

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 115

HON. MARK S. ARNOLD, JUDGE

PEOPLE OF THE STATE OF CALIFORNIA,)
)
 PLAINTIFF,)
)
 VS.)
)
 RUDY DOMINGUEZ,)
)
)
 DEFENDANT.)
)
 _____)

SUPERIOR COURT
NO. BA466952-01

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, DECEMBER 15, 2020

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: JEFFREY HERRING, DEPUTY
211 WEST TEMPLE STREET
SUITE 200
LOS ANGELES, CALIFORNIA 90012

FOR THE DEFENDANT: OFFICE OF THE PUBLIC DEFENDER
BY: TRACI BLACKBURN, DEPUTY
19-513 CRIMINAL COURTS BUILDING
210 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

CATHERINE A. ZINK, #9242
OFFICIAL REPORTER

1 CASE NUMBER: BA466952-01
2 CASE NAME: PEOPLE VS. RUDY DOMINGUEZ
3 LOS ANGELES, CALIFORNIA TUESDAY, DECEMBER 15, 2020
4 DEPARTMENT 115 HON. MARK S. ARNOLD, JUDGE
5 REPORTER: CATHERINE A. ZINK, CSR #9242
6 TIME: 2:50 P.M.
7

8 APPEARANCES:

9 THE DEFENDANT IS PRESENT IN COURT WITH COUNSEL,
10 TRACI BLACKBURN, BAR PANEL ATTORNEY,
11 THE PEOPLE ARE REPRESENTED BY
12 JEFFREY HERRING, DEPUTY DISTRICT ATTORNEY.
13

14 THE COURT: WE'LL GO ON THE RECORD IN RUDY
15 DOMINGUEZ, BA466952.

16 WE HAVE A NEW DEFENSE COUNSEL?

17 MS. BLACKBURN: YES. TRACI BLACKBURN, DEPUTY
18 PUBLIC DEFENDER, ON BEHALF OF MR. DOMINGUEZ. HE'S
19 PRESENT IN CUSTODY.

20 THE COURT: MR. HERRING IS HERE FOR THE PEOPLE.

21 WE'RE AT ZERO OF 60 TODAY.

22 MR. HERRING: YES, YOUR HONOR. THE PEOPLE HAVE A
23 MOTION.

24 THE COURT: WHAT'S THAT?

25 MR. HERRING: CONSISTENT -- EXCUSE ME. AT THE
26 DIRECTION OF THE LOS ANGELES COUNTY DISTRICT ATTORNEY, IN
27 ACCORDANCE WITH SPECIAL DIRECTIVE 20-08 CONCERNING
28 ENHANCEMENTS AND ALLEGATIONS, AND IN THE INTEREST OF

1 JUSTICE, THE PEOPLE HEREBY MOVE TO DISMISS ALL ALLEGED
2 SENTENCING ENHANCEMENTS NAMED IN THE INFORMATION --
3 EXCUSE ME -- IN THE INFORMATION FOR ALL COUNTS. IN
4 ADDITION, WE MOVE TO DISMISS ANY SPECIAL CIRCUMSTANCES
5 NAMED IN THE INFORMATION AT THIS POINT, IN THE INTEREST
6 OF JUSTICE, YOUR HONOR.

7 THE COURT: AND THE INTEREST OF JUSTICE IS MET HOW?

8 MR. HERRING: YOUR HONOR, I BELIEVE IT'S THE NEW
9 D.A.'S POSITION -- THE D.A.'S OFFICE POSITION THAT
10 EXTENDED PRISON SENTENCES IN LOS ANGELES COUNTY ARE FAR
11 TOO LONG; THAT THEY ARE COSTLY AND INEFFECTIVE AND HARM
12 PEOPLE IN UNDERSERVED COMMUNITIES.

