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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ERIC KIMBLE,
Petitioner,
v.

RON DAVIS, Warden of California
State Prison at San Quentin,
Respondent.

CASE NO. CV 90-4826 SVW
DEATH PENALTY CASE

JUDGMENT

JS - 6

IT IS HEREBY ORDERED that the petition for writ of habeas corpus be **CONDITIONALLY GRANTED IN PART**, as follows:

The petition for writ of habeas corpus as to the rape murder special circumstance finding and sentence of death in the case of *People v. Eric Dwayne Kimble*, Case No. A345207 of the California Superior Court for the County of Los Angeles, is hereby **GRANTED**. The judgment of conviction on the rape murder special circumstance, and the sentence of death, shall be **VACATED**.

In all other respects, the petition for writ of habeas corpus is **DENIED**.

IT IS FURTHER ORDERED that the State of California shall, within 120 days from the entry of this Judgment, either grant petitioner a new trial on the rape murder special circumstance, or vacate the rape murder special circumstance

1 finding and death sentence and resentence petitioner in accordance with California
2 law and the United States Constitution.

3 **IT IS SO ORDERED.**

4 Dated: June 19, 2017



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6 **STEPHEN V. WILSON**
United States District Judge

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