In the Supreme Court of the State of California

In re Application of **RICHARD FLOWERS,** **For Executive Clemency.**	Case No. S252284

COMMUTATION FILE OF RICHARD FLOWERS

REDACTED VERSION – REDACTS MATERIAL FROM CONDITIONALLY SEALED RECORD

XAVIER BECERRA
Attorney General of California
THOMAS S. PATTERSON
Senior Assistant Attorney General
TAMAR PACHTER
Supervising Deputy Attorney General
*ANNA FERRARI
Deputy Attorney General
State Bar No. 261579
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94103
Telephone: (415) 510-3779
Fax: (415) 703-5480
Email: Anna.Ferrari@doj.ca.gov
Attorneys for Governor Gavin Newsom

BOARD OF PAROLE HEARINGS
P.O. Box 4036
Sacramento, CA 95812-4036

September 20, 2018

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol
Sacramento, CA 95814

Attention: Peter Krause
Legal Affairs Secretary

Dear Mr. Krause:

RE: FLOWERS, RICHARD; C-64959; COM-3494-17

The commutation application of Richard Flowers was referred to the Board of Parole Hearings for investigation on March 1, 2018.

Inmate Flowers was convicted of one count of Murder 1st [Penal Code, § 187] with an enhancement for Use of a Deadly Weapon [Pen. Code, § 12022 subd. (b)], one count of Robbery 1st [Pen. Code, § 212.5 subd. (a)], one count of Burglary 1st [Pen. Code, § 459], one count of Vehicle Theft [Vehicle. Code, § 10851 subd. (a)], and one count of Receiving Stolen Property [Pen. Code, § 496 subd. (a)], all with two enhancements for Prior Felony Conviction of Serious Offense [Pen. Code, § 667 subd. (a)] and one for Prior Felony Conviction Defenseless Victim [Pen. Code, § 667.9 subd. (a)] out of Tulare County. The inmate was convicted in this matter and sentenced to Life Without the Possibility of Parole. He is currently not eligible for a parole suitability hearing. The investigation report and commutation file are enclosed.

If you have any questions regarding this matter, please contact Senior Investigator Arnold Fitt at [redacted]

Sincerely,

BRIAN KELLEY
Chief Deputy, Offender Investigations and Screening Division
Board of Parole Hearings

Enclosures

1 - Richard Flowers Commutation File

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

INVESTIGAT[illegible]'S CHRONOLOGICAL CASE RECORD

Entered By:	Activity Date:	Assigned Investigator: Arnold Fitt	Type of Investigation: Commutation	Due Date Priority: 08/22/2018	Case No: COM-3494-17
CAPHELAN	07/11/2018	Applicant's Name: FLOWERS, RICHARD E.		Prison No: C64959	
		Date file received: Thursday, March 1, 2018			
		Addresses:		Phone Number:	
		1.	3.		
		2.	4.		
		DL #:	DOB: [redacted]/1955		
		CII #: [redacted]	SSN:		
		FBI #: [redacted]	Discharge Date:		
		Materials Requested:	Date Received:		
		CII			
		FBI			
		DMV			
		Local Law Enforcement Contacts			
		Credit Check			
		Cum Sum/Probation Report			
		DA's CR Report			
		Questionnaire*			
		Pre-Sentence POR & AOJ			
		Miscellaneous Documents: Arrest Report, DD214, Bankruptcy, Child Support, etc.			
		Other Information:			

*Questionaire should include 2yrs tax returns, proof of auto insurance, two pictures, and DD214 and bankruptcy papers (if appropriate)

INVESTIG[illegible]N'S CHRONOLOGICAL CASE RECORD

Entered By: CAPHELAN	Activity Date: 07/11/2018	Applicant's Name: FLOWERS, RICHARD E.	Case No: COM-3494-17

INVESTIGAT[illegible]'S CHRONOLOGICAL CASE RECORD

Entered By:	Activity Date:	Assigneed Investigator: Arnold Fitt	Type of Investigation: Commutation	Due Date Priority: 08/22/2018	Case No: COM-3494-17
CAPHELAN	07/11/2018	Applicant's Name: FLOWERS, RICHARD E.			Prison No: C64959
		Date file received: Thursday, March 1, 2018			
		Addresses:			Phone Number:
		1.		3.	
		2.		4.	
		DL #:		DOB: [redacted]/1955	
		CII #: [redacted]		SSN:	
		FBI #: [redacted]		Discharge Date:	
		Materials Requested:		Date Received:	
		CII			
		FBI			
		DMV			
		Local Law Enforcement Contacts			
		Credit Check			
		Cum Sum/Probation Report			
		DA's CR Report			
		Questionnaire*			
		Pre-Sentence POR & AOJ			
		Miscellaneous Documents: Arrest Report, DD214, Bankruptcy, Child Support, etc.			
		Other Information:			

*Questionaire should include 2yrs tax returns, proof of auto insurance, two pictures, and DD214 and bankruptcy papers (if appropriate)

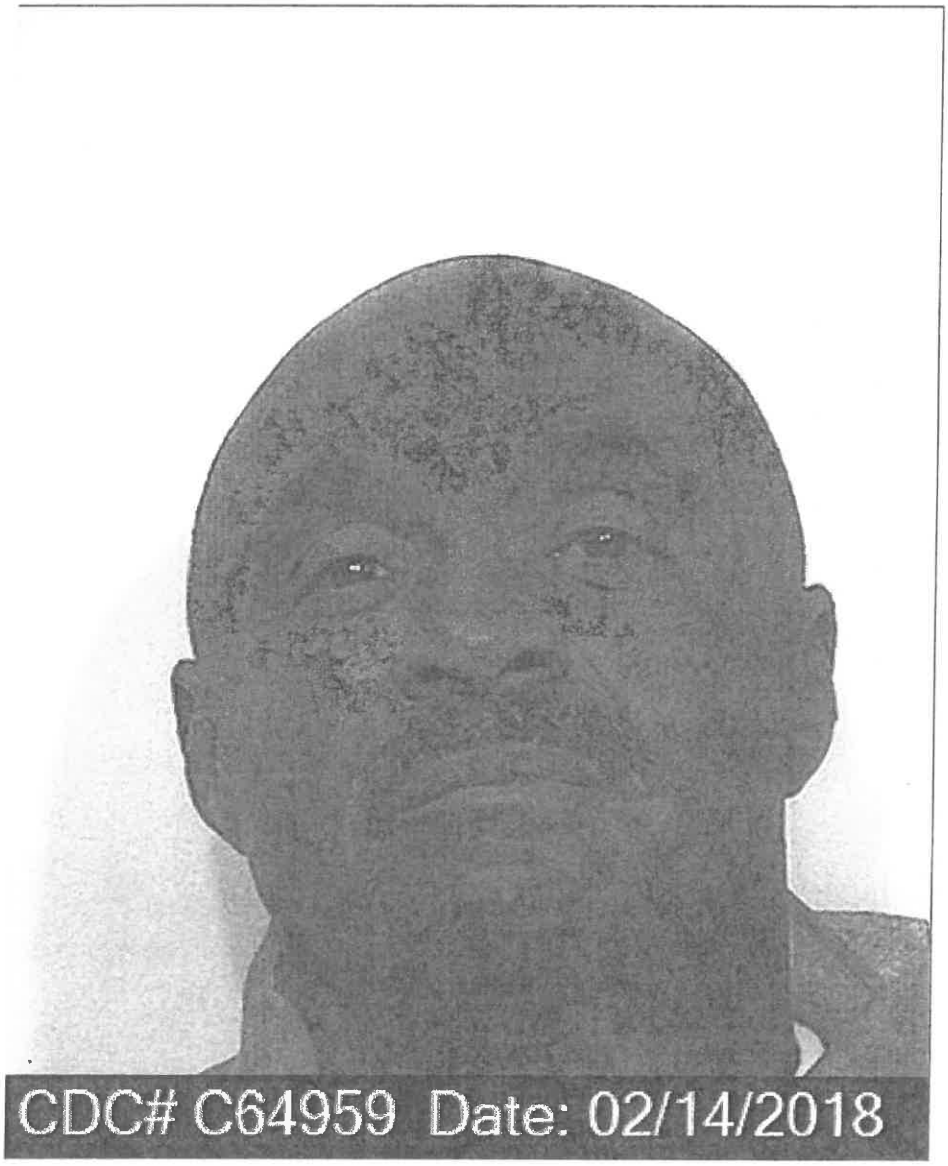
INVESTIGATION'S CHRONOLOGICAL CASE RECORD

Entered By: CAPHELAN	Activity Date: 07/11/2018	Applicant's Name: FLOWERS, RICHARD E.	Case No: COM-3494-17

Name: FLOWERS, RICHARD E.
Offender Photograph

CDC #: C64959 PID #: 11433793
Friday July 13, 2018 11:20:22 AM

Date Taken*:	02/14/2018	Time Taken*:	20:26:29
Source*:	State Institution	Facility/Office:	SATF-Central Service
Type*:	Front View		
Date ID Card Printed:	02/14/2018	Card Sequence:	4



Show Last Updated Information

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Pen. Code § 4807 (Disclosure of Granted Applications)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Pen. Code § 4807 (Disclosure of Granted Applications)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Pen. Code § 4807 (Disclosure of Granted Applications)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Gov. Code § 6254(l) (Correspondence)

Board of Parole Hearings
Post Office Box 4036
Sacramento, CA 95812-4036
Attn: Arnold Fitt

August 2, 2018

Re: Commutation Support for Richard E. Flowers, CID #C64959

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Gov. Code § 6254(l) (Correspondence)

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G. BROWN JR., GOVERNOR

BOARD OF PAROLE HEARINGS
P.O. Box 4036
Sacramento, CA 95812-4036

July 13, 2018

Honorable Tim Ward
District Attorney
Tulare County District Attorney's Office
221 S. Mooney Boulevard, Suite 224
Visalia, CA 93291

Re: Flowers, Richard E.
Tulare County Superior Court Case Number: 35818
Our Case Number: COM-3494-17

Dear District Attorney Ward:

Richard Flowers has applied for Executive Clemency in the form of a commutation of sentence. The Governor's Office has requested an investigation by the Board of Parole Hearings (BPH) in this matter. Mr. Flowers is currently serving a sentence of Life Without the Possibility of Parole on one count of Murder 1st [PC 187] with an enhancement for Use of a Deadly Weapon [PC 12022 (b), one count of Robbery 1st [PC 212.5 (a)], one count of Burglary 1st [PC 459], one count of Vehicle Theft [VC 10851 (a)], and one count of Receiving Stolen Property [PC 496 (a)] out of Tulare County. He was convicted in this matter on about November 1, 1996, and was received by the California Department of Corrections and Rehabilitation (CDCR) on November 14, 1996.

As the prosecuting agency in this criminal matter, your input is being requested. Please send your written response via facsimile to [redacted], or scan and email the response to [redacted] by August 3, 2018. According to our records, your office was notified of Mr. Flowers' intent to apply for a commutation on or about October 22, 2017. We also note that there was a recent change to the Penal Code to ensure that victims and their families have an opportunity to provide input during this process. Section 4805(c) of the Penal Code now requires your office to make reasonable efforts to notify the victims and their families of the application so that they can submit a recommendation if they so choose. If you have any questions or concerns, please contact me at [redacted]

Sincerely,

Arnold Fitt

Arnold Fitt
Senior Investigator
Board of Parole Hearings
[redacted]

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION EDMUND G. BROWN JR., GOVERNOR

BOARD OF PAROLE HEARINGS
P.O. Box 4036
Sacramento, CA 95812-4036

July 13, 2018

Honorable Bret D. Hillman
Presiding Judge
Tulare County Superior Court
221 S. Mooney Boulevard, Room 303
Visalia, California 93291

Re: Flowers, Richard E.
Tulare County Superior Court Case Number: 35818
Our Case Number: COM-3494-17

Dear Judge Hillman:

Richard Flowers has applied to the Governor's Office for Executive Clemency in the form of a commutation of sentence The Governor's Office has requested an investigation by the Board of Parole Hearings (BPH) in this matter. Therefore, I am conducting an investigation for a possible commutation on the inmate, who is currently serving a sentence of Life Without the Possibility of Parole on one count of Murder 1st [PC 187] with an enhancement for Use of a Deadly Weapon [PC 12022 (b), one count of Robbery 1st [PC 212.5 (a)], one count of Burglary 1st [PC 459], one count of Vehicle Theft [VC 10851 (a)], and one count of Receiving Stolen Property [PC 496 (a)] out of Tulare County. He was convicted in this matter on about November 1, 1996, and was received by the California Department of Corrections and Rehabilitation (CDCR) on November 14, 1996.