13 THE COURT: HAVE YOU CONSULTED WITH THE VICTIM'S
14 FAMILY ON THIS?

15 MR. HERRING: I HAVE DISCUSSED WHAT THE D.A.'S
16 POSITION IS WITH THE FAMILY, YES.

17 THE COURT: AND WHAT DO THEY SAY -- ARE THEY
18 PRESENT IN COURT?

19 MR. HERRING: THEY ARE PRESENT IN COURT.

20 THE COURT: ARE ALL THESE FOUR PEOPLE -- ARE THEY
21 ALL --

22 MR. HERRING: THEY'RE THE VICTIM'S FAMILY, YES,
23 YOUR HONOR.

24 THE COURT: WHAT IS YOUR NAME, SIR?

25 THE WITNESS: HERNAN ROJO.

26 THE COURT: SPELL YOUR NAME.

27 THE WITNESS: HERNAN ROJO.

28 THE COURT: MR. ROJO?

1 HERNAN ROJO: YES.

2 THE COURT: DID MR. HERRING TELL YOU WHAT THE
3 PEOPLE ARE ASKING, TO DISMISS THE SPECIAL CIRCUMSTANCES
4 AND DISMISS ALL OF THESE SENTENCING ALLEGATIONS?

5 HERNAN ROJO: YES.

6 THE COURT: HOW DO YOU FEEL ABOUT THAT?

7 HERNAN ROJO: I DON'T KNOW.

8 THE COURT: YOU DON'T KNOW?

9 HERNAN ROJO: WELL...

10 THE COURT: WHAT'S THIS MAN'S NAME IN THE FRONT
11 ROW?

12 FERNANDO ROJO: FERNANDO ROJO.

13 MR. HERRING: SENIOR.

14 THE COURT: THIS IS THE VICTIM'S FATHER?

15 MR. HERRING: YES.

16 THE COURT: MR. ROJO, DID MR. HERRING DISCUSS WITH
17 YOU WHAT THEIR INTENT IS TODAY?

18 FERNANDO ROJO: WHAT DID YOU SAY?

19 THE COURT: DID YOU SPEAK WITH MR. HERRING TODAY?

20 FERNANDO ROJO: YES.

21 THE COURT: DO YOU NEED TO SPEAK WITH AN
22 INTERPRETER?

23 FERNANDO ROJO: YES.

24 THE COURT: I'M SORRY, I DIDN'T KNOW THAT.

25 DID MR. HERRING TELL YOU THAT HE WANTS TO
26 COME INTO THE COURTROOM AND DISMISS THE FIREARM
27 ALLEGATIONS AND THE SPECIAL CIRCUMSTANCES ALLEGATIONS AS
28 TO THE MAN WHO IS ACCUSED OF KILLING YOUR SON?

1 FERNANDO ROJO: THIS IS FOR ME?

2 THE COURT: YES.

3 FERNANDO ROJO: I DIDN'T UNDERSTAND VERY WELL.

4 THE COURT: WHAT'S THE YOUNG GIRL'S NAME, THE LADY
5 IN THE FRONT ROW -- OR SECOND ROW?

6 AMERICA ROJO: AMERICA ROJO.

7 THE COURT: DID YOU NEED THE INTERPRETER, MS. ROJO?

8 ARE YOU RELATED TO THE DECEASED?

9 AMERICA ROJO: YES.

10 THE COURT: HOW?

11 AMERICA ROJO: HE'S MY BROTHER. HE'S MY BROTHER.

12 THE COURT: DID MR. HERRING ADVISE YOU OF WHAT HE'S
13 SEEKING TODAY?

14 AMERICA ROJO: YES.

15 THE COURT: WHAT DO YOU THINK ABOUT THAT?

16 AMERICA ROJO: ABOUT THE GUN, RIGHT?

17 THE COURT: I CAN'T HEAR YOU.

18 AMERICA ROJO: ABOUT THE GUN?

19 THE COURT: ABOUT DISMISSING THE FIREARM
20 ALLEGATIONS, DISMISSING THE SPECIAL CIRCUMSTANCES, AND
21 DISMISSING THE GANG ALLEGATIONS AS WELL.

