

Exhibit A

Exhibit A

1 PAUL JOHN DENHAM
2 P-16644 (E4-135)
3 PO Box 5242
SATF PRISON
CORCORAN, CA 93212

4 PETITIONER IN PRO SE

6 CALIFORNIA SUPERIOR COURT IN AND
7 FOR THE COUNTY OF LOS ANGELES

9 IN RE PAUL JOHN DENHAM

CASE No. NA031090

10 ON HABEAS CORPUS.

11 APPLICATION AND DECLARATION OF PAUL JOHN
12 DENHAM IN SUPPORT OF ORDER FOR
13 REASSIGNMENT OF PETITION FOR WRIT OF
14 HABEAS CORPUS FROM THE HONORABLE LAURA
15 LAESECKE PURSUANT TO CALIFORNIA CODE OF
16 CIVIL PROCEDURE §170-1(a)(6)(iii)

17 Judge: Hon. James Otto, Jr. SJ
18 Dept.: S24

19 DECLARATION OF PAUL JOHN DENHAM

20 I, PAUL JOHN DENHAM, DECLARE AS FOLLOWS:

21 1. I HAVE PERSONAL KNOWLEDGE OF THE FOLLOWING MATTERS AND COULD
22 AND WOULD COMPENTENTLY TESTIFY THERETO IF CALLED TO DO SO IN A COURT
23 OF LAW.

24 2. I AM THE PETITIONER/DEFENDANT IN THE CASE PEOPLE V. PAUL JOHN
25 DENHAM, FILED IN THE CALIFORNIA SUPERIOR COURT FOR THE COUNTY OF LOS
26 ANGELES, CASE No. NA031090. I AM PROCEEDING IN PROPRIA PERSONA ON A
27 PETITION FOR WRIT OF HABEAS CORPUS (HEREINAFTER "PETITION").
28 ATTACKING THE CONVICTION. THE PETITION IS CURRENTLY ASSIGNED TO THE
HONORABLE LAURA LAESECKE IN DEPARTMENT S19. A TRUE AND CORRECT COPY
OF SAID ASSIGNMENT MINUTE ORDER IS ATTACHED HERETO AND INCORPORATED
HEREIN BY THIS REFERENCE, AT EXHIBIT A.

3. FOR THE FOLLOWING REASONS I RESPECTFULLY REQUEST THAT THIS
COURT FIND THAT A CONFLICT OF INTEREST EXISTS WHICH IS PREJUDICIAL
TO ME SUCH THAT I CANNOT HAVE FAIR AND IMPARTIAL COURT PROCEEDINGS
BEFORE THE HONORABLE LAURA LAESECKE AND REASSIGNMENT TO A DIFFERENT

1.

Application For Reassignment CCP §170-1(a)(6)(iii)

Exhibit A, p-II

1 JUDGE IS PROPER AND APPROPRIATE. FURTHER, ON JANUARY 25, 2019,
2 THE PETITION WAS REASSIGNED FROM THE HONORABLE RICHARD ROMERO
3 BASED ON A CONFLICT OF INTEREST. A TRUE AND CORRECT COPY OF SAID
4 ORDER IS ATTACHED HERETO AT EXHIBIT B, AND INCORPORATED HEREIN BY
5 THIS REFERENCE. ACCORDINGLY, REASSIGNMENT SHOULD NOT BE TO THE
HONORABLE RICHARD ROMERO.

6 4. THE PETITION ALLEGES, INTER ALIA, THAT TWO LOS ANGELES
7 COUNTY SHERIFF DEPARTMENT CRIMINALISTS (MICHELLE LEPISTO AND DALE
8 HIGASHI; THE PROSECUTOR'S TEAM) ALTERED PHYSICAL EVIDENCE, FILED
9 FALSE POLICE REPORTS, SUPPRESSED EXONERATORY EVIDENCE AND
10 INTRODUCED FALSE TESTIMONY BEFORE AND DURING PETITIONER'S 1998
11 CRIMINAL TRIAL. FURTHER, THAT SUCH ACTS WERE PERFORMED TO CREATE
12 POSITIVE MATCHES WITH PETITIONER AND THE CRIME SCENE EVIDENCE
13 THAT OTHERWISE WOULD NOT EXIST.

14 5. THE AFOREMENTIONED CLAIMS ARE RAISED IN THE PETITION
15 UNDER PROSECUTORIAL MISCONDUCT BECAUSE THE INDIVIDUAL PROSECUTOR
16 IS IMPUTED WITH KNOWLEDGE OF INFORMATION KNOWN TO THE
17 PROSECUTOR'S TEAM UNDER *UNITED STATES v. PAYNE* (2ND CIR. 1995) 63
18 F. 3d 1200, 1208.

