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

LARRY ROBERTS,

Petitioner,

No. CIV S-93-0254 GEB DAD

vs.

DEATH PENALTY CASE

WARDEN, San Quentin State
Prison,

Respondent.

ORDER

_____ /

As directed in the court’s November 14, 2012 order (Dkt. No. 460), respondent has submitted for in camera review several documents from the prosecutor’s trial files. (See Dkt. No. 463.) Respondent contends the documents are not relevant to petitioner’s discovery requests and are protected by California’s Official Information Privilege.¹

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¹ It should be noted that respondent’s list of the documents submitted to the court is not complete. Attached to the first document submitted to the court for in camera review, a May 12, 1988 memorandum from prosecutor Charles Kirk to Senior Assistant Attorney General John Sugiyama, is a second memorandum. That second memorandum is also from Mr. Kirk to Mr. Sugiyama and is also dated May 12, 1988. It is entitled “Recommendation of Rule Change to Administrative Office of Courts/Appropriate Public Service.” It concerns the same subject matter as the other documents submitted to this court for review.

1 Within seven days of the filed date of this order, petitioner shall file a response
2 addressing the bases for respondent's position with respect to the in camera submission.

3 DATED: January 18, 2013.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

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