22 AMERICA ROJO: IS THAT WHERE THEY -- IS THAT LIKE
23 THEY TAKE YEARS AWAY FROM US?

24 THE COURT: I JUST CAN'T HEAR HER.

25 MR. HERRING: SHE'S ASKING IF THEY TAKE YEARS AWAY
26 FROM HIM.

27 THE COURT: IF HE'S FOUND GUILTY AND THOSE
28 ALLEGATIONS WERE TRUE, YES. IT WOULD REDUCE HIS SENTENCE

1 SIGNIFICANTLY. A LOT. BY A LOT OF YEARS.

2 AMERICA ROJO: WELL, I FEEL LIKE -- WELL, I FEEL
3 LIKE IT'S NOT FAIR IF HE DOESN'T -- I THINK IT'S NOT FAIR
4 IF HE DOESN'T SERVE AS MUCH YEARS.

5 THE COURT: I CAN'T HEAR YOU. CAN YOU SPEAK
6 LOUDER?

7 SO WHAT DO YOU THINK ABOUT ELIMINATING ALL
8 OF THESE ALLEGATIONS THAT MR. HERRING'S OFFICE IS LOOKING
9 TO ELIMINATE?

10 AMERICA ROJO: I'M SORRY, I DON'T THINK IT'S FAIR.

11 THE COURT: DO YOU UNDERSTAND WHAT I'M ASKING YOU?

12 AMERICA ROJO: YEAH.

13 THE COURT: ARE YOU ABLE TO TELL ME?

14 ARE YOU CRYING?

15 WHY ARE YOU CRYING?

16 I'M GOING TO MAKE THIS EASIER, I'M GOING TO
17 COME DOWN.

18 WHY ARE YOU CRYING?

19 AMERICA ROJO: BECAUSE...

20 THE COURT: WHY ARE YOU CRYING?

21 AMERICA ROJO: I JUST FEEL THAT WE NEED JUSTICE AND
22 HE NEEDS -- IT'S JUST NOT FAIR THAT HE -- IF HE DOESN'T
23 GET AS MUCH YEARS.

24 THE COURT: SO YOU DON'T WANT TO SEE THESE THINGS
25 GET DISMISSED?

26 AMERICA ROJO: NO.

27 THE COURT: OKAY. THANK YOU.

28 WHO'S THE LADY?

1 AMERICA ROJO: THAT'S MY MOM.

2 MR. HERRING: DOES YOUR MOM NEED THE INTERPRETER?

3 THE COURT: MA'AM, CAN YOU COME UP HERE JUST SO
4 EVERYONE DOESN'T HAVE TO YELL?

5 WHAT'S YOUR NAME?

6 TERESA ROJO: TERESA ROJO.

7 THE COURT: MRS. ROJO, DID MR. HERRING, THE D.A.,
8 DID HE TELL YOU TODAY WHAT HE IS LOOKING TO DO BY
9 DISMISSING THE GUN ALLEGATIONS AND THE GANG ALLEGATIONS
10 AND THE SPECIAL CIRCUMSTANCES ALLEGATION?

11 TERESA ROJO: YES.

12 THE COURT: WHAT DO YOU THINK ABOUT THAT? HOW DO
13 YOU FEEL ABOUT THAT?

14 TERESA ROJO: WELL, IT'S NOT FAIR THAT THEY WOULD
15 LOWER MANY YEARS. TO ME IT DOESN'T SEEM FAIR BECAUSE --
16 BECAUSE SOMEBODY WHO IS DOING HARM TO PEOPLE, THEY SHOULD
17 PAY.

