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Superior Court of California
County of Los Angeles

JAN 12 2011

Sherri R. Carter, Executive Officer/Clerk
By Stan Kadohata, Deputy

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA,

14 Plaintiff/Respondent,

15 v.

16 HOOMAN ASHKAN PANAH

17 Defendant/Petitioner.
18

[DEATH PENALTY CASE]

Los Angeles Superior Court Case No.
BA090702 [Related to California Supreme
Court Case No. S155942]

**Notice of Motion and Second Supplemental
Motion for Post-conviction Discovery
Pursuant to Penal Code Section 1054.9;
Exhibits; [Proposed] Order**

Dept: 100

TABLE OF CONTENTS

	Page
I. INTRODUCTION	2
II. PROCEDURAL HISTORY	2
III. ARGUMENT	3
A. Law regarding Post-conviction Discovery	3
B. Materials Sought via Post-conviction discovery	5
1. All records and notes concerning DNA, serology, and other scientific testing performed by the Los Angeles Police Department	5
a. Records prepared by and concerning work conducted by criminalist Colin Yamauchi	5
b. Records provided to Lisa Kahn	6
c. Other LAPD Scientific Division Records	7
2. Witness Relocation Records for Rauni Campbell	8
3. Records of Trial Discovery Provided to the Defense	8
4. Law Enforcement Records	9
a. Reports from officers involved in search of apartment complex	9
b. K-9 Dog Handler Reports	10
5. Unedited copy of Surveillance tapes	11
6. Officer Bayarti Investigation and Audiotape	12
C. Petitioner made good-faith efforts to obtain the materials above from trial counsel and the DA's Office.	12
IV. CONCLUSION	14

TABLE OF AUTHORITIES

Page(s)

FEDERAL CASES

<i>Brady v. Maryland</i> , 373 U.S. 83 (1963)	4, 7
<i>Kyles v. Whitley</i> , 514 U.S. 419 (1995)	4

STATE CASES

<i>People v. Gonzalez</i> , 51 Cal.3d 1179 (1990)	4
<i>In re Steele</i> , 32 Cal. 4th 682 (2004)	2, 3, 4, 5

STATE STATUTES

Cal. Pen. Code § 1054.9	2, 3, 4
Cal. Pen. Code § 1473	3

1 Defendant/Petitioner Hooman Ashkan Panah moves, by and through his counsel
2 of record for post-conviction discovery of certain evidence. This motion is made
3 pursuant to Penal Code section 1054.9, and is based upon the facts and grounds set
4 forth in this Motion, the accompanying memorandum of points and authorities, the
5 supporting declarations of counsel and other exhibits, documents on file with the Court
6 in the above-captioned matter, and any other evidence or testimony this Court deems
7 relevant.

8 Petitioner Panah remains open to informal resolution of the requests made in the
9 motion. As explained in the memorandum of points and authorities below, however,
10 Panah has been unsuccessful in obtaining the materials informally.

11 Respectfully submitted,

12
13 HILARY POTASHNER
14 Federal Public Defender

15
16 DATED: January 12, 2018

By:

17 
18 JOSEPH A. TRIGLIO
19 SUSEL CARRILLO-ORELLANA
20 Deputy Federal Public Defenders
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Hooman Ashkan Panah (“Petitioner” or “Mr. Panah”) hereby moves for post-
4 conviction discovery pursuant to California Penal Code § 1054.9. Under § 1054.9, he
5 is entitled to all discovery materials to which he would have been entitled at the time of
6 his trial. *In re Steele*, 32 Cal. 4th 682, 694-98 (2004).

