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September 27 ◆ October 13, 2023

?? Key Cases

? 2/6 ◆ Racial Justice Act violations cannot be harmless since the legislature declared them to be miscarriages of justice.

? 2/1 ◆ Murder convictions based on a provocative act theory may be challenged under Pen. Code, ◆ 1172.6 if they used instructions predating *People v. Concha* (2009) 47 Cal.4th 653.

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September 27  October 13, 2023

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Cite as 2024 S.O.S. 22-55522

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Good Morning,

Please see order attached from the Fifth Appellate. Judge Idiart is placing this on calendar to address the Racial Justice Act (PC 745). Please let the court know what is a good date for both counsels at your earliest convenience.

Thanks

[REDACTED]
Judicial Assistant for Hon. Judge Idiart
Department 71
(559) 457-6354
Dept. Email: Dept71@fresno.courts.ca.gov
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]
Date: Tuesday, January 9, 2024 2:54:27 PM
Attachments: [doc00513920240109081458.pdf](#)

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Good Afternoon,

The Court was informed that [REDACTED] no longer represents [REDACTED]. Judge Idiart is appointing the Public Defender's Office to represent [REDACTED] to address the order from the Fifth Appellate. Please advise as to what is a good date for both counsels at your earliest convenience.

Thanks

[REDACTED]
Judicial Assistant for Hon. Judge Idiart
Department 71
(559) 457-6354
Dept. Email: Dept71@fresno.courts.ca.gov
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, January 9, 2024 8:24 AM
To: [REDACTED]
Cc: Dept 71 <Dept71@FRESNO.COURTS.CA.GOV>
Subject: [REDACTED]
Importance: High

Good Morning,

Please see order attached from the Fifth Appellate. Judge Idiart is placing this on calendar to address the Racial Justice Act (PC 745). Please let the court know what is a good date for both counsels at your earliest convenience.

Thanks

[REDACTED]
Judicial Assistant for Hon. Judge Idiart Department 71
(559) 457-6354
Dept. Email: Dept71@fresno.courts.ca.gov
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [Dept 71](#)
Subject: [REDACTED]
Date: Tuesday, January 9, 2024 1:59:57 PM

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Ok. I will inform Judge on this. Thank you for the update.

[REDACTED]
Judicial Assistant for Hon. Judge Idiart
Department 71
(559) 457-6354
Dept. Email: Dept71@fresno.courts.ca.gov
Email: [REDACTED]

From: [REDACTED]
Sent: Tuesday, January 9, 2024 1:54 PM
To: [REDACTED]
[REDACTED]
Cc: Dept 71 <Dept71@FRESNO.COURTS.CA.GOV>
Subject: [REDACTED]

Thanks but I no longer represent [REDACTED]. The appellate court indicated counsel should be appointed to handle this.

Let me know if I am needed for anything else.

-

[REDACTED]
On Jan 9, 2024, 8:24?AM -0800, [REDACTED]
wrote:

Good Morning,

Please see order attached from the Fifth Appellate. Judge Idiart is placing this on calendar to address the Racial Justice Act (PC 745). Please let the court know what is a good date for both counsels at your earliest convenience.

Thanks

[REDACTED]
Judicial Assistant for Hon. Judge Idiart
Department 71
(559) 457-6354
Dept. Email: Dept71@fresno.courts.ca.gov
Email: [REDACTED]

From: [The Recorder Case Update](#)
To: [REDACTED]
Subject: The Recorder Case Alert
Date: Tuesday, January 9, 2024 4:30:05 PM

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Jan 09, 2024

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The Recorder Case Alert



Silbersher v. Valeant Pharmaceuticals International, Inc.

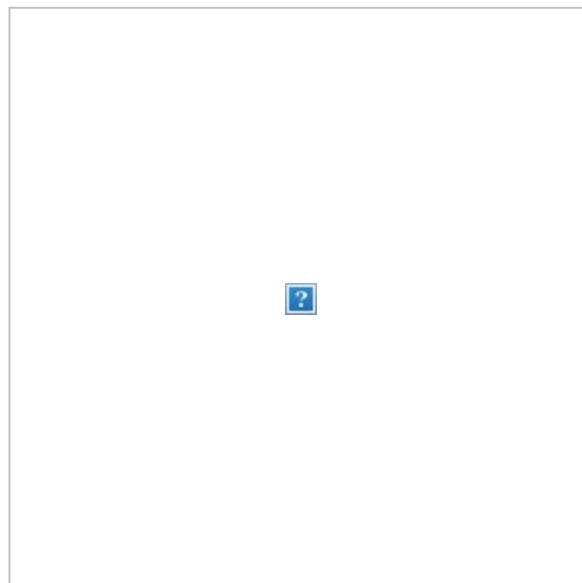
Practice Area: Civil Procedure|Patent Litigation