18 THE COURT: THANK YOU FOR COMING IN TODAY.

19 ALL RIGHT. DO YOU HAVE ANYTHING ELSE TO
20 ADD, MR. HERRING?

21 MR. HERRING: NO.

22 THE COURT: ALL RIGHT.

23 I'VE GOT A DEFINITION OF WHAT THE INTEREST
24 OF JUSTICE MEANS PURSUANT TO PENAL CODE SECTION 1385.
25 AND THE CASE OF *PEOPLE VERSUS ORIN*, O-R-I-N, IS A 1975
26 CASE, 13 CAL.3D. 937. AT 945 THE COURT SAYS "IN
27 FURTHERANCE OF JUSTICE" MEANS, AT THE VERY LEAST, THE
28 REASON FOR DISMISSAL MUST MOTIVATE A REASONABLE JUDGE.

1 ORIN SAYS, AT PAGE 945, WHEN DETERMINING IF
2 A DISMISSAL FURTHERS THE INTEREST OF JUSTICE, THE COURT
3 MUST CONSIDER THE INTERESTS OF SOCIETY, AS WELL AS THE
4 DEFENDANT'S CONSTITUTIONAL RIGHTS. SOCIETY HAS AN
5 INTEREST IN THE FAIR PROSECUTION OF PROPERLY ALLEGED
6 CRIMES AND ENHANCEMENTS. GENERALLY, IF COURTS TERMINATED
7 PROSECUTIONS OF CRIMES OR ENHANCEMENTS UNDER PENAL CODE
8 SECTION 1385 WITHOUT ADEQUATE REASON, IT WOULD FRUSTRATE
9 THE ORDERLY AND EFFECTIVE OPERATION OF OUR CRIMINAL
10 JUSTICE PROCEDURE AS ENVISIONED BY THE LEGISLATURE.

11 AND THAT QUOTE IS FROM PAGE 947 OF ORIN.

12 THE PEOPLE ARE REQUIRED TO COMPLY WITH
13 MARSY'S LAW. THEY APPARENTLY HAVE. I HAVE LISTENED TO
14 THE DECEASED'S MOTHER AND SISTER.

15 IS THERE ANY REASON, OTHER THAN THIS SPECIAL
16 DIRECTIVE, THAT IS THE GENESIS OF YOUR MOTION?

17 IS THERE ANYTHING ELSE, ANY PROOF PROBLEMS
18 OR EVIDENCE ISSUES, ANYTHING LIKE THAT?

19 MR. HERRING: THERE ARE NO PROBLEMS WITH PROOF WITH
20 THIS CASE, YOUR HONOR. THERE ARE LEGALLY COGNIZABLE
21 MITIGATING FACTORS THAT INCLUDE LACK OF A CRIMINAL RECORD
22 AND YOUNG AGE FOR THE DEFENDANT. ASIDE FROM THAT, I
23 BELIEVE THAT IT IS MY DUTY TO PUT FORTH THE POLICIES THAT
24 ARE IN THE SPECIAL DIRECTIVE.

25 THE COURT: ALL RIGHT.

26 WELL, I HAVEN'T HEARD -- I DON'T BELIEVE
27 THAT YOUR STATED REASONS JUSTIFY DISMISSAL IN THE
28 INTEREST OF JUSTICE.

1 MS. BLACKBURN: MAY I BE HEARD?

2 THE COURT: JUST A MINUTE.

3 FIRST OF ALL, THE DEFENSE DOESN'T HAVE A
4 VOICE IN PENAL CODE SECTION 1385, IT'S MADE BY THE COURT
5 OR IT'S MADE BY THE PEOPLE. I WILL GIVE YOU A CHANCE.

6 SENTENCING ENHANCEMENTS CAN BE DISMISSED
7 WHEN THEY ARE FIREARM ALLEGATIONS UNDER PENAL CODE
8 SECTION 12022.5 SUBDIVISION (C), AND IN THIS CASE I THINK
9 IT WOULD BE PENAL CODE SECTION 12022.53 SUBDIVISION (H).
10 BUT BOTH OF THOSE SUBSECTIONS SAY THEY ALLOW FOR SUCH
11 DISMISSALS AT THE TIME OF SENTENCING.