7 **II. PROCEDURAL HISTORY**

8 Mr. Panah was convicted and sentenced to death on January 23, 1995. Due to
9 trial counsel admitting to losing most of the trial file associated with the case, Mr.
10 Panah’s prior appellate and habeas attorney, Robert Bryan, made numerous attempts to
11 recover the missing files and to obtain post-conviction discovery. While some of these
12 efforts resulted in obtaining previously missing materials, prior counsel was unable to
13 recover everything which he believed was missing. Eventually, Mr. Bryan obtained a
14 stipulation for post-conviction discovery with the Los Angeles District Attorney’s
15 Office (“DA”) signed by the Superior Court. (Ex. 1, Supp. Mtn for Discovery at 15.)
16 When signing the Stipulation, Judge Kriegler stated that “[i]n the event the parties
17 disagree as to any aspects of discovery, Defendant will file a supplemental motion and
18 a hearing will be held thereon.” (*Id.*)

19 After the Federal Public Defender (“FPD”) took over as Mr. Panah’s habeas
20 counsel for his federal proceedings, it renewed the efforts to obtain the missing
21 discovery informally. When these failed, per Judge Kriegler’s order, federal habeas
22 counsel filed a Supplemental Motion to Enforce the 2004 Stipulation but withdrew it on
23 August 20, 2009 after obtaining declarations from the DA, detective-in-charge from the
24 Los Angeles Police Department and the Supervising Criminalist for Serology and DNA
25 from the Los Angeles Police Department’s scientific lab representing that all materials
26 had either been made available or no longer existed. (*See* Ex. 1; Ex. 2, Mtn. to
27 Withdraw.)

1 Following the recent amendment of Penal Code § 1473, Panah is preparing to
2 file a petition for writ of habeas corpus in the California Supreme Court. As part of the
3 FPD's efforts to obtain reasonably-available evidence supporting the allegations in the
4 pending claims, the FPD seeks materials that are in the actual or constructive
5 possession of the DA's Office. This includes materials that may be in the possession
6 of, for example, the Los Angeles Police Department or the Los Angeles Police
7 Department's Forensic Science Division. The FPD has reason to believe that despite
8 the representations made in 2009, additional evidence concerning Mr. Panah's case
9 exists, is in the DA's possession, and must be discovered to Mr. Panah pursuant to
10 Penal Code § 1054.9.

11 III. ARGUMENT

12 A. Law regarding Post-conviction Discovery

13 California Penal Code § 1054.9(a) states in relevant part:

14 Upon the prosecution of a postconviction writ of habeas
15 corpus or a motion to vacate a judgment in a case in which a
16 sentence of death or life in prison without the possibility of
17 parole has been imposed, and on a showing that good faith
18 efforts to obtain discovery materials from trial counsel were
made and were unsuccessful, the court shall, except as
provided in subdivision (c), order that the defendant be
provided reasonable access to any of the materials described
in subdivision (b).

19 Subdivision (b) describes discovery materials as "materials in the possession of the
20 prosecution and law enforcement authorities to which the same defendant would have
21 been entitled at time of trial." (Pen. Code § 1054.9(b).)

22 The aim of section 1054.9 is to place the Mr. Panah in the position he would
23 have been pre-trial, had he received all relevant discovery materials, and had he
24 requested all relevant discovery materials to which he would have been entitled. Thus,
25 as explained in *Steele*, discovery required to be disclosed by section 1054.9 includes
26 materials that: "(1) the prosecution did provide at time of trial but have since become
27 lost to defendant; (2) the prosecution should have provided at time of trial because they
28 came within the scope of a discovery order the trial court actually issued at that time, a

1 statutory duty to provide discovery, or the constitutional duty to disclose exculpatory
2 evidence; (3) the prosecution should have provided at time of trial because the defense
3 specifically requested them at that time and was entitled to receive them; or (4) the
4 prosecution had no obligation to provide at time of trial absent a specific defense
5 request, but to which the defendant would have been entitled at time of trial had the
6 defendant specifically requested them.” (*Steele, supra*, 32 Cal. 4th at p. 697)

7 As the second *Steele* category makes clear, a capital defendant is entitled to
8 certain pre-trial discovery regardless of whether any request is made for it. For
9 example, the prosecution has an independent, self-executing duty under the
10 Constitution of the United States to disclose discovery materials under *Brady v.*
11 *Maryland* (1963) 373 U.S. 83, 87. (*See People v. Gonzalez* (1990) 51 Cal.3d 1179,
12 1260-61 [stating that the Court assumes that *Brady* material will be disclosed even after
13 the conclusion of trial].) *Brady* and its progeny require the prosecution to disclose any
14 and all potentially exculpatory evidence related to guilt or penalty, including but not
15 limited to all information that could be used to impeach the prosecution’s witness.

