion to reject the parties' stipulation and waiver of the

hearing. However, assuming *arguendo* Respondent court had discretion to reject the stipulation in its entirety, it abused such discretion.

In a related context, "judicial discretion" in weighing plea bargains has been described "a power exercised to award justice based upon reason and law." (*People v. Loya* (2016) 1 Cal.App.5th 932, 948.) "The term implies absence of arbitrary determination, capricious disposition or whimsical thinking. It imports the exercise of discriminating judgment within the bounds of reason. Discretion in this connection means a sound judicial discretion enlightened by intelligence and learning, controlled by sound principles of law, of firm courage combined with the calmness of a cool mind, free from partiality, not swayed by sympathy or warped by prejudice or moved by any kind of influence save alone the overwhelming passion to do that which is just." (*People v. Surplice* (1962) 203 Cal.App.2d 784, 791.)

Here, the court abused its discretion. It expressed exasperation that the agreement had been reached only days before the hearing, and was clearly frustrated it had cleared its calendar that day to hear the matter. (Exh. H, 126–127.) When pressed as to why it did not believe the agreement was appropriate, the court only repeated it did not believe the outcome was appropriate. (Exh. H, 127.) It would not articulate its beliefs about Mr. Price's role in the offense, or any other factor that would support rejecting the stipulation and waiver. The court merely expressed hostility towards Mr. Price's case and provided no reasoned explanation for its supposed exercise of discretion. Instead the court wanted to know, "When do I get my turn..?" to decide how the case should turn out. (Exh. H, 128.)

Ultimately, Respondent court revealed its hostility towards Petitioner's matter, telling counsel, "Take your writ. If you are successful, I will be happy not to deal with this case anymore than I have." (Exh. H, 129.) This was not the exercise of discretion reflecting "calmness of a cool mind, free from partiality." This Court should grant review and either hear the matter on the merits or transfer the case to the Court of Appeal to issue the writ.

CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court issue a writ of prohibition restraining Respondent Court from taking further action until further order of this Court, or a writ of mandate directing the Respondent Court to reverse its order and accept the parties' waiver of the hearing.

Respectfully submitted,

Dated: March 26, 2025

By: /s/ Matthew Siroka

Matthew Siroka

Attorney for Petitioner
Anthony Price

CERTIFICATE OF COMPLIANCE

This brief is set using **13-pt Century Schoolbook**. According to TypeLaw.com, the computer program used to prepare this brief, this brief contains **4,179** words, excluding the cover, tables, signature block, and this certificate.

The undersigned certifies that this brief complies with the form requirements set by California Rules of Court, rule 8.204(b) and contains fewer words than permitted by rule 8.504(d) or by Order of this Court.

Dated: March 26, 2025 By: /s/ Matthew Siroka

PROOF OF SERVICE

I declare:

At the time of service I was at least 18 years of age and not a party to this legal action. My business address is 101 Lucas Valley Road, Suite 262, San Rafael, CA 94903. I served document(s) described as Petition for Review as follows:

By U.S. Mail

On March 26, 2025, I enclosed a copy of the document(s) identified above in an envelope and deposited the sealed envelope(s) with the US Postal Service with the postage fully prepaid, addressed as follows:

Anthony Price
Mr. Anthony Price AP9376
California State Prison Solano
P. O. Box 4000
Vacaville, CA 95696-4000
(for Petitioner)

I am a resident of or employed in the county where the mailing occurred (San Rafael, CA).

By email

On March 26, 2025, I served by email (from siroka.law@gmail.com), and no error was reported, a copy of the document(s) identified above as follows:

People of the State of California
sfagdocketing@doj.ca.gov
(for Real Party in Interest)

Superior Court of Alameda
treardon@alameda.courts.ca.gov
(for Respondent)

By TrueFiling

On March 26, 2025, I served via TrueFiling, and no error was reported, a copy of the document(s) identified above on:

People of the State of California
(for Real Party in Interest)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 26, 2025 By: /s/ Matthew Siroka

Attachment A – A171310 Order Denying Writ

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

ANTHONY PRICE,

Petitioner,

v.

ALAMEDA COUNTY SUPERIOR COURT,

Respondent.

PEOPLE OF THE STATE OF CALIFORNIA,

Real Party in Interest.

A171310

(Alameda County Sup. Ct. No. 164869B)

BY THE COURT:

The request for judicial notice of the record on appeal in *People v. Anthony, et al.* (2019) 32 Cal.App.5th 1102 (A139352) and *People v. Campbell, et al.* (2023) 98 Cal.App.5th 350 (A162488) is granted. The petition for writ of mandate or prohibition is denied. The temporary stay imposed November 1, 2024 is dissolved.

DATED: 03/21/2025 Stewart, P.J., P.J.

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **Price v. Superior Court (Alameda)**
Case Number: **TEMP-OWRGH1WO**
Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **SIROKA.LAW@GMAIL.COM**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ISI_CASE_INIT_FORM_DT	Case Initiation Form
PETITION FOR REVIEW WITH STAY REQUEST	#_PR_AnthonyPrice

Service Recipients:

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MATTHEW SIROKA Matthew Siroka Law Office 233050	SIROKA.LAW@GMAIL.COM	e-Serve	3/26/2025 10:57:16 AM
Attorney General	sfagdocketing@doj.ca.gov	e-Serve	3/26/2025 10:57:16 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/26/2025
Date

/s/MATTHEW SIROKA
Signature

SIROKA, MATTHEW (233050)
Last Name, First Name (PNum)

Matthew Siroka Law Office
Law Firm