Because you are the Presiding Judge of the Tulare County Superior Court, your input is being requested. Please send your written response via facsimile to [redacted] or scan and email the response to [redacted] by August 3, 2018. If you have any questions or concerns, please contact me at (916) 323-4011.

Sincerely,

Arnold Fitt
Senior Investigator
Board of Parole Hearings
[redacted]

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Gov. Code § 6254(l) (Correspondence)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Gov. Code § 6254(l) (Correspondence)

Gov. Code § 6254(f) (Investigatory File), Gov. Code § 6254(k) & Evid. Code § 1040 (Official Information), Gov. Code § 6255 (Deliberative Process), Gov. Code § 6254(l) (Correspondence)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Pen. Code § 1203.05 (Probation Officer's Report)

Gov. Code § 6254(f) (Investigatory File)

Gov. Code § 6254(f) (Investigatory File)

Gov. Code § 6254(f) (Investigatory File)

Gov. Code § 6254(f) (Investigatory File)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

Pen. Code §§ 11005 & 13300 (Summary Criminal History Information)

3/21/00 LD
C64959

COURT OF APPEAL
FIFTH APPELLATE DISTRICT
FILED
DEC 8 - 1999
Eve Sproule Court Administrator/Clerk
By _____ Deputy

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

THE PEOPLE, Plaintiff and Respondent, v. RICHARD EARL FLOWERS, Defendant and Appellant.	F027210 (Super. Ct. No. 35818) **OPINION**

APPEAL from a judgment of the Superior Court of Tulare County. Gerald F. Sevier, Judge.

Kyle Gee, under appointment by the Court of Appeal, for Defendant and Appellant.

Daniel E. Lungren, Attorney General, George Williamson, Chief Assistant Attorney General, Robert Anderson, Assistant Attorney General, W. Scott Thorpe and Wayne K. Strumpfer, Deputy Attorneys General, for Plaintiff and Respondent.

-ooOoo-

PROCEDURAL HISTORY

By information, defendant was charged with the murder (count 1; Pen. Code,[1] § 187, subd. (a)) and robbery of Mary Eloise Garcia (count 3; § 211), and the burglary of her residence (count 4; § 459). In addition, defendant was charged with vehicle theft (count 5; Veh. Code, § 10851, subd. (a)), and two counts of receiving stolen property (counts 6 & 7; § 496).[2] Two special circumstances within the meaning of section 190.2, subdivision (a)(17) were alleged in count 1: murder in the commission of (1) a robbery, and (2) a burglary. It was further alleged that in the commission of the crimes charged in counts 1, 3, and 4, defendant personally used a deadly weapon within the meaning of section 12022, subdivision (b), and that defendant had twice been convicted of a serious felony. (§ 677, subd. (a).) Regarding all counts, it was alleged defendant had two strike prior convictions (§ 667, subd. (d) & (e)), and had served four separate prison terms within the meaning of section 667.5, subdivision (b). Finally, with respect to the robbery and burglary charges in counts 3 and 4, it was alleged the victim, Mary Eloise Garcia, was over 78 years old and/or disabled, and this condition was known to defendant. (§ 667.9.)

Defendant pled not guilty and denied the allegations. The priors were bifurcated, and the case proceeded to jury trial. Defendant was found guilty as charged, and all the allegations were found true. Following a bench trial the court found true the prior conviction and prison term allegations. After the penalty phase trial, the jury recommended a life prison term without the possibility of parole.

Defendant was sentenced to prison for life without the possibility of parole on

---

1 All statutory references are to the Penal Code unless otherwise noted. A charge of robbery of Phyllis Flowers (count 2; § 211) was severed from the information before trial.

2 Count 6 was dismissed on the People's motion during trial, and count 7 was renumbered as count 6.

62 - Richard Flowers Commutation File

count 1. The court also imposed a concurrent term of 39 years to life on count 4, calculated as follows: 25 years to life under the three strikes provisions in section 667, subdivisions (d) and (e); a two-year enhancement under section 667.9, subdivision (b); two five-year enhancements for the prior serious felony convictions; and two one-year enhancements for two of the prior prison terms. All other enhancements and terms imposed on counts 3, 5 and 6 were ordered stayed pursuant to section 654.

Timely notice of appeal was filed.

FACTUAL HISTORY

In June of 1994, Mary Garcia lived alone in a house in Tulare, California, where she had lived for over 50 years, and where she was murdered. She was 78 years old, and her only income was from Social Security. She had no bank accounts and kept her cash at home in a purse. Mary would rarely allow anyone in her house, and nailed some of the windows shut. According to Mary's daughter, Mary always locked her front door, used a peek hole, and a visitor would have to announce who they were before being allowed entry.

The last time Mary was seen alive was June 5, 1994, at approximately 6 p.m. About a week before her death, a neighbor noticed a Lincoln Continental that looked like the one defendant drove, parked in Mary's driveway. Two African-American men got out of it and walked toward Mary's home.

Defendant occasionally performed yard work for Mary. She would always pay defendant in cash for his work. She would sometimes invite defendant into her house, where she retrieved cash out of her purse to pay him.

The Moralez family lived directly across the street from Mary, and had known her for over 50 years. At approximately 2:30 a.m. on June 6, 1994, Joe Moralez heard glass break. He got out of bed and looked outside, but did not see anything suspicious. He saw a light in the living room of Mary's house. About five to ten minutes later, Moralez's dogs barked. Moralez saw a shadow and then a White person wearing dark

63 - Richard Flowers Commutation File

clothes run across the street. Moralez did not see the person's face.

The Arriolas had also been Mary's neighbors for a long time. In the early morning hours of June 6, 1994, Alice Arriola heard dogs barking. She also heard two voices arguing in Mary's home. One of the voices sounded like that of Mary Garcia, and the other belonged to a man. Although Arriola believed the next day was Sunday, she recalled that Jimmy Moreno was cutting Mary's lawn the next morning.

Later that morning, Moralez left his house to spend the day in Corcoran, and noticed Mary's car was not parked in the driveway. He saw Jimmy Moreno cutting her lawn. On his way home, Moralez drove past a car wash on Inyo Street, located about nine blocks from home, and thought he saw Mary's car. It was in a stall and appeared to have two tires missing. When he arrived home, Moralez saw Lawrence Gray in front of Mary's house. Gray had done yard work for Mary in the past.

Jimmy Moreno, a former neighbor of Mary, had been her gardener for seven years. On June 6, 1994, Moreno went to Mary's house at 9 a.m. to take care of her yard. When he arrived, he noticed Mary's gray Oldsmobile was not in the driveway beside her house. Moreno mowed the lawn and did other garden maintenance. While on the side of Mary's house, he noticed a window was broken. After mowing the lawn, Moreno left.

Moreno returned to Mary's house for his cash payment at 5:30 p.m. and noticed her car was still not in the driveway. However, Lawrence Gray was at Mary's house, sitting on the curb. Gray was waiting for Mary to come home so he could work on her fence. Joe Moralez was outside watering his lawn. Moreno approached Moralez and asked him if he had seen Mary, and expressed concern because it was unlike her to not be home. Moralez told him he had not seen her, and Moreno left.

Gray arrived at Mary's house in the early evening, after work. Mary's car was not in the driveway, so Gray went to the porch to get a folding chair to sit and wait. While doing so, he noticed the door was slightly ajar. This seemed unusual, so Gray rode his bicycle to the nearby Palace Market, where Mary shopped, and looked for her. Not

finding her at the store, Gray rode back to Mary's house. Shortly after, Gray asked Moralez if he had seen Mary. He told Moralez that the front door was slightly open. Together, Moralez and Gray went to Mary's door and knocked. It was dark inside, and Moralez called out for Mary but received no response. The men opened the door and found Mary lying on the floor in the front room. Moralez tried to call 9-1-1, but the telephone was dead. Gray touched Mary's arm and noticed it was hard. According to Moralez, Gray stated that Mary had been dead for a couple days.

Gray and Moralez ran across the street, where Moralez called 9-1-1 from his home. Gray left to notify Mary's sister, who lived a block away. He returned in time to meet with the fire department personnel, who were followed by members of the Tulare Police Department.

Mary had a puncture wound at the base of her neck and the house was ransacked; her purse was on the floor and had been gone through. There was no money or car key in the purse. Drawers in the bedroom and dining room had been pulled out and the contents dumped. The telephone line had been cut, and an empty, crumpled package of Camel cigarettes and a kitchen knife were found on the living room coffee table. Another kitchen knife was found outside the house in a clump of grass in the vacant lot neighboring Mary's home.

A pathologist determined that Mary had suffered three stab wounds. The wounds were to the neck, chest and ribs. Mary also suffered bruising and abrasions to her face, and appeared to have been strangled. In addition, she had a wound to her inner left arm, which is normally considered a defensive wound. The cause of death was determined to be a heart attack brought on by the stress of the stab wounds and strangulation. Mary died between eight to thirty-six hours prior to 7:30 p.m. on June 6, 1994.

The police discovered Mary's car in the late afternoon of June 6, 1994, in a stall of a car wash. The car's stereo and all four tires were missing. Lug nuts were found around the car in the stall.

Cassandra Rodriguez was 10 years old and a resident in an apartment complex across the street from the car wash. She had earlier seen an African-American man with "finger waves" in his hair take the tires off Mary's car and put them in the trunk of another car. She described the man as being in his 20's, 6 feet, 2 inches tall, about 190 pounds, wearing a white T-shirt and blue jeans. Rodriguez was unable to identify defendant from a photo lineup. At trial, Rodriguez was shown defendant's booking photo,[3] and Rodriguez said that was not the man she had seen.

A few days before the murder, defendant was sleeping in his 1976 Lincoln Continental, outside the Tulare residence of Yvonne Mathews. This residence was about three-quarters of a mile from Mary's home. On the morning of June 6, 1994, Yvonne Mathews picked up Denise Burton in Visalia and brought her to the Mathews residence. Burton saw a Lincoln Continental parked in front of the home. Later, Mathews took Burton to cash a check because Burton owed her $20. After the check was cashed, they returned to the Mathews residence, where Burton smoked cocaine. When they arrived, defendant was in front of the house, working under the dashboard of a car that had not been there before.

Burton met defendant for the first time that morning. Defendant agreed to give her a ride back to Visalia. Defendant told Burton he had two cars, and asked her to follow him in his Lincoln Continental while he parked the other. She followed defendant to the Palace Market, and they drove off together to an apartment complex.

While there they tried unsuccessfully to buy cocaine. They then went to Fundy's Tire Shop and defendant removed hubcaps from the car and took them into the shop while Burton remained in the car. Defendant returned with $20, but without the hubcaps. They then returned to the apartments and purchased cocaine, which defendant placed in

---

3 Defendant did not become a suspect in the murder until July 6, 1994. However, he was arrested on an unrelated matter on June 7, 1994.

66 - Richard Flowers Commutation File

the center of the front seat.

The pair next went to buy gas. Burton paid while defendant pumped the gas. After driving to a location where they could use the cocaine, they discovered it was missing. Defendant accused Burton of stealing it, but Burton insisted she had not done so. Subsequently, she borrowed money and purchased more cocaine, which she and defendant smoked together.