16 The State’s duty to disclose discovery materials in its possession is not limited to
17 documents and materials actually possessed by the District Attorney’s office.
18 Subsection 1054.9, subdivision (b), requires discovery of any relevant materials “in the
19 possession of the prosecution and law enforcement authorities,” and this duty extends
20 to any and all law enforcement authorities who were “involved in the investigation or
21 prosecution” of Mr. Panah’s case. (*Steele, supra*, 32 Cal. 4th at p. 697.) This
22 obligation extends to all law enforcement agencies, correctional facilities, medical
23 entities, and any other actor or entity involved in Mr. Panah’s arrest and detention, the
24 investigation and prosecution of Mr. Panah’s case, and his sentencing. (*See, e.g. Kyles*
25 *v. Whitley* (1995) 514 U.S. 419, 437 [prosecution must take steps to learn of and
26 disclose favorable evidence known to others acting on the government’s behalf,
27 including police].) Thus, federal constitutional law and section 1054.9 entitle Mr.
28

1 Panah to a court order mandating access to “discovery materials” from all involved
2 state entities and actors.

3 **B. Materials Sought via Post-conviction discovery**

4 The specific discovery materials to which Mr. Panah now seeks access are listed
5 below and in the Proposed Order submitted with this Motion. Some of the requested
6 materials were specified in the prior stipulation. These materials should be in the
7 possession of the prosecution and law enforcement authorities, and constitute materials
8 that the prosecutor should have provided at the time of trial, with or without a specific
9 request from defendant, material that the prosecutor would have been required to
10 disclose had trial counsel made the request, or material that the prosecutor may have
11 provided but have since become lost and is unavailable to current habeas counsel.
12 (*Steele, supra*, 32 Cal.4th at p. 688.)

13 Additionally, Mr. Panah, where possible, also outlines exactly why he maintains
14 the documents exist despite the prior representations of the prosecution and law
15 enforcement.

16 **1. All records and notes concerning DNA, serology, and other**
17 **scientific testing performed by the Los Angeles Police**
18 **Department.**

19 **a. Records prepared by and concerning work conducted by**
20 **criminalist Colin Yamauchi**

21 Panah possesses LAPD analyzed evidence reports by criminalist Colin Yamauchi
22 concerning DNA DQ-Alpha testing of key items in Mr. Panah’s case including a tissue,
23 bedsheet, and blue robe found in Mr. Panah’s room. (Ex. 3, Analyzed Evid. Rpts.)
24 These reports are only 2-3 pages in length and merely set forth the piecemeal results of
25 the testing. Mr. Panah does not possess any of Yamauchi’s underlying lab notes or
26 memoranda concerning his testing. Nor has Mr. Panah been provided a finalized report
27 summarizing Yamauchi’s conclusions regarding the DNA evidence, or his analysis of
28

1 how his DNA testing impacted the other serological analysis that was conducted by the
2 LAPD.

3 In addition, Mr. Panah was provided a fax cover sheet from the crime lab to
4 DDA Berman dated November 17, 1994 indicating it was 1 of 3 pages. (Ex. 17, Nov.
5 17, 1994 Fax). The cover sheet requests that DDA Berman call the crime lab after
6 reviewing the attached records with criminalist Moore. (*Id.* at 1.) The records attached
7 to the fax consist of Moore's analyzed evidence report which, while dated July 12,
8 1994, states that Moore was provided several items of evidence on October 11, 1994 on
9 which he conducted serology testing and goes on to describe the results of that testing.
10 Yamauchi is identified as the supervisor approving the report. (*Id.* at 2.) This report,
11 therefore, indicates that Yamauchi was aware of Moore's serology testing and
12 conclusions, which contradict Yamauchi's DNA testing. However, Mr. Panah was not
13 provided with and herein requests any documents detailing the substance of the
14 conversation between DDA Berman and Yamauchi re the serology testing or any
15 records discussing any comparisons or inconsistencies between the DNA testing
16 conducted by Yamauchi and the serology testing conducted by Moore.

