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E-FILED on 11/28/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANK MELONZI,,
Petitioner,
v.
SUE HUBBARD, Warden,
Respondent.

No. C-09-00610 RMW
JUDGMENT

On November 15, 2012 the court granted Frank Melonzi's petition for writ of habeas corpus vacating his conviction for continuous sexual abuse of a child in violation of California Penal Code § 288.5 and the sentence imposed, subject to the State's right to commence a retrial within sixty (60) days on the § 288.5 charge.

Judgment is hereby entered in accordance therewith.

DATED: November 28, 2012

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

JUDGMENT