

SUPREME COURT
FILED
OCT 26 2022
Jorge Navarrete Clerk

S275798

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re KEITH D. ARLINE, JR., on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

CANTIL-SAKUYE

Chief Justice

APPENDIX-A

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

ORDER

In re KEITH D. ARLINE, JR.,

E078742

on Habeas Corpus.

(Super.Ct.Nos. CVBL2100100,
RIC1606914, RIC1803497,
RIF078730 & RIF090611)

The County of Riverside

THE COURT

The petition for writ of habeas corpus is DENIED.

MENETREZ

Acting P. J.

Panel: Menetrez
McKinster
Codrington

cc: See attached list

APPENDIX-B

JUN 25 2021

C. Avalos

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2

3 COUNTY OF RIVERSIDE
4

5 In the Matter of
6

7 Habeas Case Number: CVBL2100100
8

9 Keith D. Arline Jr.
10

11 Criminal Case Number: RIF090611
12

13 On Habeas Corpus.
14

15 Supplemental Denial Order
16

17 Having read and considered the Petitioner's "Request for Reason" received on
18 June 15, 2021, the Court now rules as follows:

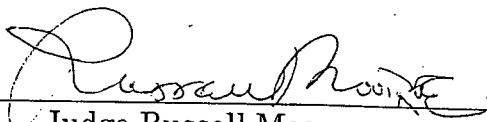
19 In the recently-received correspondence, the Petitioner asserts that the Court
20 neglected to address his claim that the District Attorney failed to provide defense
21 counsel with a toxicology report of a blood sample taken from the Petitioner.
22 Petitioner alleges that this toxicology report is newly-discovered evidence and will
23 prove that he was under the influence at the time he committed murder thereby
24 potentially mitigating it from first- to second-degree. (Pen. Code, §§ 29.4, 187-189.)
25 This claim was previously raised and rejected in habeas cases RIC1606914 and
26 RIC1803497. The previous habeas judges read, considered, and ruled on all the
27 claims raised in the prior petitions. "An order denying a petition for writ of habeas
28 corpus in the superior court is final immediately upon ... filing." (See, e.g., *Jackson*
29 *v. Superior Court* (2010) 189 Cal.App.4th 1051, 1065, fn. 5; *In Re Clark* (1993) 5
30 Cal.4th 750, 767, fn. 7; *In re Hochberg* (1970) 2 Cal.3d 870, 876.) The remedy for
those judges' errors, if any, in addressing the Petitioner's claims in the prior
petitions was to seek relief in the court of appeal (which the Petitioner previously
attempted unsuccessfully). (*People v. Garrett* (1998) 67 Cal.App.4th 1419.) This
court must therefore deny relief.

31 For the Petitioner's guidance however, the court will add the following. The
32 current petition does not include a copy of the toxicology report in question. What's
33 more, there is no substantial evidence before the court that a toxicology report even
34 exists. What has been submitted is a document that reflects that blood was drawn

1 from the Petitioner around the time of the murder. There is no evidence before the
2 court however that the blood sample was ever tested or what the results, if any,
3 may be.¹ The District Attorney cannot disclose or fail to disclose evidence that does
4 not exist. Therefore, this petition alleging a violation of the Petitioner's
5 constitutional rights due to an alleged failure to disclose exculpatory evidence fails.
6

7 The petition in this case remains respectfully DENIED.
8

9 Dated: JUNE 25, 2021


10 _____
11 Judge Russell Moore
12 Riverside County Superior Court
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

APPENDIX-C

¹ It is also not clear that the blood sample exists or is in the custody of law enforcement. The document submitted to establish that blood was drawn is from the "American Forensic Nurses – American Specialized Medical Services," and their connection to law enforcement is not certain.