

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

Appendix - A

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 06/12/19

CASE NO. TA057015

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: RODNEY BANKS

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER
IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID
MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO
REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.

INFORMATION FILED ON 10/10/00.

COUNT 01: 664-187(A) PC FEL
COUNT 02: 451(B) PC FEL
COUNT 03: 451(B) PC FEL
COUNT 04: 245(A)(1) PC FEL

ON 06/07/19 AT 900 AM IN SOUTH CENTRAL DISTRICT DEPT SCH

CASE CALLED FOR HABEAS CORPUS PETITION

PARTIES: SEAN D. COEN (JUDGE) APRIL REYNOLDS (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

***** NO LEGAL FILE *****

THE COURT HAS READ AND CONSIDERED THE PETITION FOR HABEAS CORPUS
FILED IN LOS ANGELES SUPERIOR COURT ON JUNE 3, 2019.

THE PETITION IS DENIED.

THE COURT FINDS AS FOLLOWS:
THE WRIT OF HABEAS CORPUS IS RESERVED FOR ERRORS OF A
FUNDAMENTAL JURISDICTIONAL OR CONSTITUTIONAL TYPE, RATHER THAN
ERRONEOUS EVIDENTIARY OR PROCEDURAL RULINGS.
IN RE HARRIS (1993) 5 CAL. 4TH 813, 828. NO GROUND ALLEGED HERE
IS OF A TYPE COGNIZABLE ON HABEAS CORPUS. ASSUMING THE FACTS
ALLEGED IN THE PETITION ARE TRUE, PETITIONER FAILS TO ALLEGE
ESTABLISHING A PRIMA FACIE CASE FOR HABEAS RELIEF. PEOPLE V.

CASE NO. TA057015
DEF NO. 01

DATE PRINTED 06/12/19

DUVALL, (1995) 9 CAL.4TH 464, 474-75.

A HABEAS PETITIONER MUST ALLEGE WITH PARTICULARITY THE FACTS UPON WHICH RELIEF IS SOUGHT AND INCLUDE COPIES OF REASONABLY AVAILABLE DOCUMENTS SUPPORTING THE CLAIM. VAGUE OR CONCLUSORY ALLEGATIONS MADE WITHOUT ANY EXPLANATION OF THE BASIS FOR THE ALLEGATIONS DO NOT WARRANT RELIEF. IN RE MARTINEZ (2009) 46 CAL. 4TH 945, 955-56; PEOPLE V. DUVALL, (1995) 9 CAL.4TH 464, 474; PEOPLE V. KARIS (1988) 46 CAL. 3RD 612, 656; IN RE SWAIN, (1949) 34 CAL. 2ND 300, 303-04.

THE PETITION RAISES ISSUES COULD HAVE BEEN RAISED ON APPEAL, BUT WERE NOT, AND PETITIONER HAS FAILED TO ALLEGE FACTS ESTABLISHING

AN EXCEPTION TO THE RULE BARRING HABEAS CONSIDERATION OF CLAIMS THAT COULD HAVE BEEN RAISED ON APPEAL. IN RE RENO (2012) 55 CAL. 4TH 428, 490-93; IN RE HARRIS, (1993) 5 CAL.4TH 813, 825-26; IN RE DIXON, (1953) 41 CAL. 2ND 755, 759; IN RE SMITH (1911) 161 CAL. 208.

FOR THE REASONS STATED HEREIN, THE PETITIONER'S REQUEST FOR RELIEF IS HEREBY DENIED.

A CERTIFIED COPY OF THIS MINUTE ORDER AND A COPY OF THE COURT'S ORDER ARE BOTH SENT VIA U.S. MAIL AS FOLLOWS:

KERN VALLEY STATE PRISON
RODNEY BANKS CDCR #T18889
P. O. BOX 5101
DELANO, CA. 93216

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
ATTN: HABEAS CORPUS LITIGATION TEAM
320 W. TEMPLE STREET, ROOM 540

LOS ANGELES, CA. 90012

NUNC PRO TUNC LANGUAGE GENERATED IN ERROR

COURT ORDERS AND FINDINGS:

-PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

06/12/19

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC MINUTE
HABEAS CORPUS PETITION
PAGE NO. 2 HEARING DATE: 06/07/19

CASE NO. TA057015
DEF NO. 01

DATE PRINTED 06/12/19

ORDER ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

SHERRI R. CARTER ,EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY _____, DEPUTY

D. Reynolds



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

FILED
Superior Court of California
County of Los Angeles

JUN 07 2019

Sherri R. Carter, Executive Officer/Clerk

In re,

Rodney Banks

Petitioner,

On Habeas Corpus

Case No.: TA057015

By A. Reynolds, Deputy
April Ogas-Reynolds

ORDER RE: WRIT OF
HABEAS CORPUS

The Court has read and considered the Petition for Habeas Corpus filed in
Los Angeles Superior Court on June 3, 2019.

The Petition is denied.

The Court finds as follows:

The writ of habeas corpus is reserved for errors of a fundamental jurisdictional or
constitutional type, rather than erroneous evidentiary or procedural rulings.. *In Re Harris*
(1993) 5 Cal. 4th 813, 828. No ground alleged here is of a type cognizable on habeas corpus.

Assuming the facts alleged in the petition are true, petitioner fails to allege facts
establishing a *prima facie* case for habeas relief. *People v. Duvall*, (1995) 9 Cal.4th 464, 474-
75.

A habeas petitioner must allege with particularity the facts upon which relief is sought
and include copies of reasonably available documents supporting the claim. Vague or
conclusory allegations made without any explanation of the basis for the allegations do not
warrant relief. *In re Martinez* (2009) 46 Cal. 4th 945, 955-56; *People v. Duvall*, (1995) 9
Cal.4th 464, 474; *People v. Karis* (1988) 46 Cal. 3rd 612, 656; *In re Swain*, (1949) 34 Cal. 2nd
300, 303-04.

ORDER

1 The petition raises issues could have been raised on appeal, but were not, and Petitioner
2 has failed to allege facts establishing an exception to the rule barring habeas consideration of
3 claims that could have been raised on appeal. *In re Reno* (2012) 55 Cal. 4th 428, 490-93; *In re*
4 *Harris*, (1993) 5 Cal.4th 813, 825-26; *In re Dixon*, (1953) 41 Cal. 2nd 755, 759; *In re Smith*
5 (1911) 161 Cal. 208.

6 For the reasons stated herein, the petitioner's request for relief is hereby denied. The
7 Clerk is to give notice and send a copy this memorandum upon the petitioner and upon the
8 District Attorney's Office as follows:
9

10 Rodney Banks T18889
11 Kern Valley State Prison
12 P.O. Box 5101
13 Delano, CA 93216

14 Los Angeles County District Attorney's Office
15 Attn: Habeas Corpus Litigation Team
16 320 West Temple Street, Room 540,
17 Los Angeles, CA 90012.

18 June 7, 2019



19
20
21
22
23
24
25
26
27
28

SEAN D. COEN
JUDGE OF THE SUPERIOR COURT

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

APPendix-B

Rodney Banks
CDC #: T18889
Kern Valley State Prison
P.O. Box 5105
Delano, CA 93216

In re RODNEY BANKS on Habeas Corpus.
B298892

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

COURT OF APPEAL - SECOND DIST.

FILED

Jul 11, 2019

DANIEL P. POTTER, Clerk

klewis

Deputy Clerk

In re

B298892

(Super. Ct. No. TA 057015)

RODNEY BANKS

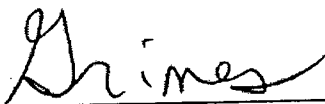
ORDER

on Habeas Corpus.

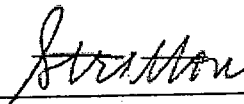
We have read and considered the petition for writ of habeas corpus filed on June 8, 2018.

Petitioner's claims are procedurally barred and without any merit. (See *In re Clark* (1993) 5 Cal.4th 750, 767; *In re Horowitz* (1949) 33 Cal.2d 534, 547; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Accordingly, the petition is denied.



GRIMES, Acting P.J.



STRATTON, J.



WILEY, J.

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

Appendix - C

SUPREME COURT
FILED

OCT 30 2019

Jorge Navarrete Clerk

S257176

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re RODNEY BANKS on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

CANTIL-SAKAUYE

Chief Justice