19 6. I HAVE BEEN INFORMED, BELIEVE AND HEREIN ALLEGE THAT
20 SUBSEQUENT TO THE ALLEGED ACTS CONTAINED IN THE PETITION, THESE
21 SAME CRIMINALISTS WERE USED IN CRIMINAL CASES PROSECUTED BY THE
22 LOS ANGELES DISTRICT ATTORNEY'S OFFICE. INCLUDING CASES THAT WERE
23 HANDLED, AND/OR ASSISTED BY THE HONORABLE LAURA LAESECKE AT A
24 TIME WHEN SHE WAS A DEPUTY DISTRICT ATTORNEY FOR LOS ANGELES
25 COUNTY DISTRICT ATTORNEY'S OFFICE. FURTHER, THAT A FAVORABLE
26 RESULT IN MY PETITION; THAT THE ACTS ALLEGED DID OCCUR, WILL FORM
THE BASIS FOR PROSECUTORIAL MISCONDUCT CLAIMS AGAINST CASES
HANDLED BY THE HONORABLE LAURA LAESECKE BY CONVICTED PERSONS
WHERE SHE HAS OBTAINED CONVICTIONS USING THE AFOREMENTIONED
CRIMINALISTS AND NOT DISCLOSED TO THE DEFENSE THAT SAID
CRIMINALISTS HAVE ENGAGED IN DISHONEST ACTS AFFECTING THESE
CRIMINALISTS' CREDIBILITY.

27 7. IT IS NOTED THAT NO JUDGE SHOULD PRESIDE IN CASE IN WHICH
28 HE IS NOT WHOLLY FREE, DISINTERESTED, IMPARTIAL AND INDEPENDENT.

1 (WICKOFF V. JAMES (1958) 159 CAL. APP. 2D 64; MAYO V. NEBER
2 (1960) 177 CAL. APP. 2D 544.) FURTHER, PURSUANT TO CALIFORNIA
3 CODE OF CIVIL PROCEDURE, (A)(6)(III), GROUNDS FOR
4 DISQUALIFICATION EXIST IF A PERSON AWARE OF THE FACTS MIGHT
5 REASONABLY ENTERTAIN A DOUBT THAT THE JUDGE WOULD BE ABLE TO BE
6 IMPARTIAL.

7 8. I ALLEGE THAT A FAVORABLE RESULT IN MY CASE, THAT THE
8 CRIMINALISTS ENGAGED IN THE CONDUCT HEREIN ALLEGED, WILL
9 ESTABLISH THAT JUDGE LAURA LAESECKE ENGAGED IN PROSECUTORIAL
10 MISCONDUCT BY NOT DISCLOSING SUCH MISCONDUCT IN THE CRIMINAL
11 CASES THAT SHE PROSECUTED AS A DEPUTY DISTRICT ATTORNEY. AS SUCH,
12 A PERSON AWARE OF THE FACTS WOULD REASONABLY ENTERTAIN A DOUBT
13 THAT SHE WOULD BE ABLE TO BE IMPARTIAL PRESIDING OVER MY CASE.

14 9. BASED ON THE ABOVE, I RESPECTFULLY REQUEST THAT THIS COURT
15 FIND THAT A CONFLICT OF INTEREST EXISTS, AND/OR APPEARS TO EXIST,
16 AND THAT SUCH APPEARS TO AFFECT THE ABILITY OF THE HONORABLE
17 LAURA LAESECKE IN HER ABILITY TO IMPARTIALLY PRESIDE OVER MY
18 HABEAS PROCEEDINGS. SUCH THAT THERE IS GOOD CAUSE FOR AN ORDER
19 REASSIGNING THE PETITION UNDER CALIFORNIA CODE OF CIVIL
20 PROCEDURE, § 170 (A)(6)(III). AND THAT SUCH REASSIGNMENT IS NOT
21 TO THE HONORABLE RICHARD ROMERO.

22 10. IN THIS SAME CASE I HAVE A PENAL CODE § 1405 MATTER PENDING
23 IN THE CENTRAL DISTRICT, BEFORE THE HONORABLE WILLIAM C. RYAN,
24 DEPARTMENT 100, THE WRIT CENTER. JUDGE RYAN HAS APPOINTED
25 ATTORNEY JAMES M. CRAWFORD, 528 NORTH GLASSELL, ORANGE,
26 CALIFORNIA 92867 TO ASSIST ME THEREIN. AS SUCH, IT MAY BE
27 APPROPRIATE TO FORWARD THE PETITION TO THE WRIT CENTER TO
28 CONSOLIDATE THE MATTERS AND CONSERVE SCARCE JUDICIAL RESOURCES.