17 Mr. Panah has a good-faith basis to believe that the Los Angeles County District
18 Attorney's Office has constructive possession of Yamauchi's raw data, notes, or
19 analyses. On June 21, 2017, Mr. Yamauchi told counsel for Mr. Panah in a telephone
20 conversation that he may have records in "archives" or some other location within the
21 LAPD forensic laboratory. (Ex. 4, J. Trigilio Decl., ¶ 4). On July 11, 2017, Yamauchi
22 informed counsel that any further communications or requests must go through Deputy
23 City Attorney Carlos De La Guerra. (*Id.*, ¶ 6.) As explained in Section C below,
24 counsel for Mr. Panah were unsuccessful in obtaining the requested materials with the
25 assistance of Mr. De La Guerra.

26 **b. Records provided to Lisa Kahn**

27 Mr. Panah has been provided a memorandum from DDA Lisa Kahn to Peter
28 Berman dated June 5, 2000. (Ex. 5, L. Kahn Memo.) In the memorandum, Lisa Kahn

1 discusses that she was provided with serological reports that she has attached to her
2 memorandum and requests that she be provided "a complete set of laboratory notes,
3 including all reports and a property report summarizing the evidence recovered." Mr.
4 Panah requests a complete set of all the records that were provided to DDA Kahn as
5 well as any additional memoranda or records detailing her involvement and
6 investigation into the DNA in Mr. Panah's case including records detailing the reason
7 for DDA Kahn's involvement and final outcome of the investigation. This request
8 includes a request for electronic records in the possession the Los Angeles County
9 District Attorney's office.

10 Although the memo from DDA Kahn post-dates his trial, the underlying records
11 that she was provided and reviewed do not. Moreover, the prosecution has an ongoing
12 duty to provide Mr. Panah with any favorable evidence, including any post-trial
13 findings by DDA Kahn and the prosecution regarding the DNA and serology testing
14 under *Brady v. Maryland*, 373 U.S. 83 (1963).

15 **c. Other LAPD Scientific Division Records**

16 On October 17, 1994, the prosecution represented to the trial court that all
17 scientific evidence had been turned over but that he had asked the "crime lab to retest
18 different items" and that he expected to have the results by the end of the week. (RT
19 517.) The prosecutor later clarified that the discovery he had turned over consisted of
20 DQ Alpha results. (RT 518.) Despite the prosecution's assertion that he had ordered
21 additional DNA testing, Mr. Panah has not been provided any DNA results that post-
22 date the October 17, 1994 court appearance or any signed "acknowledgement of
23 discovery" forms showing that trial counsel was provided any DNA discovery after that
24 date. Mr. Panah requests both copies of the later DNA testing and any
25 acknowledgment of discovery forms demonstrating that the later DNA testing was
26 provided to trial counsel.

27 Mr. Panah also requests any scientific testing conducted on fingernail scrapings
28 and clippings taken from the victim as referenced in a December 9, 1993 LAPD

1 property report (Ex. 1 at 35,) and any reports or testing concerning fingerprints taken
2 from the crime scene by latent print tech Ames on November 21st or 22nd 1993. (Ex.
3 14, Crime Scene Investigation Checklist at 1.)

4 In addition, in post-conviction discovery Mr. Panah was provided an envelope
5 postmarked January 3, 1995 from the scientific division to DDA Peter Berman but not
6 provided the corresponding documents or letter. (Ex. 6, Berman Env.) Mr. Panah
7 requests the corresponding documents.