After using the cocaine, defendant drove back to the Palace Market and asked Burton to drive his vehicle to the car wash on Inyo Street and meet him. Defendant then drove Mary's Oldsmobile to the car wash. He instructed Burton to park his car along the front of the stall. In this position, it blocked the Oldsmobile from the view of people driving on Inyo Street. Defendant quickly removed the tires from the Oldsmobile, and placed them in his trunk. Yvonne Mathews observed this as she drove home from the liquor store that morning.

After removing the tires, defendant wiped the inside of the Oldsmobile with a handkerchief. He then drove back to Fundy's Tire Shop and sold the tires to purchase more cocaine. Defendant and Burton went to an empty house on "G" Street to look for a pipe to smoke the cocaine, but were unsuccessful. They then went to the apartment complex where Sherry Williams lived. Lawrence Gray was there, and they borrowed his pipe to smoke the cocaine. While at the apartments, defendant changed his clothes because he was sweaty.

Later, defendant and Burton met Tracy Rosser, who shared more cocaine with them. While at Rosser's apartment complex, defendant sold a car stereo to a Hispanic man on the street. Burton, defendant and Rosser smoked more cocaine, and the three then drove to Centennial Park. After 1 a.m., the police stopped the vehicle in the park and arrested defendant.

Defendant identified himself as "Anthony Johnson" and gave his birthdate as September 14, 1952. A computer check revealed no matching information. Burton told

67 - Richard Flowers Commutation File

the officer she only knew defendant as "Richard." Defendant continued to maintain he was Anthony Johnson. A subsequent registration check revealed the Lincoln's owner was Phyllis Flowers. Defendant finally admitted his name was Richard Flowers. A warrant was outstanding for his arrest and he was taken into custody. Phyllis Flowers claimed the car later that morning.

Approximately one week later, Phyllis Flowers found defendant's clothes, a brown jug and a package of new syringes[4] in the trunk of his car. She also found two or three watches and a locket in the glove box. The locket was identified as belonging to Mary.

Defendant's home was searched pursuant to a warrant. Police found a locket and chain on the television in the living room. An empty knife sheath was seized from the Lincoln's trunk. A lug wrench that did not fit the lug nuts of the Lincoln was also seized. This wrench fit the lug nuts from Mary's car, and defendant's fingerprints were found in three locations.

Defense

Rosie Rodriquez and her 13-year-old daughter, Ysenia Molina, were Mary's neighbors in June 1994. On June 6, 1994, at approximately 7:30 a.m., Rodriguez saw Mary's car parked in the driveway. Molina, age 15 at the time of trial, testified she saw Mary's car in the driveway on her way to school at about 8:15 a.m. on June 6, 1994.

Julie Bradshaw lived in Sherry Williams's apartment in June 1994. At the time of trial she was imprisoned at the California Department of Rehabilitation (CRC). She testified that Lawrence Gray carried a switchblade knife in June 1994. Near the time of Mary's death, Bradshaw was outside Williams's apartment late one night. She saw Gray

---

4 Mary Garcia was a diabetic and injected herself with insulin once a day. After her death an empty syringe box was found on the bedroom floor next to Mary's bed. Mary normally kept a box of syringes in her headboard, which she kept closed. After Mary's death, the headboard door was found open. Mary kept other boxes of syringes in a small cabinet in the back storage room.

68 - Richard Flowers Commutation File

arrive on his bicycle at the apartment with blood on his hands and clothes. Gray told her he had been hit by a car. However, Bradshaw saw no damage to the bike, and no bruises, cuts, scrapes or other injuries. Gray went into the apartment, came out with a mixture of water and bleach, and washed the bicycle's handlebars. When police questioned Bradshaw shortly after Mary's death, Bradshaw did not mention having seen Gray with blood on him. She further admitted she had previously exaggerated the amount of blood she had seen on Gray.

Janet Castillo also lived in Sherry Williams's apartment in June 1994. At the time of trial she was also imprisoned at CRC. Castillo testified she saw Gray in her bathroom, washing his hands and arms while wearing someone else's clothing. Gray may have been washing blood from his arms, but Castillo was uncertain.

Phyllis Flowers testified defendant was five feet, seven inches tall.

It was stipulated that in an interview with Detective Brooksher on June 7, 1994, Gray stated he had purchased "a dime" of rock cocaine on the morning of June 6, 1994. Further, Gray told Brooksher he had also purchased Camel cigarettes and a soda that same morning.

Sherry Tansberry, an instructor in cosmetology, testified regarding a "finger-wave" hairstyle. When shown defendant's booking photo, she opined that defendant's hair could not be finger-waved unless it was first straightened, such as by using "sodium or with a press and curl ...."

DISCUSSION

I. The substantial evidence argument

Defendant contends there is insufficient evidence to support his murder and robbery convictions. In a separate argument, defendant contends insufficient evidence supports the findings of the special circumstance and that he personally used a weapon. Essentially, defendant argues the circumstantial evidence is insufficient because it simply

69 - Richard Flowers Commutation File

gives rise to speculation, not reasonable inferences, that he was the perpetrator of the murder and that his motive was robbery. We reject these contentions.

A. Standard of review

On appeal "the court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence which is reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt." (*People* v. *Johnson* (1980) 26 Cal.3d 557, 578.) Substantial evidence includes circumstantial evidence and the reasonable inferences which flow from it. (*In re James D.* (1981) 116 Cal.App.3d 810, 813.)

> "In resolving a contention based upon insufficiency of the evidence, the reviewing court's task is to determine whether a reasonable trier of fact could have found that the prosecution sustained its burden of proving the defendant guilty beyond a reasonable doubt. [Citation.] The judgment must be supported by 'substantial evidence,' which has been defined as evidence that 'reasonably inspires confidence and is of "solid value."' [Citations.] The rules governing sufficiency of the evidence are as applicable to challenges aimed at special circumstance findings as they are to claims of alleged deficiencies in proof of any other element of the prosecution's case. [Citation.]
>
> "In order to find the robbery-murder special circumstance to have been true, the jury here was required to find that the murder was committed 'during the commission or attempted commission of' a robbery. (Former § 190.2, subd. (c)(3).) ... Hence, there were two necessary prerequisites to the jury's special circumstance finding: 1) substantial evidence of the robbery, and 2) substantial evidence that the murder was committed during the commission or attempted commission of the robbery. [Citation.]" (*People* v. *Morris* (1988) 46 Cal.3d 1, 19, disapproved on other grounds in *In re Sassounian* (1995) 9 Cal.4th 535, 543-544, fn. 5.)

B. Analysis

Defendant summarizes his attack on the sufficiency of the evidence as follows: (1) there was insufficient evidence that defendant robbed Mary or that she was killed during

70 - Richard Flowers Commutation File

the burglary; and (2) there was insufficient evidence that defendant personally killed Mary or intended she be killed. The latter contention is premised on a theory that defendant was simply an aider and abettor to the murder/robbery.

1. Evidence Mary was killed during a robbery/burglary

There was ample evidence to support a finding Mary's murder was committed in the course of a robbery/burglary. Mary was alive on Sunday, June 5, 1994, at approximately 6 p.m. The next day she was dead, and had been dead at least by 11:30 a.m. on June 6, 1994. At approximately 2:30 a.m. on June 6, 1994, Joe Moralez heard glass break. He got out of bed and looked outside, but saw nothing suspicious. He saw a light on in the living room of Mary's house, and about five to ten minutes later, Moralez's dogs barked. Also in the early morning hours of June 6, 1994, longtime neighbor Alice Arriola heard dogs barking in the neighborhood. However, she heard two voices arguing, coming from Mary's home. One of the voices sounded like Mary Garcia, and the other belonged to a man. Although Arriola believed the next day was Sunday, she recalled that Jimmy Moreno was cutting Mary's lawn the next morning.[5]

That morning, former neighbor Jimmy Moreno went to Mary's house at 9 a.m. to take care of her yard. He noticed a side window to Mary's house was broken, and that Mary's car was missing. When Mary was found dead on her living room floor, her house was ransacked and her purse had been emptied and contained no money or car key. Significantly, the telephone wire had been cut; Mary had been stabbed three times and may have been strangled; she had bruising and abrasions on her face; and had defensive wounds on her arm. Although the actual cause of death was a heart attack brought on by

---

5 We adhere to the rule that any conflicts in the evidence be resolved in favor of the conviction. Here, all the other neighbors heard the dogs barking on the morning of June 6, 1994. Further, Jimmy Moreno cut Mary's lawn on the morning of June 6, 1994. Thus, we presume the jury found Arriola actually heard the arguing voices on the morning of June 6, not June 5, 1994.

71 - Richard Flowers Commutation File

the stress of the stab wounds and strangulation, the evidence leaves no reasonable doubt that Mary was murdered in the course of a robbery/burglary. There is no other reasonable inference that can be drawn from the evidence, since Mary was 78 years old, a recluse, and had no known enemies. This was not a drug deal gone awry, a bar fight, a love triangle or a gangland hit. The jury did not need to resort to speculation, nor did it need the extraordinary deductive ability of Sherlock Holmes, to conclude this was a straight up home invasion robbery.

2. Evidence defendant killed Mary

The evidence also sufficiently connected defendant to Mary's murder. Defendant knew Mary, having occasionally performed yard work for her. He knew she lived alone and that she was advanced in age and vulnerable. While Mary was not a wealthy woman, defendant knew she kept cash in her purse, and preferred to pay in cash. Defendant knew she had a motor vehicle and had on one occasion moved her car. A person driving a car similar to defendant's car and matching a general description of defendant was seen at Mary's house about a week prior to her death. Defendant also had previously been inside Mary's house.

In addition, as previously mentioned, defendant was sleeping in his parked car less than a mile from Mary's home when she was killed. Defendant was using cocaine during this time, and needed money to purchase it. Before Mary's body was discovered, defendant was seen on June 6, 1994, driving her vehicle. Mary's vehicle had not been hot-wired nor its ignition damaged. However, defendant was seen working under the dash, and later observed selling a car stereo. In addition, defendant sold the hubcaps, and later its tires. He was seen removing the tires from Mary's car at a car wash, where it was later found and impounded. Defendant used the proceeds from selling hubcaps to buy cocaine. When the cocaine disappeared and a dispute ensued between defendant and Burton, defendant threatened, "'See, I kill motherfuckers like you.'"

When police stopped defendant during the night and early morning hours of June

72 - Richard Flowers Commutation File

6-7, 1994, for having one nonfunctioning headlight, he gave the officer a false name. After he was charged in this case, defendant attempted to convince Denise Burton to change her testimony, asking her to lie. Burton and defendant rode together in a police transport to the courthouse for defendant's preliminary hearing. Defendant told Burton "you can't let them know that I was in that car. They don't really have much on me, and if you let 'em know that I was in that car, they're gonna say whoever was in that car was in her house – and whoever was in her house ...." Defendant asked Burton to say the police told her what to say, and also asked her to change her story. Finally, defendant told Burton on another occasion, "I should divorce Phyllis and marry you, that way you can't testify against me."

Finally, Mary's locket, watches and knife were found in defendant's car. An empty knife sheath was located in his trunk. Defendant's fingerprints were on the steering wheel of Mary's car, the hold-down piece for the spare tire, and the turn signal/window washer device on the steering column. There were two other prints lifted inside Mary's car that may have belonged to defendant.

Defendant had the motive and opportunity to rob and kill a vulnerable, elderly victim, whom defendant knew lived alone, to obtain money to buy cocaine. He possessed and sold Mary's belongings after her murder and before her body was even discovered. The victim was stabbed and defendant had a knife sheath without a knife in his car. Defendant possessed items taken from Mary's home -- items of jewelry that are commonly sold by thieves and drug paraphernalia that a drug addict such as defendant might use. Finally, defendant provided a false identification to an officer and attempted to dissuade a witness from testifying truthfully. When considered as a whole, the record provides substantial circumstantial evidence to support a finding based on reasonable inferences, that defendant was the perpetrator of the robbery-murder.