12 IT MAY VERY WELL BE THAT THE LACK OF RECORD
13 AND THE YOUNG AGE, THAT MIGHT BE, AT THE TIME OF
14 SENTENCING, JUSTIFICATION FOR STRIKING AN ENHANCEMENT.

15 WHAT WOULD YOU LIKE TO SAY, MS. BLACKBURN?

16 MS. BLACKBURN: I WOULD LIKE TO SAY THAT THE
17 DISTRICT ATTORNEY IN THIS CASE HAS INDICATED THAT THERE
18 AREN'T ANY PROOF PROBLEMS, BUT I WOULD ARGUE THE NATURAL
19 AND PROBABLE CONSEQUENCES THEORY OF AIDING AND ABETTING A
20 GANG MURDER IS NOT HERE, SIGNIFICANTLY HAMPERS THE
21 PEOPLE'S ABILITY IT PROVE --

22 THE COURT: THEY'RE NOT GOING TO GET THAT
23 INSTRUCTION.

24 MS. BLACKBURN: I THINK THERE ARE ISSUES IN THAT
25 FIRST DEGREE MURDER INSTRUCTION. I THINK THAT THERE ARE
26 ISSUES WITH THE CASE THAT I THINK HE HAS BROUGHT UP: MY
27 CLIENT'S YOUTH, HIS COMPLETE LACK OF RECORD, HIS FAMILY
28 HISTORY, AND THOSE ARE THINGS THAT I THINK HE COULD

1 ARTICULATE.

2 BUT MORE IMPORTANTLY, EVEN IN THE CITE THAT
3 THIS COURT HAS INDICATED IS THAT THE COURT CANNOT STRIKE
4 THESE IN THE INTEREST OF JUSTICE, BUT THE DISTRICT
5 ATTORNEY'S OFFICE IS THE CHARGING AGENCY.

6 THE COURT: RIGHT.

7 MS. BLACKBURN: SO WHEN THE COURT HAS THE CASE
8 BEFORE IT, THE COURT CAN'T DISMISS THESE --

9 THE COURT: THE COURT WHAT?

10 MS. BLACKBURN: THE COURT CANNOT, OR SHOULD NOT
11 EVEN, ACCORDING TO THIS CASE, DISMISS ANY ALLEGATIONS
12 UNLESS THEY FIND IT IN THE INTEREST OF JUSTICE. BUT I
13 DON'T THINK THE COURT IS HAMPERED BY THE ORIGINAL
14 CHARGING DECISIONS OF THE DISTRICT ATTORNEY'S OFFICE.

15 IT'S BEEN MY EXPERIENCE, AND I'M SURE YOURS,
16 OVER 25 YEARS, THAT EVEN AS CASES ARE CHARGED ORIGINALLY,
17 THERE ARE ALWAYS ALTERATIONS. HAVING THE COURT DECIDE
18 THAT THE PEOPLE OF THE STATE OF CALIFORNIA CANNOT CHANGE
19 THE CHARGING DOCUMENT IS NOT WHAT THAT CASE HOLDS. IT
20 HOLDS THAT ONCE THEY ARE CHARGED, THE COURT CANNOT STEP
21 IN AND INTERPRET THAT THERE IS NO -- AND CHANGE THOSE
22 WITHOUT THE INTEREST OF JUSTICE BEING SERVED.

23 I UNDERSTAND THAT THE FAMILY IS VERY UPSET,
24 AND I UNDERSTAND AND I BELIEVE THAT THEY SHOULD BE. BUT
25 I DON'T THINK THAT THAT'S THE END OF THE INQUIRY, AND I
26 DON'T THINK THAT'S WHAT THE COURT'S BEING ASKED TO DO.

