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FILED

AUG 18 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON MARTINEZ VARGAS,

Petitioner,

v.

CHERYL PLILER,

Respondent.

Case No. CV F 03-6622 OWW SMS HC

~~PROPOSED~~ ORDER

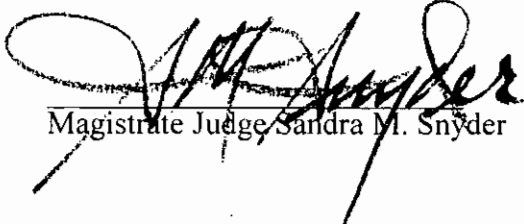
(HC) Vargas v. Piler

The redacted Declaration of Garrett Hamilton shall be admitted for all purposes at the evidentiary hearing in this case.

Doc. 83

Dated:

August 18, 2010


Magistrate Judge Sandra M. Snyder

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

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13 **JASON MARTINEZ VARGAS,**
14
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15
v.
16
CHERYL PLILER,
17
Respondent.
18

CV F 03-6622 OWW SMS HC


**STIPULATION RE HAMILTON
DECLARATION**

1 The parties stipulate that the attached redacted Declaration of Garrett Hamilton shall be
2 admitted for all purposes at the evidentiary hearing in this case.

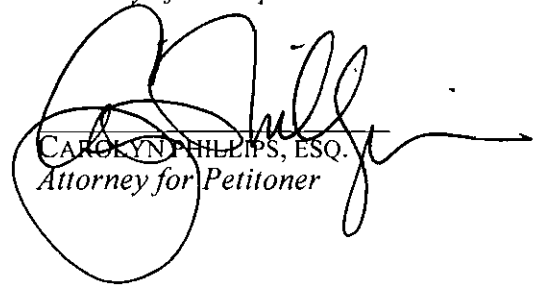
3 Dated: August 10, 2010

Respectfully Submitted,

4 EDMUND G. BROWN JR.
5 Attorney General of California
6 STEPHEN G. HERNDON
7 Supervising Deputy Attorney General

8 

9 PAUL E. O'CONNOR
10 Deputy Attorney General
11 *Attorneys for Respondent*

12 
13 CAROLYN PHILLIPS, ESQ.
14 *Attorney for Petitioner*

15 SA2004FH0235
16 Document in ProLaw

Declaration of Garrett Hamilton

My name is Garrett Hamilton. I am currently a deputy district attorney with the Yolo County District Attorney's Office. I used to be employed as a deputy district attorney in the Kern County District Attorney's Office.


I was the trial deputy in People v. Jason Vargas. I do recall the case generally and some specifics, including the fact that the case was in trial before the Honorable Judge Clarence Westra Jr., and the fact that the defendant was represented by Mr. George Quick.

I have reviewed portions of the trial transcript provided to me by the Attorney General's Office. I have been asked to recall if I observed Mr. Quick asleep during the trial, specifically during the testimony of Officer Frank Gonzales. I have also been asked if I recall him being fatigued during closing arguments.

I don't remember either of the above events happening. I have read Mr. Quick's objection where he said "Objection. I don't think we've heard that testimony. I may have been asleep." [REDACTED] reading the transcript of this objection does not make me remember being there and hearing it, [REDACTED]

I had several if not numerous cases with Mr. Quick when I was in the Kern County District Attorney's office, and he was an experienced and capable opponent in criminal matters.

I declare under penalty of perjury that the above is true to the best of my knowledge and recollection.


Garrett Hamilton
8-2-2010