This case is distinguishable from *People* v. *Morris, supra,* 46 Cal.3d at page 1, upon which defendant principally relies. In *Morris*, an eyewitness saw a man who had

73 - Richard Flowers Commutation File

the general build of the defendant shoot the White male victim, who was wearing only shoes and socks, in a Long Beach bathhouse. The shooter fled in a yellow Toyota compact. The defendant had access to his girlfriend's 1978 yellow Toyota compact during the month of the shooting. (*Id.* at pp. 10-11.) A friend of the victim had let the victim borrow his credit card about two months earlier, and it was never returned. Three days after the murder, a man who looked like the defendant attempted to use this credit card. The defendant's friend testified the defendant had bragged about killing a White homosexual at a bathhouse in Long Beach for no reason "other than that 'he had to kill one.'" (*Id.* at p. 11.)

The court held that although there was sufficient evidence to uphold the murder conviction, there was insufficient evidence to support a finding of a robbery-murder special circumstance. The court found no evidence that any personal property was in the victim's possession at the time of the murder, and no "personal property of the victim was ever recovered subsequent to the murder with the possible exception of the credit card." (*People* v. *Morris, supra,* 46 Cal.3d at p. 20.) Nor was there an explanation or motive for the murder. Thus, the court determined there was no substantial evidence from which the jury could reasonably infer the defendant had deprived the victim of personal property in his possession by force or fear. (*Ibid.*)

In stark contrast, Mary was killed in her home, where *all* her personal property was located. Further, numerous items of Mary's personal property *were recovered* and shown to have been *in defendant's possession immediately after the murder*. As noted earlier, defendant's motive was to obtain money to feed his cocaine habit. He wasted no time in converting Mary's property into cash, and immediately purchased cocaine, which he smoked as soon as he could obtain a pipe. Contrary to defendant's contention, no guesswork is required.

3. Aiding and abetting theory

The prosecution's theory was that defendant acted alone in robbing and murdering

74 - Richard Flowers Commutation File

Mary. As noted above, substantial evidence supports the jury's finding that defendant personally killed Mary. However, defendant posits the possibility that he may have acted simply as an aider and abettor. Based on this hypothetical, defendant argues there is no way to tell whether he or his accomplice personally killed Mary or that he intended Mary to be killed. Since there is no evidence that defendant acted in concert with another person, his argument is unsupportable. The prosecution's theory was that defendant acted alone. Defendant's defense, on the other hand, was that Lawrence Gray committed the robbery-murder. Defendant did not argue that he aided and abetted Gray or some other perpetrator, in the commission of the robbery-murder. Nor was the jury instructed, as defendant concedes, on principles of aider and abettor liability for the special circumstances. Further, no other evidence established the robbery-murder was committed by two or more persons. Defendant now speculates he might have simply aided and abetted Lawrence Gray, Denise Burton, an unidentified tall, Black man, or an unidentified White person. Unfortunately for defendant, no evidence supports this theory. Thus, defendant's argument is rejected.

II. The knife-use allegation

Defendant contends the court should have, sua sponte, included the knife-use allegation, the murder charge, and the special circumstances allegations in its instruction under CALJIC No. 2.15. Premised on this alleged error, defendant argues we should reverse the murder and robbery verdict, the special circumstances findings, and the personal use of a weapon finding. Defendant provides no authority to support his contention, and concedes there is none. Still, "he can perceive no legal or logical reason why CALJIC 2.15 should not be required to refer to <u>every</u> crime or enhancement which the prosecutor seeks to prove through a combination of 'recent possession' and asserted 'corroboration.'" Initially, we observe this issue is not cognizable for the first time on appeal. However, even if the merits are considered, it still fails.

The trial court instructed the jury pursuant to CALJIC No. 2.15, as follows:

75 - Richard Flowers Commutation File

"If you find that a defendant was – was in conscious and unexplained possession of recently stolen property, the fact of such possession is not by itself sufficient to permit an inference that the defendant, Richard Flowers, is guilty of the crime of robbery, burglary, receiving stolen property or unlawful taking of a vehicle.

"Before guilt may be inferred, there must be corroborating evidence tending to prove the defendant's guilt. However, this corroborating evidence need only be slight and need not by itself be sufficient to warrant an inference of guilt.

"As corroboration, you may consider the attributes of possession, time, place and manner; that the defendant had an opportunity to commit the crime charged; the defendant's conduct and/or any other evidence which tends to connect the defendant with the crime charged."

Because the unexplained possession of recently stolen property alone will not support a conviction for burglary, the trial court properly gave the above instruction sua sponte. (*People* v. *Clark* (1953) 122 Cal.App.2d 342, 346.) Defendant does not contend otherwise. The use note for CALJIC No. 2.15 states: "This instruction will serve to cover the effect of possession of recently stolen property in robbery, burglary, theft, and receiving stolen property." Thus, the court properly discharged its sua sponte duty to instruct on the applicable general legal principles by providing a correct instruction regarding defendant's possession of recently stolen property. (*People* v. *Kimble* (1988) 44 Cal.3d 480, 503.) "Generally, a party may not complain on appeal that an instruction correct in law and responsive to the evidence was too general or incomplete unless the party requested appropriate clarifying or amplifying language." (*People* v. *Andrews* (1989) 49 Cal.3d 200, 218.) Defendant's failure to request a "proper version of CALJIC [No.] 2.15, to refer to all aspects of the charge ... " "bars appellate review of the issue." (*People* v. *Johnson* (1993) 6 Cal.4th 1, 52.)

As noted earlier, defendant states he can see no reason why all the charges should not have been included in the instruction by the court. However, had the court done so, defendant's claim of instructional error would undoubtedly be more adamant.

Defendant's trial theory was that he came into possession of the stolen property

76 - Richard Flowers Commutation File

long after Mary was killed, so at most he was guilty of burglary. He presented two witnesses that testified they saw Mary's car in her driveway on the morning of June 6, 1994. Rosie Rodriguez testified she saw the vehicle at approximately 7:30 a.m. Ysenia Molina testified that on her way to school at about 8:15 a.m., she saw Mary's car in her driveway. The car was noticed missing at about 9 a.m. The last thing defendant wanted was an instruction telling the jury that slight corroboration and the unexplained possession of recently stolen property, i.e., Mary's car, could support an inference that defendant murdered Mary. (See, e.g., *People* v. *Johnson, supra,* 6 Cal.4th at p. 37 [defendant claimed constitutional principles require a connection between the proved facts and the presumed fact]; *People* v. *Hernandez* (1995) 34 Cal.App.4th 73, 80-81 [defendant asserted CALJIC No. 2.15 undercut the presumption of innocence because it permitted the jury to convict him on the basis of slight evidence]; *People* v. *Gamble* (1994) 22 Cal.App.4th 446, 452-455 [raising same due process contention, and further claiming that the only permissible inference was receiving stolen property, not robbery].)

Not surprisingly, defense counsel did not request inclusion of the non-theft-related offenses and allegations in the instruction. Had he done so, we would undoubtedly be reviewing a claim of ineffective assistance of counsel. Consequently, absent a request from defendant for this instruction, which conflicted with his defense, the trial court cannot be faulted for failing to give it.

Even assuming error, any error was harmless. The special circumstances and first-degree murder were based on the murder having occurred during the robbery and burglary committed by defendant. The instruction given by the court included robbery and burglary. Thus, it is difficult to conceive of any prejudice as a result of the instruction not including the additional charges. In fact, defendant articulates no prejudice except that such an instruction "would have forced the jury to think more carefully about the paucity of evidence to convict Mr. Flowers of anything <u>other</u> than the theft-related offenses." Whether this is true is debatable. However, it is a far cry from

77 - Richard Flowers Commutation File

showing it is reasonably probable defendant would have received a more favorable result if the instruction had been amplified. (*People* v. *Watson* (1956) 46 Cal.2d 818, 836.)

Further, as noted by the People, this instruction was inconsequential. The evidence to corroborate defendant's recent possession of stolen property was more than "slight," and easily supports an inference that defendant was guilty of burglary and robbery. Defendant possessed Mary's property hours after the robbery-murder and before her body was discovered. In examining the opportunity defendant had to commit the charged crimes, defendant was staying less than a mile away from Mary's home; he knew Mary was an elderly woman living alone; and he knew she kept cash in her purse and a car in her driveway. In considering defendant's conduct and other evidence connecting him to the crimes, defendant was seen selling the hubcaps, tires and stereo from Mary's car in exchange for money to buy cocaine. Thus, the inference that defendant committed the robbery, and therefore the murder, was strong. We conclude any error was harmless since it is not reasonably probable defendant would have received a more favorable result had the instruction been more inclusive. (*People* v. *Watson, supra,* 46 Cal.2d at p. 836.)

III. Instructions on the admissions

Defendant next contends the trial court erred by failing to instruct the jury sua sponte regarding admissions in accordance with CALJIC Nos. 2.71 and 2.72. The People concede it was error to not give some instructions concerning admissions, but argue the error was either invited or harmless. We find the error was not invited under the test expressed in *People* v. *Graham* (1969) 71 Cal.2d 303, 319, disapproved on other grounds in *People* v. *Rau* (1975) 14 Cal.3d 20, 32. However, we conclude it was harmless under the *Watson* test.

A. Defendant's admissions

Denise Burton and defendant rode together in a police transport to the courthouse for defendant's preliminary hearing. Defendant told Burton "you can't let them know

78 - Richard Flowers Commutation File

that I was in that car. They don't really have much on me, and if you let 'em know that I was in that car, they're gonna say whoever was in that car was in her house, and whoever was in her house ...." Defendant asked Burton to say the police told her what to say, and also asked her to change her story. Finally, defendant told Burton, "I should divorce Phyllis and marry you, that way you can't testify against me."

CALJIC No. 2.71 provides:

> "An admission is a statement made by the defendant which does not by itself acknowledge his guilt of the crimes for which the defendant is on trial, but which statement tends to prove his guilt when considered with the rest of the evidence.
>
> "You are the exclusive judges as to whether the defendant made an admission, and if so, whether that statement is true in whole or in part.
>
> "Evidence of an oral admission of the defendant not made in court should be viewed with caution."

CALJIC No. 2.72 provides:

> "No person may be convicted of a criminal offense unless there is some proof of each element of the crime independent of any admission made by him outside of this trial.
>
> "The identity of the person who is alleged to have committed a crime is not an element of the crime nor is the degree of the crime. The identity or degree of the crime may be established by an admission."

Defendant's statements to Burton qualify as admissions. Thus, the court was required to instruct sua sponte that the corpus delicti must be proved independently of admissions, and oral admissions must be viewed with caution. (*People* v. *Bunyard* (1988) 45 Cal.3d 1189, 1224; *People* v. *Beagle* (1972) 6 Cal.3d 441, 455.)

B. Invited error claim

The People argue, however, that defendant invited the error. The jury instructions discussion between counsel and the court regarding CALJIC No. 2.71, was as follows:

"MR. DEMPSIE [Deputy District Attorney]: People

79 - Richard Flowers Commutation File

withdraw [CALJIC No. 2.71]. I don't believe there's been any testimony regarding any admission.

"THE COURT: I don't believe there has been any. Mr. Robinson, are you asking for that?

"MR. ROBINSON [Defense Counsel]: No, no. I did not request it.

"THE COURT: All right. And you're not asking for it?

"MR. ROBINSON: No.

"THE COURT: And Mr. Dempsie, I assume you're withdrawing 2.27.2, [*sic*] as well?

"MR. DEMISIE: Yes, your Honor, as well as 2.71.7.

"THE COURT: All right. And Mr. Robinson, are you asking for either one of those?

"MR. ROBINSON: No.

"THE COURT: Those are withdrawn."