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39 3.

40 Application For Reassignment

41 CCCP § 170-1 (a)(6)(iii)

42 Exhibit A, p.13

1 11. I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE
2 AND CORRECT TO THE BEST OF MY KNOWLEDGE. EXCEPT AS TO MATTERS
3 STATED UPON A BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE
4 TRUE. EXECUTED THIS TWENTY FOURTH DAY OF MARCH, 2021, AT
CORCORAN, CALIFORNIA 93212.

5 RESPECTFULLY SUBMITTED,

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7 *PDenham*
8 PAUL JOHN DENHAM
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Application For Reassignment

4.
CCCP § 170.1 (a) (6) (iii)
Exhibit A, p.14

*Recd
March 24, 2021
prosec*

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 03/17/21

CASE NO. NA031090

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: PAUL JOHN DENHAM

INFORMATION FILED ON 05/06/97.

COUNT 01: 187(A) PC FEL
COUNT 02: 664-187(A) PC FEL

ON 03/17/21 AT 830 AM :

PETITION FOR WRIT OF HABEAS CORPUS IS RECEIVED BY SUPERVISING
JUDGE JAMES D. OTTO ON 03/17/2021.

JUDGE LAURA LAESECKE IS HEREBY ASSIGNED TO HANDLE THIS MATTER
FOR ALL PURPOSES PURSUANT TO THE ORDER OF THE MASTER CALENDAR
AND SUPERVISING JUDGE OF THE SOUTH DISTRICT.

THE DUPLICATE FILE WITH THE PETITION IS DELIVERED TO
DEPARTMENT S19 ON 03/17/2021.

A COPY OF THIS MINUTE ORDER IS MAILED BY U.S.P.S. TO:

PAUL JOHN DENHAM
P-16644 (E4-133)
P.O. BOX 5242
SATF PRISON
CORCORAN, CA 93212

DISTRICT ATTORNEY
HABEAS CORPUS LITIGATION TEAM
320 WEST TEMPLE STREET ROOM 540
LOS ANGELES, CA 90012

ENTRY MADE BY Y. LUCERO FOR IMELDA EVANCULLA, CLERK, DEPARTMENT

CASE NO. NA031090
DEF NO. 01

DATE PRINTED 03/17/21

S24.

PAGE NO. 2

DOCKET LINE ENTRY
HEARING DATE: 03/17/21

Exhibit A, p. 18

PROOF OF SERVICE

Paul John Denham
P-16644 (E4-133)
SATF Prison
P.O. Box 5242
Corcoran, CA 93212

Petitioner in Pro se

I, Paul John Denham, hereby declare under penalty of perjury that I am the petitioner in this matter and on this date I served a copy of the foregoing:

Application and Declaration of Paul John Denham in
Support of Order for Reassignment of Petition for Writ of
Habeas Corpus From the Honorable Laura LaBreckee
Pursuant to California Code of Civil Procedure § 170-1
(a)(6)(iii)

By depositing said document in a prepaid envelope and forwarding it to prison officials in accordance with established legal mail procedures for delivery to the United States Mail addressed to the following parties:

① Clark, Superior Court, Dept. 524 275 Magnolia Avenue, Long Beach, CA 90802;

② District Attorney, Habers Campus Litigation Team
320 West Temple Street, Room 540, Los Angeles,
CA 90012

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.
Executed this March 28 2021, at SATF Prison in Corcoran, California 93212.

Respectfully submitted,

Paul John Denham
Petitioner in Pro se

Exhibit A, p.17

Exhibit B

Exhibit B

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 10/06/21

CASE NO. NA031090

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 01: PAUL JOHN DENHAM

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 05/06/97.

COUNT 01: 187(A) PC FEL
COUNT 02: 664-187(A) PC FEL

ON 06/02/21 AT 300 PM IN SOUTH DISTRICT DEPT S19

CASE CALLED FOR COURT CONSIDERATION

PARTIES: LAURA L. LAESECKE (JUDGE) SCOTT KINOSHITA (CLERK)
NONE (REP) NONE (DDA)

