

SIXTH DISTRICT APPELLATE PROGRAM

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Attorneys for Appellant,  
MICHAEL RAY JOHNSON

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,	]
	] NO. H023838
Plaintiff and Respondent,	]
	] (SANTA CLARA CO.
vs.	] SUPERIOR COURT
	] NO. 208944)
MICHAEL RAY JOHNSON,	]
	] REQUEST FOR
Defendant and Appellant.	] JUDICIAL NOTICE
	] (Evidence Code sections
	] 452 and 459)
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TO THE HONORABLE ACTING PRESIDING JUSTICE OF THE COURT OF APPEAL AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT:

Pursuant to Evidence Code section 452, subdivision (d) and Evidence Code section 459, subdivision (a), appellant respectfully requests this court to take judicial notice of the record on appeal in appellant's prior appeal in

H020227. This request is supported by the attached declaration of counsel.

Dated: March \_\_, 2002

Respectfully submitted,

DALLAS SACHER  
Attorney for Appellant,  
MICHAEL RAY JOHNSON

DECLARATION OF DALLAS SACHER

I am an attorney licensed to practice law in California. I am the attorney of record for appellant, Michael Ray Johnson.

Previously, appellant has appealed to this court in H020227. In the present appeal, two issues are raised: (1) a sentencing remand is required since the trial court was unaware of its discretion to impose concurrent sentences; and (2) the trial court erred in its award of custody and conduct credits.

In my professional judgment, the record on appeal in H020227 must be considered in order for this court to have a full procedural history of the case. In this regard, the record provides the factual background for the legal issues which are raised in this appeal. Thus, it is respectfully submitted that it is appropriate for this court to take judicial notice of the record on appeal in H020227.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_ day of March, 2002, at Santa Clara, California.

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DALLAS SACHER

ORDER

FOR GOOD CAUSE SHOWN, this court takes judicial notice of the record on appeal in H020227.

Dated: March \_\_\_, 2002

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PRESIDING JUSTICE  
OF THE COURT OF APPEAL

## PROOF OF SERVICE

I declare that I am over the age of 18, not a party to this action and my business address is 100 N. Winchester Blvd., Suite 310, Santa Clara, California 95050. On the date shown below, I served the within REQUEST FOR JUDICIAL NOTICE to the following parties hereinafter named by:

X Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Clara, California, addressed as follows:

Attorney General's Office  
455 Golden Gate Avenue  
Suite 11,000  
San Francisco, CA 94102-7004  
[Counsel for People of the State of  
California]

District Attorney's Office  
70 W. Hedding St.  
San Jose, CA 95110

Clerk of the Superior Court  
Criminal Division  
190 W. Hedding St.  
San Jose, CA 95110

Michael Johnson  
H-22086  
CSP-Solano  
P. O. Box 4000  
Vacaville, CA 95696-4000

I declare under penalty of perjury the foregoing is true and correct. Executed this \_\_\_ day of March, 2002, at Santa Clara, California.

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Sue Yarbrough