"In the absence of a clear tactical purpose, the courts and commentators eschew a finding of the 'invited error' that excuses a trial judge from rendering full and correct instructions on material questions of law." (*People* v. *Graham, supra,* 71 Cal.2d at p. 319.) "Under the *Graham* rule, counsel must express a deliberate tactical purpose in objecting to a particular instruction before the failure to give that instruction will be deemed invited error." (*People* v. *Wickersham* (1982) 32 Cal.3d 307, 333, disapproved on other grounds in *People* v. *Barton* (1995) 12 Cal.4th 186, 201.)

Here, defense counsel did not object to the admissions instructions; he simply assented to the court's decision not to give them and did not request them. "Needless to say, the absence of a request is not equivalent to an express tactical objection." (*People* v. *Wickersham, supra,* 32 Cal.3d at p. 333.)

The People argue defense counsel repeatedly resisted the giving of admission instructions, and that we should infer a deliberate tactical decision was made to not have

80 - Richard Flowers Commutation File

the instructions given. First, the People mischaracterize defense counsel's assent to the prosecutor's withdrawal of the admission instructions as "repeated acts of resisting the instructions." We decline to speculate that defendant did not want the jury to focus on what he said to Denise Burton. "The existence of some conceivable tactical purpose will not support a finding that defense counsel 'invited' an error in instructions." (*People* v. *Avalos* (1984) 37 Cal.3d 216, 229.) Instead, "[t]he record must reflect that counsel had a deliberate tactical purpose." (*Ibid.*) In this respect, general waiver principles do not apply, and counsel's unexpressed subjective thoughts are irrelevant. "The issue centers on whether counsel deliberately caused the court to fail to fully instruct, not whether counsel subjectively desired a certain result." (*People* v. *Wickersham, supra,* 32 Cal.3d at p. 335.)

On this record, the People's "invited error" claim goes nowhere.

C. Harmless error

In determining whether the failure to give admissions instructions was prejudicial, we apply the *Watson* test. As noted in *People* v. *Beagle, supra,* 6 Cal.3d at page 455, "[t]he omission, however, does not constitute reversible error if upon a reweighing of the evidence it does not appear reasonably probable that a result more favorable to defendant would have been reached in the absence of the error." As in *Beagle*, here, "the corpus delicti is convincingly established independently of admissions and the error of omission of that instruction cannot be deemed as reversible." (*Id.* at p. 456.) In addition, "[t]he purpose of the cautionary instruction is to assist the jury in determining if the statement was in fact made." (*Ibid.*) However, as in *People* v. *Bunyard, supra,* 45 Cal.3d at page 1224, "there was no issue of conflicting evidence [ ] concerning the precise words used, their meaning or context, or whether the oral admissions were remembered and repeatedly accurately."

Unlike *Bunyard,* here defendant did not deny making the statements. Instead, he simply relied on cross-examination to cast doubt on Burton's credibility. Defendant's

81 - Richard Flowers Commutation File

entire defense hinged on attempting to convince the jury that Burton should not be believed. However, her testimony was corroborated in many important respects. It included fingerprints connecting defendant to Mary's stolen car, and by the testimony of Phyllis Flowers, Yvonne Mathews, Lawrence Gray, and the officer that arrested defendant.

Further, the jury was instructed with CALJIC No. 2.20 (credibility of witness), CALJIC No. 2.21.1 (discrepancies in testimony), CALJIC No. 2.21.2 (witness willfully false), CALJIC No. 2.22 (weighing conflicting testimony), and CALJIC No. 2.27 (sufficiency of testimony of one witness). Thus, the issue of Burton's credibility was fully joined. "These instructions adequately informed the jury of its duty to determine the believability of the witness and each part of [her] testimony and the weight to which the testimony was entitled." (*People* v. *Shoals* (1992) 8 Cal.App.4th 475, 499.)

Finally, defendant's admission was not a major part of the prosecution's case. It was not mentioned during the People's opening or closing argument. Thus, it is not reasonably probable defendant would have received a more favorable result absent the error. (*Ibid.*)

IV. Accomplice testimony instructions

Defendant also asserts instructional error on the ground the court failed to give accomplice testimony instructions. His contention is based on the fact it is arguable that Denise Burton and Lawrence Gray qualified as accomplices. The People counter there was insufficient evidence to require the court to instruct sua sponte on accomplice testimony.

CALJIC No. 3.10 defines an accomplice:

> "An accomplice is a person who is subject to prosecution for the identical offense charged [in Count[s] _____] against the defendant on trial by reason of [aiding and abetting] [or] [being a member of a criminal conspiracy]."

In *People* v. *Stankewitz* (1990) 51 Cal.3d 72, at pages 90-91, the court explained:

82 - Richard Flowers Commutation File

" ... This definition encompasses all principals to the crime [citation], including aiders and abettors and coconspirators. [Citation.] Whether a person is an accomplice is a question of fact for the jury unless there is no dispute as to either the facts or the inferences to be drawn therefrom. [Citations.]

"The fact that a witness has been charged or held to answer for the same crimes as the defendant and then has been granted immunity does not necessarily establish that he or she is an accomplice. [Citations.] Nor is an individual's presence at the scene of a crime or failure to prevent its commission sufficient to establish aiding and abetting. [Citations.] Indeed, as we explained in *People* v. *Beeman* (1984) 35 Cal.3d 547, 560 [199 Cal.Rptr. 60, 674 P.2d 1318]: '[T]he weight of authority and sound law require proof that an aider and abettor act with knowledge of the criminal purpose of the perpetrator *and* with an intent or purpose either of committing, or of encouraging or facilitating commission of, the offense.' [Citation.]"

Regarding Burton, there was no evidence she aided and abetted defendant in any crime except procuring and smoking cocaine. However, defendant was not charged with any drug offenses. Arguably, there was evidence from which Burton may have been found to be an accessory to the sale of Mary's car parts. Defendant purchased cocaine with proceeds from the sale, and ingested it with Burton. There was not, however, any evidence she knowingly aided and abetted defendant in receiving the stolen property. Instead, it was undisputed that Burton had no prior knowledge that Mary's car, which was in defendant's possession when she first met him, was stolen. The evidence was further undisputed that defendant did not tell Burton in advance of any plan to remove the tires from Mary's vehicle. "[T]he defendant's denial [through argument] of any connection with the crime does not *ipso facto* create a disputed fact situation within the meaning of the rule if the evidence in regard to the witness' connection with the crime was otherwise uncontradicted." (*People* v. *Hoover* (1974) 12 Cal.3d 875, 881.)

Finally, while defendant speculates Burton "may have been the 5'6" person seen

83 - Richard Flowers Commutation File

by Mr. Moralez,"[6] on the night of the murder, no evidence supports this conjecture. The record fails to disclose whether Burton is White, or had long, light brownish hair. In any event, "an individual's presence at the scene of a crime or failure to prevent its commission [is not] sufficient to establish aiding and abetting." (*People* v. *Stankewitz, supra,* 51 Cal.3d at p. 90.)

Although defendant is able to identify evidence which arguably raises suspicions about whether Lawrence Gray may have committed the robbery-murder, he fails to identify any evidence that he and Gray were accomplices. The only evidence that even remotely points to defendant and Gray as accomplices is the testimony of the Fundy Tire Shop owner. He stated a Black man sold him hubcaps the day after the murder and then drove off, possibly with another man. He was uncertain what he saw outside his business.[7] However, there was no evidence that Gray was in defendant's car. Instead, the uncontradicted evidence established Burton to be the person in defendant's car when he sold the hubcaps and tires at Fundy's.

Briefly stated, there was no evidence that defendant committed the robbery-murder in concert with another person. Even if we assume the evidence supported a theory that defendant did not act alone, there was no evidence that Gray or Burton was defendant's accomplice. Consequently, the court had no sua sponte duty to give accomplice instructions.

Ironically, accomplice instructions would have been inconsistent with defendant's defense that either Gray alone killed Mary, or that he did so with Burton. The defense presented no evidence and made no argument that defendant perpetrated the offenses

---

6 Moralez further described this person as "White," and "the height of five, five to five, seven, light brownish hair, long."

7 "The only thing I – I saw, I saw a car go by through the door when he left, but I didn't notice what kind of car it was or anything."

84 - Richard Flowers Commutation File

with Burton or Gray; that he aided and abetted them in the commission of the offenses; or that he was present with them when one or the other committed the offenses. Not surprisingly, defense counsel did not request accomplice testimony instructions. In light of the prosecution's evidence and defendant's defense, it would have been inappropriate for the trial court to give accomplice instructions. (See *People* v. *Provencio* (1989) 210 Cal.App.3d 290, 309.)

In any event, the alleged error was harmless. "As explained above, the proposed instruction[s] would have been of dubious benefit to defendant." (*People* v. *Hill* (1992) 3 Cal.4th 959, 999.) No evidence supported linking defendant with Burton and/or Gray as an accomplice. Clearly, this would not have helped his defense of nonparticipation. As previously discussed, ample evidence corroborated Burton's testimony linking defendant to the victim's car. Thus, it is not reasonably probable defendant would have received a more favorable result if the accomplice instructions had been given. (*People* v. *Watson, supra,* 46 Cal.2d at p. 836.)

V. The reasonable doubt instruction

Defendant contends the 1994 revision to CALJIC No. 2.90 contains an incorrect definition of reasonable doubt. He claims the instruction is incorrect because it defines reasonable doubt in terms of an "abiding conviction" rather than a "moral certainty."

We rejected the same argument in *People* v. *Light* (1996) 44 Cal.App.4th 879. (Accord *People* v. *Torres* (1996) 43 Cal.App.4th 1073.) We noted in *Light* that the United States Supreme Court in *Victor* v. *Nebraska* (1994) 511 U.S. 1 [114 S.Ct. 1239] held use of the term "abiding conviction" was the proper standard.

> "Although in this respect moral certainty is ambiguous in the abstract, the rest of the instruction ... lends content to the phrase. The jurors were told that they must have 'an abiding conviction, to a moral certainty, of the truth of the charge.' ... An instruction cast in terms of an abiding conviction as to guilt, without reference to moral certainty, *correctly states the government's burden of proof.* [Citations.]" (*Id.* at p. __ [114 S.Ct. at p. 1247], italics added.)

85 - Richard Flowers Commutation File

We conclude, therefore, the instruction on reasonable doubt given by the trial court was correct.

VI. The conviction of vehicle theft and receiving stolen property

Defendant was charged in count 5 and convicted of unlawfully driving or taking a vehicle (Veh. Code, § 10851, subd. (a)), and receiving stolen property (§ 496) in count 6, involving the same automobile. He contends that while his conviction of one or the other offense would be proper, conviction of both is barred. The People initially argued the convictions were proper because defendant sold parts separately from when he stole the vehicle. However, following a request for supplemental briefing in light of *People* v. *Allen* (1999) 21 Cal.4th 846, the People appropriately concede dual conviction is barred.

As a general rule, a defendant may not be convicted of stealing and receiving the same property. (*People* v. *Jaramillo* (1976) 16 Cal.3d 752, 758.) This rule was added to the statutory language of section 496, subdivision (a), in 1992, as follows:

> "A principal in the actual theft of the property may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property." (Stats 1992, ch. 1146 (Assem. Bill No. 3326) § 1.)

