SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Clara Shortridge Foltz Criminal Justice Center Dept. - 100

25CJHC00034-01 **May 19, 2025**

In re: **8:30 AM**

Adkins, David Russell

Honorable William C. Ryan, Judge
B. Perez, Judicial Assistant Not Reported, Court Reporter

PC1473

NATURE OF PROCEEDINGS: Hearing on Writ of Habeas Corpus

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Hearing on Writ of Habeas Corpus.

The Court issues an Order to Show Cause re Petition for Writ of Habeas Corpus. The Respondent may file a return within 30 days after service of this order. The Petitioner's traverse/denial may be filed 30 days after filing and service of the return, filed by the Respondent.

ORDER RE: ORDER TO SHOW CAUSE (HABEAS CORPUS)
(Underlying Case No.: GA007013)

TO RESPONDENT, THE SECRETARY OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR"):

In 1992, Petitioner David Adkins was convicted by jury of three counts of first degree murder. The trial court sentenced Petitioner to life without the possibility of parole. By operation of law, Petitioner, who was 16 years old at the time of the crimes, became eligible for a youth offender parole hearing pursuant to Penal Code section 3051, subdivision (b)(4). He is currently serving his sentence at the Richard J. Donovan Correctional Facility, located in San Diego, California.

On November 14, 2019, the Board of Parole Hearings (Board) conducted Petitioner's initial parole suitability hearing. The Board found Petitioner suitable for parole. On April 1, 2020, the Governor reversed the Board's decision. On April 14, 2022, the Board convened a subsequent parole suitability hearing and found Petitioner unsuitable for release.

On March 24, 2025, Petitioner, represented by Avram Frey, Esq., Summer Lacey, Esq., Melissa Camacho, Esq., Steven M. Watt, Esq., and Allison Frankel, Esq., from the American Civil Liberties Union (ACLU), filed the

instant petition for writ of habeas corpus challenging the Governor's decision. Petitioner raises two issues. First, he contends that the Governor's ability to reverse parole grants violates due process and youth offenders' constitutional and statutory right to a meaningful opportunity to obtain release. Second, Petitioner contends that the Governor's decision is not supported by "some evidence."

Assuming the truth of Petitioner's factual allegations, as the court must at this stage of the proceeding, the court finds that Petitioner has stated a prima facie case for habeas corpus relief. (Cal. Rules of Court, rule 4.551(c)(1).) Accordingly, Respondent is ORDERED TO SHOW CAUSE, if any he has, why the relief requested should not be granted. Respondent is also requested to discuss the effect, if any, of the April 14, 2022, Board denial.

Respondent is to file a return on the petition within 30 days of service of this order. (Cal. Rules of Court, rule 4.551(e).) Petitioner may file a traverse or denial 30 days after filing and service of the return. (Cal. Rules of Court, rule 4.551(f).) Unless further hearing is ordered, the matter will be deemed submitted upon receipt of the Petitioner's traverse or denial or after the expiration of the time for filing the traverse or denial. (Cal. Rules of Court, rule 4.551(g).)

As Petitioner is already represented by counsel, the court need not appoint counsel for Petitioner. (Cal. Rules of Court, rule 4.551(d)(1).) Further, the court is receipt of two Motions for Admission Pro Hac Vice of Counsel pertaining to Steven M. Watt, Esq., and Allison Frankel, Esq., who practice out of the ACLU's New York office. The motions for pro hac vice representation are GRANTED.

On April 22, 2025, Petitioner filed with this court a proof of service reflecting that Respondent was served with a digital copy of the petition and exhibits. Due to the length of the petition, the court will thus not provide an additional copy unless Respondent requires one and contacts the court.

The Clerk is ordered to serve a copy of this order upon counsel for Petitioner, and upon the Office of the Attorney General (Los Angeles), as counsel for Respondent, the Secretary of the CDCR.

Minute order is prepared by B. Munoz on May 20, 2025.

CLERK'S CERTIFICATE OF MAILING

I, David W. Slayton, Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served a copy of the above minute order of May 19, 2025 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States Mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: May 20, 2025 By: /s/ B. Munoz

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B. Munoz, Deputy Clerk

Avram Frey, Esq. ACLU Foundation of Northern California, Inc. 39 Drumm St. San Francisco, CA 94111 afrey@aclunc.org Summer Lacey, Esq. Melissa Camacho, Esq. ACLU Foundation of Southern California, Inc. 1313 W 8th St., Suite 200 Los Angeles, CA 90017 slacey@aclusocal.org mcamacho@aclusocal.org Steven M. Watt, Esq. Allison Frankel, Esq. American Civil Liberties Union Foundation 125 Broad St., 18th Floor New York, NY 10004 swatt@aclu.org afrankel@aclu.org	Department of Justice – State of California Office of the Attorney General 300 South Spring Street, Suite 1702 Los Angeles, CA 90013 Attn: Julie Malone, Supervising Deputy Attorney General