8 **2. Witness Relocation Records for Rauni Campbell**

9 Mr. Panah previously requested documents or information regarding Rauni
10 Campbell's placement in a witness relocation program. In 2009, Detective Price stated
11 that he had no independent recollection of Campbell's placement in witness relocation.
12 (Ex. 2 at 29.) However, Mr. Panah is in possession of a document showing that Rauni
13 Campbell was in Arizona at the time of the trial and that the DA's office sought
14 funding for her travel expenses. (Ex. 7, Req. for Witness Transport. Fees.) Post-
15 conviction counsel also attempted to obtain witness protection records directly from the
16 California Witness Relocation and Assistance Program. However, they would not
17 provide these records to post-conviction counsel without a court order. (Ex. 12, J.
18 Hammond Dec.) Accordingly, Mr. Panah requests all witness relocation records
19 concerning Rauni Campbell, as well as any reward money or other benefits or rewards
20 offered to her by the Los Angeles County District Attorney's office, law enforcement,
21 the Parker or Bridges' families, or any other government agency involved in the
22 prosecution of this case. This request includes a request for all electronic records in the
23 possession the Los Angeles County District Attorney's office on this matter. This
24 request was contained in Request #17 of the Stipulation.

25 **3. Records of Trial Discovery Provided to the Defense**

26 Through post-conviction discovery Mr. Panah was provided access to the murder
27 book by Detective Joel Price of the LAPD. Detective Price signed a declaration stating
28

1 that a numbered copy of the murder book does not exist in the LAPD's records. (Ex. 2
2 at 29.)

3 However, when trial counsel signed acknowledgements that was provided
4 discovery by the DA, the discovery turned over was often only referred to by a range of
5 page numbers, rather than a description. (Ex. 8, Ack. Of Discovery.) Accordingly, Mr.
6 Panah requests a copy of the prosecution's sequentially numbered murder book and/or
7 the prosecution's discovery log specifying what discovery was turned over and when,
8 including any page numbers corresponding with the defense signed acknowledgments
9 of discovery.

10 **4. Law Enforcement Records**

11 **a. Reports from officers involved in search of apartment**
12 **complex**

13 Mr. Panah was provided numerous records that referenced searches of his
14 apartment by numerous officers.

15 On November 20, 1993 Sergeant Patton conducted a search of Panah's apartment
16 at 4:30 pm with Officers Barnes, Calderon and Kome. (Ex. 15, Nov. 20-21, 1993
17 Chron at 2.)

18 Detective Severns and Officer Swans both interviewed Mehri Monfared and
19 Ahmed Seihoon inside Panah's apartment. (*Id.* at 2-3.)

20 On November 21, 1993, a LAPD Watch Command Daily report by Watch
21 Commander Maestro references that Officers Navarro, Burris, and Peloquin were
22 ordered to missing person command post according to Lieutenant Rock to search for
23 Parker. (Ex. 9, Watch Commander Rpt. at 2.) It also references that Maestro forced
24 entry into Mr. Panah's apartment with a Lieutenant Hulet and Officer Mosset. (*Id.* at
25 3.) Lietenant Rock and Detective Steinbacher also participated in the searches. Lt.
26 Rock reported his searches to Chief Pomeroy. (*Id.*)

27 Officers Burris and Navarro also forcibly entered Panah's apartment to conduct a
28 search. (Ex. 15 at 3.) Officers Swanston, Peloquin, Power, and Price conducted a

1 different search of Panah's apartment. (*Id.*) Officers Mossett and Toth conducted
2 additional searches. (Ex. 16, Crime Scene Log at 1.)

3 Despite references to these searches by various officers, Mr. Panah was not
4 provided with any reports or notes, except for reports by Sergeant Patton and Officer
5 Barnes. Mr. Panah requests copies of any reports or notes from the other
6 aforementioned officers regarding their involvement in the search of the apartment
7 complex and/or involvement in the case. Mr. Panah has never been provided with any
8 reports written by the aforementioned officers, despite the fact that LAPD policy at the
9 time described Form 3.16 as a form to be used "when reporting a follow-up to a
10 missing/found persons investigation." (Ex. 10, 1994-95 LAPD Manual Excpt.) Any
11 reports from these officers are favorable to Panah because they indicate that a thorough
12 search by over a dozen officers of Panah's apartment failed to locate the Nicole
13 Parker's body, refuting the prosecution's theory by indicating that the body may not
14 have been present in Panah's apartment at the time of their search.