In amending section 496, subdivision (a), the Legislature intended to prosecute principals for the actual theft of property when these individuals continue to possess that property after the statute of limitations has run on the theft charge. (*People* v. *Strong* (1994) 30 Cal.App.4th 366, 373.) The theft-receiving rule developed because "[t]he actual thief cannot receive from himself the fruits of his larceny." (*People* v. *Taylor* (1935) 4 Cal.App.2d 214, 219, disapproved on other grounds in *People* v. *Allen, supra,* 21 Cal.4th at p. 866, fn. 21.) Where the actual thief is convicted of both offenses, "the spirit and purport of the law implying the necessity of two actors to complete the act of receiving" would be violated because "the essential element of reception is absent." (*Ibid.*)

In *People* v. *Jackson* (1978) 78 Cal.App.3d 533, the defendant was convicted of

86 - Richard Flowers Commutation File

theft of a motorcycle and sewing machine. He was also convicted of a section 496 violation, after he discussed selling these items with an undercover officer acting as a fence for stolen property. The officer said he would buy anything Jackson had to sell. Later, Jackson went to his apartment and picked up the motorcycle and sewing machine, which belonged to his estranged girlfriend, and sold them to the officer. On appeal the People argued that while receiving, withholding and concealing are inherent in the crime of theft, selling is not. Thus, under the 1976 amendment to section 496, the Legislature intended to punish the separate act of selling by a thief. We rejected this argument, holding:

> " ... If section 496 as expressed in *Jaramillo* is directed at fences, its purpose was to apply to the sale by the fence, not the thief. If the Legislature had intended otherwise it could have easily added the word 'thief' to the statute as suggested by the Supreme Court in *Jaramillo*. The courts 'presume that the Legislature, aware of judicial decisions, enacts and amends statutes in the light of that knowledge.' [Citations.]
>
> "The evidence is conclusive that appellant stole both the motorcycle and the sewing machine, that he stole them for the purpose of selling them, and the theft and sale were parts of a single transaction. Accordingly, the judgment of conviction of violating Penal Code section 496 (count two) must be reversed." (*People* v. *Jackson, supra,* 78 Cal.App.3d at p. 539.)

Ten years later, the court in *People* v. *Tabarez* (1988) 206 Cal.App.3d 551 disagreed with the *Jackson* holding. In *Tabarez* the defendant was only charged with a violation of section 496, for selling stolen manhole covers, even though the evidence showed he may have actually stolen them. The court held:

> " ... In 1972, the Legislature added the term 'sells' to subdivision 1 of section 496. (Stats. 1972, ch. 963, § 1, p. 1739.) Unlike the construction given 'buy' or 'receive' (see *Stewart* 1986] 185 Cal.App.3d [1971] 204), 'sell' is a term necessarily presupposing two parties but *not* precluding the party stealing the goods from the reach of the statute. In addition, unlike "concealing" and 'withholding,' the sale of stolen property is not part and parcel of the theft itself.

87 - Richard Flowers Commutation File

"The 1972 amendment to section 496 was before the court in *People* v. *Jackson* (1978) 78 Cal.App.3d 533 [144 Cal.Rptr. 199]....

"We respectfully disagree with *Jackson*. First, an interpretation that 'sells' applies only to a person who receives stolen property and then resells it defies logic. Since such sellers would already be criminally liable under section 496 as presumably they have bought, received, concealed or withheld the goods, this interpretation would render the addition of 'sells' a nullity, an action we cannot ascribe to the Legislature. [Citation.]"

"Moreover, *Jackson* ignores the distinction between 'sells' and the other acts violative of the statute. The terms 'buy,' 'receive,' 'withhold' and 'conceal' have been interpreted literally, and so too must the word 'sell.' Thus it is clear concealing and withholding the stolen merchandise are part of the crime of theft, the purpose of the thief 'from the very moment that he gains possession of the property' [citation]; furthermore, a thief cannot receive or buy stolen property from himself because it is logically impossible [citation]. By force of the same reasoning, however, it is equally clear a thief *can* sell stolen property and that the sale of such property is an act separate from the initial theft.

"Finally, we reject the contention that simply because the Legislature did not use the word 'thief' as suggested in *Jamarillo* ..., the amendment adding 'sells' to section 496 was not intended to apply to the person who stole the property. The amendment is a direct indication of an intent to punish '[e]very person' who engages in the *separate* and *severable* act of selling stolen property. (§ 496, subd. 1.)

"Thus, even if the jury had found that defendant was the thief, thus ruling out a conviction for violation of section 496 on the theory of buying, receiving, concealing, or withholding, defendant's sale of the property renders him liable under section 496...." (*People* v. *Tabarez, supra,* 206 Cal.App.3d at pp. 554-555.)

Based on *Tabarez*, the jury was instructed as follows:

"Defendant is also accused of having committed the crime of receiving stolen property, a violation of Section 496 of the Penal Code. Every person who buys or receives any property which has been stolen, who sells or aids in selling such property, knowing the property to have been so stolen, is guilty of the crime of receiving stolen property in violation of Penal Code Section 496.

88 - Richard Flowers Commutation File

"In order to prove such crime, each of the following elements must be proved: One, a person sold or aided in selling property which had been stolen; and two, such person actually knew said property was stolen at the time he sold such property."

Although the jury verdict form used the term, "receiving stolen property," the jury instructions made it clear the jury had to find defendant sold or aided in selling the property that had been stolen for conviction of a section 496 violation. In addition, sale of the property was the theory argued by the prosecutor.[8] Consequently, the only question is whether section 496, subdivision (a), as amended in 1992, permits dual conviction.

This question was answered in *People* v. *Allen, supra,* 21 Cal.4th at page 846. After discussing the *Jaramillo, Jackson,* and *Tabarez* cases (*id.* at pp. 853-856), the court held the plain meaning of the two sentences added by the Legislature when it amended section 496 in 1992 are clear:

"The second sentence declares that 'no person may be convicted both pursuant to this section and of the theft of the same property.' (§ 496, subd. (a).) The sentence thus prohibits, as the 'narrow' common law rule also prohibited, dual *convictions* of any person of

---

[8] The prosecutor argued, in pertinent part:

"And solely on the testimony of Denise Burton, if you believe her testimony, then you have sufficient evidence of which to convict Richard Flowers of both unlawful taking of a vehicle and receiving stolen property on the theory of selling that property.

"....

"We had testimony from Yvonne Mathews that Richard appeared to be doing some sort of work in the dashboard area. We know that Mary Garcia's car stereo was missing. We know Denise Burton talked about going to the car wash, the tires being removed, tires and rims being sold at Fundy's, hubcaps being sold at Fundy's and, in fact, before us we have some hubcaps that were recovered from Fundy's at that time, corroborating their course of the day ....

"So based on that testimony, should you choose to believe Denise Burton, there's sufficient evidence in which to convict him of those two counts ...."

89 - Richard Flowers Commutation File

both an offense 'pursuant to this section [§ 496]' – viz., buying, receiving, concealing, withholding, or selling stolen property – and the offense of stealing the same property.

"The first sentence of the 1992 amendment addressees the 'broad' application of the common law rule; but rather than codifying that application, the sentence effectively abrogates it. As noted, the first sentence declares that 'A principal in the actual theft of the property may be convicted pursuant to this section.' (§ 496, subd. (a).) The sentence thus authorizes a conviction for receiving stolen property *even though the defendant also stole the property,* provided he has not actually been convicted of the theft." (*People* v. *Allen, supra,* 21 Cal.4th at p. 857.)

In light of *Allen*, the People's supplemental letter brief correctly concedes that defendant's dual convictions for auto theft and receiving/selling the same stolen property is barred. Therefore, we order the judgment of conviction in count 6 of receiving stolen property be reversed.

VII. Applicability of section 654

Defendant contends the concurrent sentence of 39 years to life for the burglary conviction must be stayed pursuant to section 654. The People argue no violation occurred because the record supports an implied finding that defendant entertained two separate objectives and intents in committing the burglary, and then the murder. Defendant is correct.

Section 654 prohibits double punishment where there is a course of conduct that violates more than one statute and comprises an indivisible transaction punishable under more than one statute within the meaning of section 654. (*People* v. *Bauer* (1969) 1 Cal.3d 368, 376.) "The divisibility of a course of conduct depends upon the intent and objective of the actor, and if all the offenses are incident to one objective, the defendant may be punished for any one of them but not for more than one." (*Ibid.*)

The court sentenced defendant to a term of life in prison without the possibility of parole for the murder with burglary and robbery special circumstances. The court failed, for some reason, to impose any enhancements to count 1. Later, the court ordered a

90 - Richard Flowers Commutation File

concurrent term of 39 years to life on the burglary count, and stayed the sentences on the remaining convictions pursuant to section 654. The court did not express any factual findings regarding why it did not also stay the concurrent burglary term. The People contend the trial court made an implied factual finding that defendant entertained two separate objectives and intents in committing the burglary and then the murder.

Specifically, the People argue that after defendant entered the victim's house to commit a larceny, she somehow confronted him, at which point defendant's intentions changed from simple larceny into a robbery by force. The People go on to argue that the killing occurred after this new intent to commit the robbery began. Thus, although the burglary had not been completed, defendant contemplated separate criminal objectives. This argument is rejected because even under this scenario, defendant's intent to commit a larceny never changed. The fact defendant had to use deadly force to complete the larceny is why he was convicted and sentenced for murder. This use of force simply elevated the intended crime of larceny to a robbery.

The sole authority cited is *People* v. *Williams* (1984) 157 Cal.App.3d 145. In *Williams*, the defendant entered an apartment and picked up a television from the room in which an 11-year-old female was asleep. As he was leaving, the girl awoke. Defendant then raped and murdered her. After the rape, defendant left with the television. (*Id.* at p. 157.) The court found two criminal objectives, theft and rape. The court held that given the divisibility of his theft conduct, defendant could be punished separately for the burglary. "The rape and murder, however, were incidental to each other and to Williams' objective to rape [the victim]." (*Id.* at pp. 157-158.)

Again, in stark contrast to *Williams*, here there was but one intent and objective – theft. Even accepting the People's speculative scenario that the victim confronted defendant after he began the theft, there is no evidence defendant assaulted the victim for any reason other than to complete the theft. Accordingly, the execution of sentence on count 4 must be stayed pending service of the sentence on count 1, the stay to become

91 - Richard Flowers Commutation File

permanent when the sentence in count 1 is completed.

This leaves the issue of how to dispose of the enhancements added to count 4. Since no enhancements were imposed on count 1, there is no section 654 violation with respect to the enhancements. Further, the enhancements are generally to be imposed, consecutive to the offense, or where an indeterminate sentence is imposed, separately as a determinate term. (*People* v. *Reyes* (1989) 212 Cal.App.3d 852, 856.) Since the record does not show why these enhancements were not imposed on count 1, a remand is necessary so the court may impose them or strike them with appropriate reasons. (*People* v. *Mustafaa* (1994) 22 Cal.App.4th 1305, 1311.)

VIII. Disclosure of the jurors' notes

Defendant requests that we independently review the jurors' notes to determine whether evidence of misconduct can be found, and if so, remand with appropriate instructions.

A. Historical perspective

During trial, defense counsel alerted the court to juror conduct of passing notes. The following colloquy ensued:

> "MR. ROBINSON: One of my staff has just pointed out to me that at least sometime during the last court session this morning, she seen the jurors pass notes back and forth to each other or pass something, smile, smirk, talk.
>
> "I'm not sure if it means anything or not, whether it's inappropriate or appropriate, but I just wanted to call it to the court's attention if you think something needs to be said to the jurors about that kind of activity.
>
> "THE COURT: I don't know. The jurors seem to be concentrating on the case. This is a very congenial jury, they seem to get together every morning and have quite a lot of discussion. They've been admonished about their responsibilities not to talk about the case.
>
> "MR. ROBINSON: And for all I know, they're making their doodles about me and Mr. Dempsie and the court and laughing over

92 - Richard Flowers Commutation File

them, but I don't know.

"....

"THE COURT: I – I – without anything more specific, I'm reluctant to say anything other than at some point – maybe this afternoon at the end if somebody reminds me, I'll say something about we're going into the weekend, remember – and go back into the formal admonition about not talking about the case and so forth. So I think that's the way I'll be handling it.

"....

"THE COURT: ... Unless somebody has another suggestion.

"MR. DEMPSIE: No, that might be a good way, just at the conclusion of the day.

"MR. ROBINSON: I didn't want to call attention to it, but I wanted to at least let the court know that something is going on.

"THE COURT: Yeah, I appreciate that...."

Prior to dismissing the jurors for the weekend, the court admonished them:

"...Before you go, I want to remind you not to talk about this case with anyone. I know that you already know this, but it's important to keep this in mind. Don't come to any conclusions, don't form any opinions on any of the contested matters, and keep in mind the formal admonitions that I've already given to you."