27 THE CHARGING ORGANIZATION -- THE CHARGING
28 AGENCY HAS DECIDED NOT TO CHARGE THIS CASE THIS WAY.

1 THEY'VE CHARGED CASES FOR MANY YEARS IN WHATEVER WAY THEY
2 DECIDED AND NOW THEIR POLICIES HAVE CHANGED. AND FOR THE
3 COURT TO STEP IN, I DON'T THINK THAT'S WHAT THAT CASE
4 STANDS FOR. IF AT THE END OF THE CASE THE CHARGING
5 AGENCY -- JUST AS THE COURT CAN'T ADD CHARGES --

6 THE COURT: RIGHT.

7 MS. BLACKBURN: -- RIGHT? IF THE CHARGING AGENCY
8 SAYS THAT THEY WANT TO DELETE THE CHARGES, I THINK THAT'S
9 WITHIN THEIR PURVIEW. FOR THE COURT TO STEP IN AND SAY
10 THEY WON'T DO IT IS SEPARATE AND APART FROM WHAT I THINK
11 THE *ORIN* CASE IS TALKING ABOUT.

12 THE COURT: BUT 1385 SAYS I CAN'T DISMISS UNLESS
13 IT'S IN THE INTEREST OF JUSTICE.

14 MS. BLACKBURN: I THINK THAT CASE IS TALKING ABOUT
15 DURING THE PENDENCY OF THE COURT, NOT SEPARATE AND APART
16 FROM THE CHARGING DECISIONS OF THE PROSECUTING AGENCY.

17 THE COURT: SAY THAT AGAIN.

18 MS. BLACKBURN: I THINK IT'S SEPARATE AND APART
19 FROM THE CHARGING DECISIONS OF THE PROSECUTING AGENCY.
20 THE COURT IS BOUND BY WHAT THE PROSECUTING AGENCY
21 CHARGES, UNLESS IN THE INTEREST OF JUSTICE.

22 THE COURT: RIGHT.

23 MS. BLACKBURN: WE HAVE NOW SEEN CHANGES IN THE
24 LAW. FOR EXAMPLE, FOR MANY YEARS THE D.A. WOULD CHARGE A
25 10, 20, LIFE ALLEGATION UNDER 12022.53 AND THE COURT WAS
26 NOT ABLE TO JUST -- THE COURT WAS UNABLE TO DISMISS.
27 THEY HAD NO AUTHORITY AND THEY HAD NO ABILITY TO DO THAT.
28 THAT HAS NOW CHANGED. THE COURTS HAVE SAID IN THE

1 INTEREST OF JUSTICE, IF THE COURT FINDS THAT TO BE TRUE,
2 THEY CAN DISMISS THE ALLEGATION.

3 BUT THE REVERSE HAS NEVER BEEN TRUE, THAT
4 THE COURT CAN STAND IN THE WAY OF THE CHARGING AGENCY
5 DISMISSING ALLEGATIONS -- NOT ALLEGATIONS THAT HAVE BEEN
6 PROVEN AT TRIAL, BUT DURING THE PENDENCY OF THE CASE --
7 THE COURT CAN SAY I HAVE NOW BECOME THE CHARGING AGENCY
8 AND I'M STANDING IN THEIR STEAD AND OVERRULING THEIR
9 CHARGING DECISIONS. THE INTEREST OF JUSTICE IS FOR
10 DISMISSAL IF THE COURT IS OUTSIDE OF WHAT THE CHARGING
11 AGENCY HAS DECIDED THEY WANT TO DO.

12 I THINK THEY'RE VERY DIFFERENT THINGS. I
13 THINK THE CASE VERY STRONGLY -- OR THE CASE LAW HAS
14 PROVEN THAT.

15 THE COURT: WHAT CASE LAW?

16 MS. BLACKBURN: ANY CASE LAW.

17 THE COURT: TELL ME. TELL ME ANY CASE THAT SAYS IF
18 THE PEOPLE MOVE TO DISMISS AN ALLEGATION, IPSO FACTO THE
19 JUDGE HAS TO DO IT. WHAT CASE STANDS FOR THAT?