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

THE COURT MAKES THE FOLLOWING RULING RE: ORDER STRIKING

STATEMENT OF DISQUALIFICATION

ON APRIL 6, 2021, PETITIONER FILED A PLEADING AS A STATEMENT OF DISQUALIFICATION FOR CAUSE, PURSUANT TO CCP 170.1(A)(6)(A) (III). THE STATEMENT IS BASED UPON THE COMPLAINING PARTY'S ASSUMPTION THAT THE COURT CANNOT BE FAIR WHEN RULING ON HIS HABEAS CORPUS PETITION BECAUSE IF SHE GRANTS THE PETITION, CASES SHE PROSECUTED PRIOR TO BEING APPOINTED TO THE BENCH WILL BE NEGATIVELY IMPACTED, WHICH WILL REFLECT POORLY ON HER, SINCE AS MATTER OF LAW, NEITHER A PARTY'S OPINION NOR A COURT'S RULING AND FINDINGS ARE LEGAL GROUNDS FOR DISQUALIFICATION FOR CAUSE, THE PLEADING DEMONSTRATES ON ITS FACE NO LEGAL GROUNDS FOR DISQUALIFICATION. IT IS STRICKEN PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 170.4, SUBDIVISION (B).

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DEF NO. 01

DATE PRINTED 10/06/21

A PARTY'S BELIEF AS TO A JUDGE'S BIAS AND PREJUDICE IS IRRELEVANT AND NOT CONTROLLING IN A MOTION TO DISQUALIFY FOR CAUS, AS THE TEST APPLIED IS AN OBJECTIVE ONE. UNITED FARM WORKERS OF AMERICA AFL-CIO V. SUPERIOR COURT(1985) 170 CAL. APP. 3D 97, 104; STANFORD UNIVERSITY V. SUPERIOR COURT (1985) 173 CAL.APP.3D 403, 408 ("THE LITIGANTS' NECESSARILY PARTISAN VIEWS {DO} NOT PROVIDE THE APPLICABLE FRAME OF REFERENCE." {BRACKETS IN ORGINIAL.}) CODE OF CIVIL PROCEDURE SECTION 170.3(C)(1) REQUIRES THAT THE DISQUALIFICATION STATEMENT SET FORTH "THE FACTS CONSTITUTION THE GROUNDS" FOR DISQUALIFICATION OF THE JUDGE. MERE CONCLUSIONS OF THE PLEADER ARE INSUFFICIENT. IN RE MORELLI (1970) 11 CAL.APP3D 819,843 (OVERRULED ON OTHER GROUNDS); URIAS V. HARRIS FARMS, INC. (1991) 234 CAL.APP.3D

415, 426.

RULINGS AND FINDINGS DO NOT CONSTITUTE A VALID BASIS FOR DISQUALIFICATION. AS STATED BY THE CALIFORNIA SUPREME COURT IN PEOPLE V. GUERRA (2006) 37 CAL. 4TH 1067, 1112, "A TRIAL COURT'S NUMEROUS RULINGS AGAINST A PARTY-EVEN WHEN ERRONEOUS-DO NOT ESTABLISH A CHARGE OF JUDICIAL BIAS, ESPECIALLY WHEN THEY ARE SUBJECT TO REVIEW." (OVERRULED ON OTHER GROUNDS) MCEWEN V. OCCIDENTAL LIFE INS. CO. (1916) 172 CAL. 6, 11 (ERRONEOUS RULINGS, EVEN WHEN NUMEROUS AND CONTINUOUS, ARE NOT GROUNDS FOR BIAS OR PREJUDICE, NOR ARE "JUDGES' EXPRESSIONS OF OPINION UTTERED IN WHAT HE CONCEIVES TO BE THE DISCHARGE OF HIS JUDICIAL DUTY"). SEE ALSO, CODE OF CIVIL PROCEDURE SECTION 170.2(B), WHICH PROVIDES WITH CERTAIN EXCEPTIONS NOT HERE APPLICABLE: "IT IS NOT GROUNDS FOR DISQUALIFICATION THAT THE JUDGE... (H)AS IN ANY CAPACITY EXPRESSED A VIEW ON A LEGAL OR FACTUAL ISSUE PRESENTED IN THE PROCEEDING..." Cf., CALIFORNIA CONSTITUTION ARTICLE VI, SECTION 10 WHICH PROVIDES ON PERTINENT PART WITH REGARD TO ALL COURTS: "THE COURT MAY MAKE SUCH COMMENT ON THE EVIDENCE AND THE TESTIMONY AND CREDIBILITY OF ANY WITNESS AS IN ITS OPINION IS NECESSARY FOR

THE PROPER DETERMINATION OF THE CAUSE."