As soon as the jurors went into deliberations on the question of guilt, defense counsel again raised the issue:

"MR. ROBINSON: I have a concern about the juror's notes. My staff has – we discussed this once at the bench about what I thought may be improper communication among jurors passing notes back and forth during the course of the trial.

"My staff continues to inform me that that's been going on through most of the entire trial, and I'm concerned that if there is a verdict of conviction that there may be some improper communication that was going on about the case during the course of the trial and before the deliberations.

93 - Richard Flowers Commutation File

"What I would request is that rather than court following its normal policy of destroying the notes, to have the bailiff collect the juror's notes and keep them sealed in some place in case that ever becomes an appellate issue.

"THE COURT: I don't have a problem with that.

"MR. DEMPSIE: I have no objection to it."

Later, the court instructed the bailiff to collect the jurors' notes at the conclusion of deliberations, and ordered them sealed.

When the jurors retired for deliberations on the question of penalty, defense counsel made the same request, and the court noted the notepads would be collected and preserved. Defense counsel indicated he wanted to review the notes for potential juror misconduct. However, the court stated it would review the notes *in camera* to determine whether an arguable issue existed before permitting counsel to view them. The prosecutor had no objection to this procedure.

After the trial was concluded, however, defense counsel filed a written motion in which he argued against an *in camera* review of the notes. Instead, he moved for access to the jurors' notepads to make an independent assessment of potential juror misconduct.[9] The prosecutor filed an opposition to the motion, and the matter was heard. Defense counsel argued there were no juror privacy concerns because the defense merely wanted to review their notes, not get their addresses and telephone numbers. Counsel concluded by arguing "the easiest way to get to this issue and see if there are any things – any issues that we want to raise for a motion for new trial is to allow us access to the note pads."

---

[9] Counsel argued:

"When the issue was raised informally, the court suggested, a better procedure might be for the court to examine the notepads 'in camera', and without counsel. Defendant believes this type of arrangement, puts the court in the awkward position of acting as an advocate. If any misconduct has occurred, the defendant should make an independent assessment of this evidence and determine its use in his motion for a new trial...."

94 - Richard Flowers Commutation File

The prosecutor argued defense counsel's proposed procedure would inappropriately invade the jurors' deliberative and mental processes. Further, the prosecutor questioned how it could be determined from the notes whether a particular note had been shared with another juror without having the jurors testify. Finally, the prosecutor expressed concern about being able to determine what type of notes would be out of the ordinary since there would be no basis for comparison. The court denied the motion without prejudice. However, the issue was never raised again. Instead, at the hearing on defendant's motion for new trial, defense counsel stated:

> "Based on my post conviction review and contacts with jurors by myself and various members of the defense team, I informed the court and counsel that I would not be raising any juror or jury misconduct issues in my motion for new trial, and so I have not and will not be arguing that issue at all today."

B. Analysis

Defendant makes no argument that the jury engaged in misconduct. Further, he does not argue the court erred by denying his request to view the jurors' notes to enable him to prepare a motion for new trial. Finally, although defendant "presumes that the trial court undertook the in camera review it indicated it would," the record fails to support this presumption. In fact, defense counsel argued against this procedure. Consequently, there is nothing to consider or determine, since no issue is pending. Instead, defendant simply requests us "to review independently the jurors' notes to determine whether arguable evidence of misconduct can be found." We decline to do so since defendant provides no authority for this review, and even if the notes are reviewed, it is unclear how to determine whether juror misconduct occurred.

Further, since defendant undertook a posttrial investigation into possible juror misconduct and found nothing to support it, the issue is moot. It is highly unlikely the notes could provide evidence of misconduct when actual contact with the jurors did not.

We conclude defendant's showing was too speculative to require the court to conduct any inquiry. (*People* v. *Espinosa* (1992) 3 Cal.4th 806, 821 [defense counsel's

95 - Richard Flowers Commutation File

statement that he thought a juror might have been sleeping, which was insufficient to apprise the trial court that good cause to discharge might exist, did not obligate the court to conduct any further inquiry].) Absent anything substantial to indicate juror misconduct, the court correctly denied defendant's motion for disclosure of the notes. As noted earlier, defendant does not contend otherwise. In addition, the court's admonition to the jurors regarding not discussing the case or forming opinions sufficiently alleviated defendant's concerns. "On these facts, we must presume that the jury followed the instructions." (*People* v. *Dorsey* (1995) 34 Cal.App.4th 694, 704.)

DISPOSITION

The judgment of convictions is affirmed, with the exception of count 6, which is reversed. The matter is remanded for resentencing. The court is directed to impose the enhancements alleged and proved as to count 1, or state reasons for striking them per the requirements of sections 1170.1, subdivision (h), or 1385.

WISEMAN, J.

WE CONCUR:

ARDAIZ, P.J.

THAXTER, J.

96 - Richard Flowers Commutation File

3/21/00 ld

C064959

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

THE PEOPLE,
Plaintiff and Respondent,

v.

RICHARD E. FLOWERS,
~~Defendant and Appellant.~~
F027210
Tulare County No. 35818

*** * * REMITTITUR * * ***

I, EVE SPROULE, Court Administrator/ Clerk of the Court of Appeal of the State of California for the Fifth Appellate District, do hereby certify that the original opinion or decision entered in the above-entitled cause on December 3, 1999 has now become final.

_____Appellant(s) _____Respondent(s) to recover costs
_____Each party to bear own costs
__✓__Costs are not awarded in this proceeding

WITNESS my hand and the seal of the Court
affixed at my office on March 6, 2000

EVE SPROULE, Court Administrator/ Clerk

Deputy Clerk

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDC-128-B (Rev 4/74)

NAME and NUMBER FLOWERS C64959 **HOUSING A2-217L**

The above-named inmate has successfully programmed in the CSP-LAC, Progressive Programming Facility (PPF) for **THE PAST YEAR**.

The PPF requires a voluntary, self-initiated, written commitment from each participant that acknowledges a desire to conform to a strict criterion of required behaviors. All participants must demonstrate a manifest desire to program, and continuously exhibit this desire through active participation in a variety of programs.

PPF participants are held to a strict standard, which includes random and regular drug testing, as well as a close monitoring of daily compliance with all regulations. Any Division A, B or C Offense results in the immediate removal from the program, while any serious CDC-115 could result in exclusion from the PPF through committee action.

In addition to strict adherence to relevant rules and regulations, PPF participants are also expected to actively participate in the programming options available. These include Parenting Classes, Self-Help Groups, and Inmate Activity Groups in a wide range of interests. The PPF also presents participants with numerous recreational activities.

The above-named inmate is to be commended for his successful participation in the CSP-LAC, PPF. His behavior is indicative of a positive orientation and should be considered when evaluating his eligibility for participation in future programming opportunities.

Correctional Counselor II
Progressive Programming Facility
CSP-Los Angeles County

Original: C-File
cc: Inmate
Writer

DATE: **11/10/15** **LAUDATORY / PPF PARTICIPATION** GENERAL CHRONO

98 - Richard Flowers Commutation File

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDC-128-B (Rev 4/74)

NAME and NUMBER FLOWERS C64959 **HOUSING** A2-217L

The above-named inmate has successfully programmed in the CSP-LAC, Progressive Programming Facility (PPF) for THE PAST YEAR

The PPF requires a voluntary, self-initiated, written commitment from each participant that acknowledges a desire to conform to a strict criterion of required behaviors. All participants must demonstrate a manifest desire to program, and continuously exhibit this desire through active participation in a variety of programs.

PPF participants are held to a strict standard, which includes random and regular drug testing, as well as a close monitoring of daily compliance with all regulations. Any Division A, B or C Offense results in the immediate removal from the program, while any serious CDC-115 could result in exclusion from the PPF through committee action.

In addition to strict adherence to relevant rules and regulations, PPF participants are also expected to actively participate in the programming options available. These include Parenting Classes, Self-Help Groups, and Inmate Activity Groups in a wide range of interests. The PPF also presents participants with numerous recreational activities.

The above-named inmate is to be commended for his successful participation in the CSP-LAC, PPF. His behavior is indicative of a positive orientation and should be considered when evaluating his eligibility for participation in future programming opportunities.

Correctional Counselor II
Progressive Programming Facility
CSP-Los Angeles County

Original: C-File
cc: Inmate
Writer

DATE: 11/18/14 LAUDATORY / PPF PARTICIPATION GENERAL CHRONO

99 - Richard Flowers Commutation File

STATE OF CALIFORNIA — RTMENT OF CORRECTIONS AND REHABILITATION — CDC-128-B (7/08)

NAME and NUMBER FLOWERS C64959 FAD4-217L

Inmate FLOWERS (C64959) has successfully completed a 12-week course (A total of 24 hours) in the Paving the Way Program, conducted by Janie Hodge of the Paving the Way Foundation. The program is comprised of 4 skill-building areas; with a total of 6 hours spent on each skill area. The 4 skills are as follows: Constructive Communication, Anger Management, Relationship Building, and Conflict Resolution. Inmate FLOWERS has interacted well with staff and other inmates. His behavior is consistent with societal norms. This documentation covers the period from November 2014 through April 2015.

J. HODGE
Relationship Building Instructor
PAVING THE WAY FOUNDATION

Orig: C-File
cc: CCI
Writer
Inmate

DATE: 04/15/2015 PAVING THE WAY FOUNDATION PROGRAM **GENERAL CHRONO**

CALIFORNIA DEPARTMENT of Corrections and Rehabilitation

WORK SUPERVISOR'S REPORT

INMATE NAME	CDC#	FACILITY
FLOWERS, RICHARD E.	C64959	SATF-Facility B
SECTION NUMBER	**SECTION LOCATION**	
004	B DINING POTS & PANS 3/W	
POSITION #	**POSITION TITLE**	
DRS.004.002	B DINING POTS & PANS	
ASSIGNED DATE	**CURRENT PAY RATE**	
03/08/2018	$0.08 per hour	

Evaluation Date: 04/07/2018 Period Covered: 03/08/2018 to: 04/07/2018

Hours Assigned: 35 Hours Worked: 155.75

GRADE		GRADE	
1	A. DEMONSTRATED SKILL AND KNOWLEDGE	1	F. TEAMWORK AND PARTICIPATION
1	B. ATTITUDE TOWARD FELLOW INMATES AND WORKERS	1	G. LEARNING ABILITY
1	C. ATTITUDE TOWARD SUPERVISORS AND STAFF	1	H. USE OF TOOLS AND EQUIPMENT
1	D. INTEREST IN ASSIGNED WORK	1	I. QUALITY OF WORK
1	E. EFFORT DISPLAYED IN ASSIGNED WORK	1	J. QUANTITY OF WORK

Recommended for: (•) Retain ( ) Reassignment

[x] Pay Increase [ ] Pay Decrease New Pay Rate: $0.11 per hour Effective Date: 07/01/2018

Code of Safe Practices Reviewed Supv. Initials _____ Inmate Initials _____

Supervisor Comments

I/M Flowers since being assigned has proven to be a great asset to the kitchens daily operation. Keeping and making sure his work area station is always clear and clean of debris. I/M Flowers works well with others.