Industry: Pharmaceuticals

Date Filed: 2023-08-03

Court: U.S. Court of Appeals for the Ninth Circuit

Prior public disclosures insufficient to bar qui tam complaint [Read More](#)



United States v. Gonzalez-Godinez

Practice Area: Criminal Law

Date Filed: 2024-01-03

Court: U.S. Court of Appeals for the Ninth Circuit

Arrestee's interest in speaking in order to substantiate claim for asylum did not render Miranda warning inadequate [Read More](#)



Cross v. O'Malley

Practice Area: Administrative Law

Industry: Federal Government

Date Filed: 2024-01-02

Court: U.S. Court of Appeals for the Ninth Circuit

Social Security Administration's 2017 medical-evidence regulations valid under both Social Security Act and APA [Read More](#)

People v. Coleman

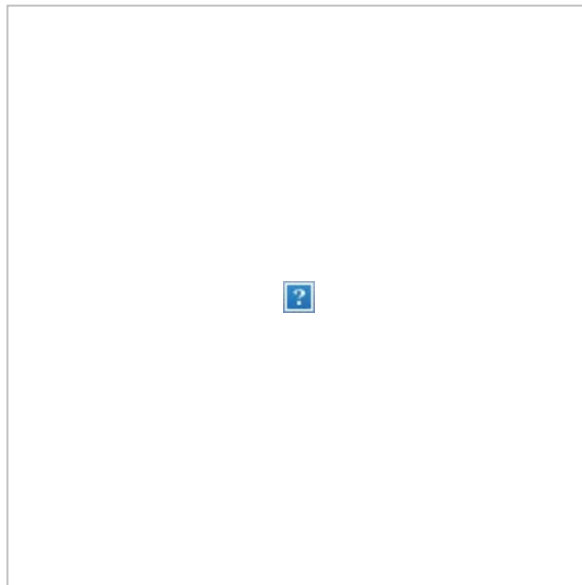
Practice Area: Criminal Law

Industry: Legal Services

Date Filed: 2024-01-05

Court: Court of Appeal

Defense attorney's advice to African-American client to use his natural mode of speech in addressing jury not violation of Racial Justice Act [Read More](#)



Garner v. BNSF Railway Company

Practice Area: Expert Witnesses|Wrongful Death

Industry: Transportation

Date Filed: 2024-01-04

Court: Court of Appeal

Lack of conclusively established link between exposure to diesel exhaust and non-Hodgkin's lymphoma does not render expert causation testimony inadmissible [Read More](#)

Moten v. Transworld Systems Inc.

Practice Area: Creditors' and Debtors' Rights

Industry: Financial Services and Banking

Date Filed: 2023-12-18

Court: Court of Appeal

Litigation privilege inapplicable to allegedly fraudulent debt collection activity

[Read More](#)

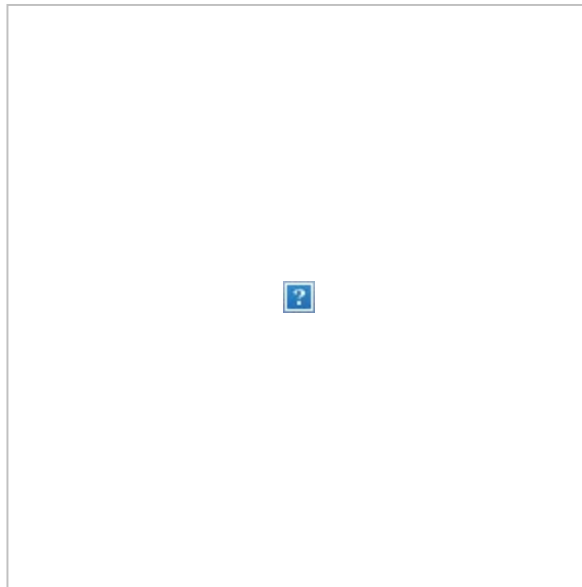
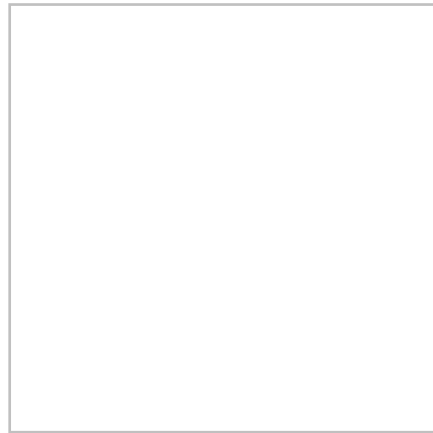


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