20 MS. BLACKBURN: I'LL FIND YOU A CASE, YOUR HONOR.

21 THE COURT: YOU FIND ME A CASE THAT SAYS THAT IF
22 THEY MOVE TO DISMISS AN ALLEGATION OR A CHARGE, THAT THAT
23 IN AND OF ITSELF JUSTIFIES DISMISSAL.

24 MS. BLACKBURN: HOW, SHORT OF A TRIAL, WOULD THE
25 COURT KNOW OR UNDERSTAND THE ORIGINAL CHARGING INTENT OF
26 THE PROSECUTING AGENCY?

27 THE COURT: HOW WHAT?

28 MS. BLACKBURN: HOW, SHORT OF A TRIAL, WOULD THE

1 COURT UNDERSTAND THE ORIGINAL MOTIVATION AND INTENT OF
2 THE PROSECUTING AGENCY, WITHOUT PROOF, THAT THESE ARE
3 THEREFORE JUST AND THAT THEY CAN'T REDUCE -- THEY CAN'T
4 DISMISS THEM WHEN THE CHARGING AGENCY SAYS THAT THEY
5 BELIEVE IT BE TRUE.

6 THE COURT: I'VE LISTENED TO WHAT HIS REASON IS AS
7 TO WHY HE'S COME FORWARD WITH THIS MOTION FOR DISMISSAL.

8 MS. BLACKBURN: BUT HAVE YOU -- HAD THERE EVER BEEN
9 A DETERMINATION THAT THE ORIGINAL REASON FOR CHARGING
10 THIS CASE THE WAY THEY DID WERE VALID?

11 THE COURT: THAT'S FOR A TRIAL. IF YOU THINK THAT
12 THE EVIDENCE WAS INSUFFICIENT, FILE A 995 MOTION.

13 MS. BLACKBURN: IT'S NOT INSUFFICIENT, I'M SAYING
14 WHETHER OR NOT IT'S JUST OR IN THE INTEREST OF JUSTICE.

15 THE COURT: ALL RIGHT.

16 MS. BLACKBURN, YOU ARE VERY ARTICULATE AND I
17 DON'T KNOW YOU, BUT YOU APPEAR TO ME TO BE A VERY, VERY
18 GOOD LAWYER. YOU AND I DON'T SEE IT THE SAME WAY. I
19 DON'T THINK IT RISES TO THE LEVEL OF THE INTEREST OF
20 JUSTICE. AS I SAID BEFORE, IT MAY VERY WELL BECOME
21 RELEVANT AT THE TIME OF SENTENCING.

22 FOR NOW, AT THIS POINT, WITHOUT PREJUDICE,
23 YOUR MOTION, MR. HERRING, IS DENIED.

24 MS. BLACKBURN: YOUR HONOR, CAN WE SET THIS CASE
25 FOR --

26 THE COURT: YES.

27 MS. BLACKBURN: -- THE 28TH?

28 THE COURT: HAVE YOU TALKED NO MR. HERRING ABOUT A

1 FUTURE DATE?

2 MS. BLACKBURN: NO. MR. HERRING IS NOT THE
3 ATTORNEY OF RECORD ON THIS CASE, IT WAS MR. TRUJILLO. WE
4 HAD DISCUSSED DISPOSITION. I THOUGHT THAT'S WHAT WE WERE
5 GOING TO DO TODAY. I WOULD ASK FOR THE 28TH.

6 THE COURT: 28TH OF DECEMBER?

7 MR. HERRING: IT'S NEWS TO ME THAT I'M NOT THE
8 ATTORNEY OF RECORD ON THIS CASE.

9 THE COURT: NO, I THINK SHE MEANS THE DEFENSE
10 ATTORNEY.

11 MR. HERRING: NO.

12 MS. BLACKBURN: NO, NO. I'M THE DEFENSE ATTORNEY.
13 I'M SORRY.

14 THERE'S AN OFFER THAT WAS CONVEYED TO ME,
15 THAT I CONVEYED TO MR. DOMINGUEZ, AND --

16 THE COURT: FROM WHO?

17 MS. BLACKBURN: FROM MR. --

18 MR. HERRING: I BELIEVE IT WAS MARIO TRUJILLO.
19 THAT'S WHAT I'VE BEEN TOLD.

20 I'VE ALSO BEEN TOLD FROM A SEPARATE SET OF
21 SUPERVISORS THERE IS NO OFFER, AND THAT'S WHY WE'RE IN A
22 CONUNDRUM TODAY.

