

APPENDIX (A)

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re MARC ANTHONY LOWELL ENDSLEY E074822

on Habeas Corpus. (Super.Ct.Nos. WHCJS1900508
& FSB07901)

The County of San Bernardino

THE COURT

The petition for writ of habeas corpus is DENIED.

SLOUGH

Acting P. J.

Panel: Slough
Miller
Codrington

cc: See attached list

A-1

APPENDIX (B)

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
29
30
31
32
33
34
35
36

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 04 2020

BY Sylvia Ramirez
SYLVIA RAMIREZ, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

In the matter of

Case No. WHCJS1900508

Marc Anthony Lowell Endsley, Petitioner

ORDER

for Writ of Habeas Corpus

Petitioner Marc Anthony Lowell Endsley filed a petition for writ of habeas corpus on December 16, 2019.

On March 20, 1997, Petitioner was found guilty of first degree murder (Pen. Code, § 187) with use of a firearm (Pen. Code, § 12022.5, subd. (a)) committed while lying in wait (Pen. Code, § 190.2, subd. (a)(15)). On March 31, 1997, the jury found Petitioner insane at the time he committed his crime. On November 18, 1999, the trial court ordered Petitioner retained and treated ((Pen. Code, § 1026, subd. (a)). On February 24, 2012, the trial court ordered Petitioner released to the conditional release program and placed in community outpatient treatment. On January 7, 2013, the trial court found Petitioner was in violation of his terms and conditions of release, and ordered Petitioner retained and treated by the Department of State Hospitals.

In May 2015, Petitioner petitioned for conditional release to an outpatient program (Pen. Code, § 1026.2). The trial court summarily denied his petition without stating its reasons for doing so. The Court of Appeal reversed the trial court and held Petitioner was entitled to a hearing on his petition for conditional release. (*People v. Endsley* (2016) 248 Cal.App.4th 110, 114-115.)

On June 5, 2017, the trial court denied Petitioner's request for release to outpatient treatment, and ordered Petitioner retained and treated by the

B-1

1 Department of State Hospitals. The Court of Appeal reversed the trial court's denial of
2 the petition for conditional release, and directed the trial court to conduct further
3 proceedings consistent with their directive. (*People v. Endsley* (2018) 28 Cal.App.5th 93,
4 107.) Petitioner's case is next scheduled for hearing in the trial court on February 19,
5 2020.

6 Petitioner alleges he is suitable for release, and that his continued confinement
7 violates Petitioner's due process and equal protection rights. He also claims his 2012
8 revocation from conditional release and recommitment violated Petitioner's due process
9 and equal protection rights. The court receiving a petition for writ of habeas corpus
10 evaluates it by asking whether, assuming the petition's factual allegations are true, the
11 petitioner would be entitled to relief. (*In re Figueroa* (2018) 4 Cal.5th 576, 586; *In re*
12 *Clark* (1993) 5 Cal.4th 750, 769, fn. 9; *In re Lawler* (1979) 23 Cal.3d 190, 194.) "If no
13 prima facie case for relief is stated, the court will summarily deny the petition." (*People*
14 *v. Duvall* (1995) 9 Cal.4th 464, 475.) The petition fails to state a prima facie claim for
15 habeas relief.

16 Courts will not entertain habeas corpus claims that could be raised with the trial
17 court (*In re Seaton* (2004) 34 Cal.4th 193, 201) or on appeal (*In re Dixon* (1953) 41
18 Cal.2d 756, 759). Petitioner's claims presented in the current petition may be brought
19 before the trial court at the next hearing, and Petitioner may have any decisions of the
20 trial court reviewed on appeal. Thus, habeas corpus is not available to consider
21 Petitioner's current claims. (See *In re Kirchner* (2017) 2 Cal.5th 1040, 1052 [habeas
22 corpus is an extraordinary remedy and generally not available where another remedy
23 exists].)

24

25

The petition is DENIED.

26

27

Dated: February 4, 2020

28

29

30

31

32

33

34

35

36



Hon. Gregory S. Tavill
Judge of the Superior Court

APPENDIX (C)

SUPREME COURT
FILED

JUN 17 2020

Court of Appeal, Fourth Appellate District, Division Two - No. E074822
Jorge Navarrete Clerk

S261655

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MARC ANTHONY LOWELL ENDSLEY on Habeas Corpus.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

C-1

APPENDIX (D)

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR



EARL WARREN BUILDING
350 McGALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

July 2, 2020

Marc Anthony Lowell Endsley #212360-2
Napa State Hospital
2100 Napa-Vallejo Highway
Napa, CA 94558-6293

Re: **S261655 — In re MARC ANTHONY LOWELL ENDSLEY on Habeas
Corpus.**

Dear Mr. Endsley:

Return unfiled is your petition for rehearing received June 29, 2020. The order denying your petition for review in the above-referenced matter was final forthwith and may not be reconsidered. Please rest assured, however, that the petition, and the contentions made therein, were considered by the entire court, and that the denial expresses the decision of the court on this matter.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

A handwritten signature of M. Alfaro, Deputy Clerk, enclosed in an oval.

cc: rec

D-1