A PARTY'S REMEDY FOR AN ERRONEOUS RULING IS NOT A MOTION TO DISQUALIFY, BUT RATHER REVIEW BY APPEAL OR WRIT. SEE RYAN V. WELTE (1948) 87 CA. APP.2D 888, 893: " {A} WRONG OPINION ON THE LAW OF A CASE DOES NOT QUALIFY A JUDGE, NOR IS IT EVIDENCE OF BIAS OR PREJUDICE." OTHERWISE, THE COURT SAID, "NO JUDGE WHO IS REVERSED BY A HIGHER COURT ON ANY RULING OR DECISION WOULD BE QUALIFIED TO PROCEED FURTHER IN THE PARTICULAR CASE." THE PROPER REMEDY, OF COURSE WAS AN APPEAL FROM THE ERRONEOUSLY RULING. SEE 2 WITKIN, CALIFORNIA PROCEDURE (4TH ED.), COURTS, DISQUALIFYING OPINIONS, P. 157.

SINCE THE STATEMENT OF DISQUALIFICATION ON ITS FACE DISCLOSES NO LEGAL GROUNDS FOR DISQUALIFICATION, IT IS ORDERED STRICKEN

CASE NO. NA031090
DEF NO. 01

DATE PRINTED 10/06/21

PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 170.4, SUBDIVISION (B). THE PARTIES ARE REMINDED THAT THIS DETERMINATION OF THE DISQUALIFICATION IS NOT AN APPEALABLE ORDER AND MAY BE REVIEWED ONLY BY A WRIT OF MANDATE FROM THE COURT OF APPEAL SOUGHT WITHIN 10 DAYS OF NOTICE TO THE PARTIES OF DECISION. CODE OF CIVIL PROCEDURE SECTION 170.3(D). IN THE EVENT THAT A TIMELY FILED, SUCH AN ANSWER IS FILED HEREWITH. SEE PBA, LLC V. KPOD, LTD(2003) 112 CA;APP.4TH 965,972; ACCORD; FINE V. SUPERIOR COURT(2002) 97 CAL.APP.4TH 651, FN.3 AT 658.

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

DEPARTMENT OF CORRECTIONS

P.O. BOX 5242
CORCORAN, CA. 93212

CDCR NO. P-16644

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

PAGE NO. 3

COURT CONSIDERATION
HEARING DATE: 06/02/21

Exhibit B-p. 20

Verified Answer of Laura Laeseccke

I, Laura Laesecke, declare:

1. I am a Judge of the Superior Court and as such have been assigned to preside over this case.

5 2. I am not prejudiced or biased against or in favor of any party to this proceeding or
6 their counsel.

7 3. All rulings made by me in this action have been based upon facts and arguments
8 officially presented to me and upon my understanding of the law. My statements and rulings are
9 set forth in the records and the files herein, which are the best evidence hereof. To the extent the
10 moving party's statement of those rulings and statements are inconsistent therewith, they are
11 denied.

12 4. All statements made by me and all actions taken by me in this proceeding have
13 been done in furtherance of what I believe were my judicial duties.

14 5. I know of no facts or circumstances which would require my disqualification or
15 recusal in this case.

16 I declare under penalty of perjury that the foregoing is true and correct and of my own
17 personal knowledge, except as to those matters stated to be on my information and belief, and as
18 to those matters, I believe them to be true. Executed this 2 day of June,
19 2021 at 1610 Long Beach California.

Laura Laesecke

Exhibit B, p. 21

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Exhibit C

Exhibit C

ATM, and the following day I was able to get a copy of the report.

ATM REPORT

ATM, Inc.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

*Rec'd 7/27/2021
DPS/PL*
COURT OF APPEAL - SECOND DIST.

FILED

Aug 24, 2021

DANIEL P. POTTER, Clerk

kdominguez Deputy Clerk

In re

B314015

PAUL DENHAM

(Super. Ct. No. NA031090)

on

(Laura Laesecke, Judge)

Habeas Corpus.

O R D E R

THE COURT:

The court has read and considered the petition for writ of habeas corpus filed April 5, 2021. The petition is construed as a petition for writ of mandate and denied. (Code Civ. Proc., § 170.3, subd. (d).)



RUBIN, P.J.



BAKER, J.



MOOR

Exhibit C, p 12

Exhibit D

Exhibit D

Rec'd
3/22/22
PDR

SUPREME COURT
FILED

MAR 16 2022

Jorge Navarrete Clerk

Deputy

S272346

IN THE SUPREME COURT OF CALIFORNIA

En Banc

PAUL JOHN DENHAM, Petitioner,

v.

SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent;

THE PEOPLE, Real Party in Interest.

The petition for writ of mandate is denied.

CANTIL-SAKAUYE

Chief Justice

Exhibit D, p. 23