23 THE COURT: WELL, THEN EVERYBODY NEEDS TO BE HERE
24 ON THE NEXT DAY BECAUSE AS FAR AS I KNOW, YOU'RE THE
25 REPRESENTATIVE OF THE PEOPLE. I'VE NEVER SEEN -- WHO DID
26 THE OFFER COME FROM?

27 MS. BLACKBURN: MR. TRUJILLO.

28 THE COURT: TRUJILLO? I DON'T KNOW WHO THAT IS.

1 MS. BLACKBURN: HE'S IN CHARGE OF SPECIAL
2 CIRCUMSTANCES. AT LEAST WAS IN CONTACT WITH
3 MS. BLACKNELL PRIOR TO THIS DATE AND CONVEYED AN OFFER,
4 WHICH I CONVEYED TO MY CLIENT. SO IT'S NEWS TO ME
5 THAT --

6 THE COURT: WHAT WAS THE OFFER?

7 MS. BLACKBURN: SEVEN YEARS.

8 IT'S NEWS TO ME THAT WE DIDN'T HAVE AN
9 OFFER, BUT I THINK WE DO NEED TO GET ON THE SAME PAGE.

10 THE COURT: ALL RIGHT. AND SO YOU'RE ASKING FOR
11 12-28?

12 MS. BLACKBURN: YES, PLEASE.

13 THE COURT: IS THAT OKAY?

14 THE CLERK: YES, YOUR HONOR.

15 THE COURT: DO WE WANT TO TRAIL WITHIN THE PERIOD
16 OR DO YOU WANT TO MAKE IT ANOTHER ZERO OF 60?

17 MS. BLACKBURN: TRAIL WITHIN THE PERIOD FOR NOW.

18 THE COURT: SO THAT'S GOING TO BE 13 OF 60.

19 MS. BLACKBURN: THANK YOU.

20 THE COURT: ALL RIGHT. ANYTHING ELSE?

21 DOES HE NEED ANY MEDICAL ORDERS, ANYTHING
22 ELSE WE NEED TO DO, MR. BLACKBURN?

23 MS. BLACKBURN: NO, I THINK WE'RE DONE.

24 THE COURT: ANYTHING ELSE TO TODAY, MR. HERRING?

25 MR. HERRING: NO, THANK YOU.

26 THE COURT: SEE YOU ON THE 28TH.

27 (PROCEEDINGS IN THE ABOVE-ENTITLED
28 MATTER WERE CONCLUDED.)

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT 115

HON. MARK S. ARNOLD, JUDGE

4
5 PEOPLE OF THE STATE OF CALIFORNIA,)

6 PLAINTIFF,) NO. BA466952-01

7 VS.)

) REPORTER'S

) CERTIFICATE

8 RUDY DOMINGUEZ,)

9 DEFENDANT.)

10
11 STATE OF CALIFORNIA)

) SS

12 COUNTY OF LOS ANGELES)

13 I, CATHERINE A. ZINK, CSR #9242, OFFICIAL REPORTER
14 FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR
15 THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
16 FORGOING PAGES 1 THROUGH 14 COMPRISE A FULL, TRUE, AND
17 CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY
18 TAKEN IN THE ABOVE-ENTITLED MATTER ON DECEMBER 15, 2020.
19
20
21

22 DATED THIS 21ST DAY OF DECEMBER, 2020.
23
24

25 _____, CSR #9242

26 CATHERINE ZINK, OFFICIAL REPORTER
27
28