15 **b. K-9 Dog Handler Reports**

16 A November 20, 1993 crime scene log references numerous searches for Nicole
17 Parker conducted using K-9 dogs. (Ex. 16, Crime Scene Log.) Mr. Panah requests
18 copies of the reports and notes of various officers and volunteers who conducted
19 searches. Specifically, Mr. Panah requests the following records for officers who
20 conducted searches on Sunday, November 21, 1993:

- 21 1. Reports of Officer Shaw and Officer Shannon who were on a footbeat
22 with K-9s at the gate at 7:50 am.
- 23 2. Reports of L.A.S.O. Officers Morton and Campbell who arrived at 2:15
24 pm Sunday and assigned to rescue in Malibu mountain, Topanga, and
25 Mulholland areas.
- 26 3. Report of L.A.S.O. volunteer Cleveland who arrived at 2:15pm and
27 conducted a K-9 area search at 4201 Topanga.

- 1 4. Report of L.A.S.O. Sergeant B. Thompson who arrived at 2:20pm and
- 2 supervised the search of 4201 Topanga.
- 3 5. Report of L.A.S.O. volunteer Newcomb who arrived at 2:35pm and
- 4 conducted a K-9 area search.
- 5 6. Report of L.A.S.O. Officer Dallura who arrived at 3pm and conducted a
- 6 K-9 area search.
- 7 7. Report of L.A.S.O. volunteer Lawrence who also arrived at 3pm and
- 8 conducted a K-9 area search.
- 9 8. Report of L.A.S.O. Officer Ambrose who also conducted a K-9 area
- 10 search.
- 11 9. Report of L.A.P.D. Metro Officer Ryan who arrived at 4:10 pm and
- 12 conducted a K-9 foot search of apartment and gate.

13 Panah has not been provided with any reports or documentation indicating
14 whether the K-9 dog searches found any relevant evidence. While the District Attorney
15 purports to have provided Mr. Panah what is in *its* actual file, it is not clear whether the
16 files in the possession of the Sheriff's department or police department—and, thus, in
17 the *constructive* possession of the District Attorney for purposes of § 10549—were
18 searched and disclosed. Any reports of the K-9 dog searches are exculpatory because,
19 again, if the dogs did not uncover any evidenced of the victim in Panah's apartment at
20 the time they searched it, the only reasonable inference is that Nicole Parker's body
21 was not in the apartment at the time of the search, contradicting the prosecution's
22 theory.

23 **5. Unedited copy of Surveillance tapes**

24 Mr. Panah requests the full and unedited copy of surveillance tapes taken from
25 the gate camera of 20565 Ventura Blvd. in the course of Nicole Parker's murder
26 investigation. Counsel for Panah does have possession of an edited and incomplete
27 copy of this surveillance tape; Mr. Panah now seeks the entire tape. On October 21,
28 2004, prior state counsel met with the DA who said he would have comparisons made

1 of the tapes. To post-conviction counsel's knowledge this was never done. In 2009,
2 Detective Price stated that he believed all surveillance tapes were in the possession of
3 the DA and not LAPD. (Ex. 2 at 29.) This request was contained in Request #1 of the
4 Stipulation.

5 **6. Officer Bayarti Investigation and Audiotape**

6 On October 23, 1997, trial counsel was provided several memos regarding a pre-
7 trial taped interrogation of Mr. Panah by Officer Jamila Bayarti and intercession by
8 Deputy Gary Gerlach of the Los Angeles County Sheriff's Department. (Ex. 11, Bayarti
9 Corr.) However, Mr. Panah has never been provided with the internal investigation
10 records concerning this incident or a copy of the tape-recorded interrogation. Mr.
11 Panah requests a copy of the internal investigation records and the tape recorded
12 interrogation.

13 **C. Petitioner made good-faith efforts to obtain the materials above from**
14 **trial counsel and the DA's Office.**

15 Counsel for Panah has made prior good-faith attempts to obtain all materials
16 from trial counsel prior to seeking court intervention. Prior state habeas state habeas
17 counsel, who inherited the trial file, turned over all the materials to the FPD following
18 the FPD's 2006 appointment to the case. (Ex. 4, J. Trigilio Decl., ¶ 3.) Indeed, the
19 FPD's possession of certain materials—many of which appear incomplete—are what
20 indicate to Panah that the DA is in possession of the materials requested above.

21 Mr. Panah's counsel attempted to obtain this discovery informally by reaching
22 out to Mr. Yamauchi and DDA Kahn directly. On June 20, 2017, Mr. Yamauchi
23 informed counsel that his lab notes would be on the crime lab server or in the
24 "archives." (Ex. 4, J. Trigilio Decl., ¶ 4.) On July 7, 2017, Mr. Yamauchi e-mailed
25 counsel directing counsel to e-mail any requests for discovery. (*Id.* at ¶ 5.) On July 11,
26 2017, Yamauchi responded that he had been instructed to direct counsel to contact City
27 Attorney Carlos De La Guerra regarding the discovery requests. (*Id.*) On July 14,
28 2017, counsel delivered to Yamauchi and Deputy City Attorney De La Guerra written

1 requests, and requested that Yamauchi deliver the request to the LAPD laboratory
2 director. (*Id.* at ¶ 7.) On July 25 and August 7, 2017, counsel followed-up on the
3 written requests but received no response. (*Id.*) Counsel's e-mail to Yamauchi was not
4 delivered because the e-mail address no longer appeared valid. (*Id.*)

5 On August 21, 2017, counsel spoke with De La Guerra, who instructed counsel
6 to await De La Guerra's delivery of a contact person at the LAPD property division to
7 handle Mr. Panah's discovery requests. (*Id.* at ¶ 8.) After receiving no contact
8 information from De La Guerra, counsel called the property division on September 6,
9 2017, and were told that they will not release any materials to non-LAPD personnel.
10 (*Id.*) Counsel notified De La Guerra, and on September 21, 2007, De La Guerra
11 informed counsel to contact "Officer Brooks" and provide the discovery requests to that
12 person. (*Id.* at ¶ 9.) Counsel requested Yamauchi's materials from Brooks on the same
13 day, but Brooks informed counsel that the "property division is not responsible for nor
14 has any control over notes and laboratory reports prepared by personnel at the forensic
15 science division." (*Id.*)

16 Similarly, Lisa Kahn informed counsel that she was not in possession of any of
17 her files. Counsel spoke directly with DDA Kahn during the week of June 28, 2017,
18 and e-mailed to Kahn the memorandum she prepared in the hopes of speaking with her
19 about whether any additional materials existed. (*Id.* at ¶ 10.) On July 12 or 13, 2017,
20 counsel spoke with Kahn, who stated that she was not aware of any materials related to
21 Panah's case and did not remember the details of the memorandum she prepared. (*Id.*)

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IV. CONCLUSION

Accordingly, Mr. Panah respectfully requests that this Court issue an order granting disclosure and examination of the discovery rested herein and set for the in the proposed order filed herewith.

HILARY POTASHNER
Federal Public Defender

DATED: January 12, 2018

By: 

JOSEPH A. TRIGLIO
SUSEL CARRILLO-ORELLANA
Deputy Federal Public Defenders

PROOF OF SERVICE

I, De Anna Dove, declare that I am a resident or employed in Los Angeles County, California; that my business address is the Office of the Federal Public Defender, 321 East 2nd Street, Los Angeles, California 90012-4202, Telephone No. (213) 894-2854; that I am over the age of eighteen years; that I am not a party to the action entitled above; that I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the State of California, and at whose direction I served a copy of the attached **Notice of Motion and Second Supplemental Motion for Post-conviction Discovery Pursuant to Penal Code Section 1054.9; Exhibits; [Proposed] Order** on the following individual(s) by:

☒ Placing
same in a sealed
envelope for
collection and
interoffice delivery
addressed as follows:

☐ Placing
same in an envelope
for hand delivery
addressed as follows:

☐ Placing
same in a sealed
envelope for
collection and
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☐ Faxing
same via facsimile
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This proof of service is executed at Los Angeles, California, on January 12, 2018.

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


DE ANNA DOVE