Inmate Comments

B. Brown

SUPERVISOR

B. Brown

SIGNATURE

LENGTH OF SUPERVISION:

INMATE SIGNATURE

[ ] REFUSED TO SIGN

CDCR SOMS IJPT100 - WORK SUPERVISOR'S REPORT

CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

WORK SUPERVISOR'S REPORT

INMATE NAME	CDC#	FACILITY
FLOWERS, RICHARD E.	C64959	SATF-Facility B
SECTION NUMBER	**SECTION LOCATION**	
004	B DINING POTS & PANS 3/W	
POSITION #	**POSITION TITLE**	
DRS.004.002	B DINING POTS & PANS	
ASSIGNED DATE	**CURRENT PAY RATE**	
03/08/2018	$0.11 per hour	

Evaluation Date: 07/14/2018 Period Covered: 03/08/2018 to: 07/06/2018

Hours Assigned: 35 Hours Worked: 570

GRADE		GRADE	
1	A. DEMONSTRATED SKILL AND KNOWLEDGE	1	F. TEAMWORK AND PARTICIPATION
1	B. ATTITUDE TOWARD FELLOW INMATES AND WORKERS	1	G. LEARNING ABILITY
1	C. ATTITUDE TOWARD SUPERVISORS AND STAFF	1	H. USE OF TOOLS AND EQUIPMENT
1	D. INTEREST IN ASSIGNED WORK	1	I. QUALITY OF WORK
1	E. EFFORT DISPLAYED IN ASSIGNED WORK	1	J. QUANTITY OF WORK

Recommended for: (•) Retain ( ) Reassignment

[x] Pay Increase [ ] Pay Decrease New Pay Rate: $0.13 per hour Effective Date: 10/01/2018

Code of Safe Practices Reviewed Supv. Initials _____ Inmate Initials _____

Supervisor Comments

I/M Flowers has proven to be very much skillful in his current job assignment. He has shown great leadership skills amongst his peers. I/M Flowers works well with others.

Inmate Comments

B. Brown

SUPERVISOR

B. Brown

SIGNATURE

LENGTH OF SUPERVISION:

INMATE SIGNATURE

[ ] REFUSED TO SIGN

CDCR SOMS IJPT100 - WORK SUPERVISOR'S REPORT

C64959

Friends Outside

Awards this certificate to

Richard Earl Flowers

in recognition of completion of

Creative Conflict Resolutions

A comprehensive, three-day training in anger management and conflict resolution.

Yvette Waterworth, Facilitator

December 5, 2013
Date

Gretchen Newby, Executive Director

This certificate is printed in black ink on parchment paper with blue and gold border, and only the original is valid as proof of completion of the program.
Friends Outside, PO Box 4085, Stockton, CA 95204

103 - Richard Flowers Commutation File

STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDC-128-B (Rev 4/74)

NAME and NUMBER FLOWERS C64959 **HOUSING A2-217L**

The above-named inmate has successfully programmed in the CSP-LAC, Progressive Programming Facility (PPF) for THE PAST YEAR.

The PPF requires a voluntary, self-initiated, written commitment from each participant that acknowledges a desire to conform to a strict criterion of required behaviors. All participants must demonstrate a manifest desire to program, and continuously exhibit this desire through active participation in a variety of programs.

PPF participants are held to a strict standard, which includes random and regular drug testing, as well as a close monitoring of daily compliance with all regulations. Any Division A, B or C Offense results in the immediate removal from the program, while any serious CDC-115 could result in exclusion from the PPF through committee action.

In addition to strict adherence to relevant rules and regulations, PPF participants are also expected to actively participate in the programming options available. These include Parenting Classes, Self-Help Groups, and Inmate Activity Groups in a wide range of interests. The PPF also presents participants with numerous recreational activities.

The above-named inmate is to be commended for his successful participation in the CSP-LAC, PPF. His behavior is indicative of a positive orientation and should be considered when evaluating his eligibility for participation in future programming opportunities.

Correctional Counselor II
Progressive Programming Facility
CSP-Los Angeles County

Original: C-File
cc: Inmate
Writer

DATE: **11/10/15** **LAUDATORY / PPF PARTICIPATION** GENERAL CHRONO

104 - Richard Flowers Commutation File

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CDC-128-B (Rev 4/74)

NAME and NUMBER FLOWERS C64959 **HOUSING** A2-217L

The above-named inmate has successfully programmed in the CSP-LAC, Progressive Programming Facility (PPF) for THE PAST YEAR

The PPF requires a voluntary, self-initiated, written commitment from each participant that acknowledges a desire to conform to a strict criterion of required behaviors. All participants must demonstrate a manifest desire to program, and continuously exhibit this desire through active participation in a variety of programs.

PPF participants are held to a strict standard, which includes random and regular drug testing, as well as a close monitoring of daily compliance with all regulations. Any Division A, B or C Offense results in the immediate removal from the program, while any serious CDC-115 could result in exclusion from the PPF through committee action.

In addition to strict adherence to relevant rules and regulations, PPF participants are also expected to actively participate in the programming options available. These include Parenting Classes, Self-Help Groups, and Inmate Activity Groups in a wide range of interests. The PPF also presents participants with numerous recreational activities.

The above-named inmate is to be commended for his successful participation in the CSP-LAC, PPF. His behavior is indicative of a positive orientation and should be considered when evaluating his eligibility for participation in future programming opportunities.

Correctional Counselor II
Progressive Programming Facility
CSP-Los Angeles County

Original: C-File
cc: Inmate
Writer

DATE: 11/18/14 **LAUDATORY / PPF PARTICIPATION** GENERAL CHRONO

105 - Richard Flowers Commutation File

CSP Los Angeles County
Recreation Department

Recognizes

Richard Flowers C64959

For Your Efforts, Contributions, & Dedication
To the A Facility Softball League

K R WARTON
RECREATION COORDINATOR

5-27-15
DATE

106 - Richard Flowers Commutation File

Friends Outside

Awards this certificate to

Richard Earl Flowers

in recognition of completion of

Creative Conflict Resolutions

A comprehensive, three-day training in anger management and conflict resolution.

Yvette Waterworth, Facilitator

December 5, 2013
Date

Gretchen Newby, Executive Director

This certificate ***is printed in black ink on parchment paper with blue and gold border, and only the original is valid as proof of*** *completion of the program.*
Friends Outside, PO Box 4085, Stockton, CA 95204

107 - Richard Flowers Commutation File

Certificate of Accomplishment

This certificate is awarded to

RICHARD EARL FLOWERS

In recognition of your completion of the Re Entry Employment Workshops presented by Paving the Way Foundation

Janie Hodge — 4/15/2015

Signature — ***Date***

108 - Richard Flowers Commutation File

POOR ORIGINAL

DEPARTMENT OF CORRECTIONS

CDC VIOLATION REPORT

804 TO RECORDS: 7-10-02

NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
C-64959	FLOWERS, R. (B)	LWOP	CSP-CAL	A4-101L	07-02-A-010

VIOLATED RULE NO(S).	SPECIFIC ACTS	LOCATION	DATE	TIME
3005(c)	MUTUAL COMBAT	FAC-A YARD #1	07/08/02	1400 HRS.

CIRCUMSTANCES

On Monday, July 8, 2002, at approximately 1400 hours, while performing my duties as A Yard Officer #4, I observed two inmates - later identified as Inmate and Inmate FLOWERS (C-64959, A4-126U) - wrestling on the ground in front of Housing Unit A4 by the table. I ordered all inmates on the yard to get down. Both inmates, and all other inmates on the yard, complied with the order. Responding staff placed both inmates in handcuffs, escorted them into Program, and conducted unclothed body searches of them with no contraband found. A CDC Form 7219, Medical Report, was completed by medical staff for each inmate.

Inmate FLOWERS is not a participant in the Mental Health Services Delivery System.

Inmate FLOWERS is aware of this report.

No Enemy concerns per 1283 Dated 1/8/02.

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
A. LINARES, Correctional Officer	7/9/02	FAC A YARD C/O #4	

REVIEWING SUPERVISOR'S SIGNATURE	DATE	☐ INMATE SEGREGATED PENDING HEARING	
S. ATKINS, Correctional Sgt.	7/11/02	DATE 07/08/02	LOC. HU-A1

CLASSIFIED	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO
☐ ADMINISTRATIVE ☑ SERIOUS	D 61-90	7/11/02	M. P. DURAN, Correctional Lt.	☐ HO ☑ SHO ☐ SC ☐ FC

COPIES GIVEN INMATE BEFORE HEARING

	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT	BY: (STAFF'S SIGNATURE)	DATE	TIME
☑ CDC 115-A	C.	7-12-02	1930	CDC-7219's FOR I/M BAILEY AND I/M FLOWERS			
☐ INCIDENT REPORT LOG NUMBER: N/A	N/A				N/A		

HEARING

On Monday, July 22, 2002; at approximately 1557 hours, Inmate FLOWERS, (C-64959), appeared before this Senior Hearing Officer (SHO) for adjudication of CDC-115, Rules Violation Report (RVR), Log# 07-02-A-010. The SHO introduced himself and explained hearing rules and procedures to Inmate FLOWERS, who stated that he was in sound physical health. Inmate FLOWERS is not a participant in the Mental Health Services Delivery System (MHSDS), nor a participant in the Disability Placement Program (DPP).

DUE PROCESS: In the hearing, Inmate FLOWERS verified that he received the following documents more than twenty-four (24) hours in advance of the hearing: CDC-115, and CDC-115A. The preliminary copy of the disciplinary report was served to Inmate FLOWERS within fifteen (15) days of discovery and the hearing was held within thirty (30) days of service. Time constraints have been met. There are no Due Process violations.

STAFF ASSISTANT: Per California Code of Regulations (CCR) 3315(d)(2), a Staff Assistant (SA) was not assigned because: 1) Inmate FLOWERS is literate, 2) Inmate FLOWERS speaks fluent English and 3) the complexity of the issues are such that assistance is not necessary for Inmate FLOWERS to comprehend the nature of the charges or the disciplinary process. Additionally, Inmate FLOWERS does not need assistance that would require a confidential relationship, as described in CCR 3318(b)(2)(A). In the hearing, Inmate FLOWERS concurred with this decision.

REVIEWED OBIS

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA (Continued on Rules Violation Report (RVR) Part "C")

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
M. E. RUAN, Correctional Lieutenant		7/23/02	1557

REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
S.D. LEAPHEART, Facility Captain	7/25/02	C. BURNETT, Associate Warden, A/B	7/30/02

☐ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME
		7/31/02	1900

CDC 115 (7/88)

X cole

61 FOC

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128-B (Rev. 4/74)

NAME and NUMBER **FLOWERS** **C-64959** **A4-126U**

On Monday, April 10, 2006, at approximately 1600 hours, while performing my duties as "A" Facility Program Sergeant, Inmate Flowers, C-64959, A4-126U called out to me from his cell to come over to talk to him. During the conversation he admitted that he had loaned his fan to another inmate housed in C-Section in violation of CCR Section 3192, Possession and Exchange, and that facility staff had confiscated it during a search of another cell. Inmate Flowers was provided necessary paperwork to send the fan home or donate the fan per institutional procedures. Inmate Flowers was counseled and informed that any further non-compliance with institutional procedures would result in more serious progressive discipline.

H. DRAKE
Program Sergeant
"A" Facility 3/W

Orig: **Central File**
CC: **Counselor**
Program Lieutenant
Inmate

DATE: April 10, 2006 **(POSSESSION AND EXCHANGE CCR 3192)** **COUSELING CHRONO**

110 - Richard Flowers Commutation File

Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy) (Record of inmate other than applicant)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128 A (8-87)

NAME AND NUMBER FLOWERS C-46959 FA4-126 CAL-IV
C64759

On Monday, January 24, 2000, at approximately 1345 hours, while performing my duties as Facility "A" Law Library Officer, I noticed that Inmate FLOWERS (C-46959) A4-126, did not show up to the Law Library when ducated. FLOWERS's name appears on the Law Library Sign-up Sheet dated 01/24/00. FLOWERS is advised that this is a clear violation of CCR Title 15 #3014, Calls and Passes, and DOM Section 53060. FLOWERS is further advised that any further non-appearances to the Law Library when ducated will result in further disciplinary action.

Inmate FLOWERS is aware of this report.

ORIG: C-FILE
CC: Program Lieutenant
Correctional Counselor I
Inmate

E. GUTIERREZ
Correctional Officer
Facility "A" Law Library 2/W

DATE JANUARY 26, 2000 (CCR #3014 & DOM SECTION 53060 CALLS AND PASSES) **CUSTODIAL COUNSELING**

112 - Richard Flowers Commutation File

Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Version 4.6.1

Release Note

Summary | Bed Inventory | ADA/EC History

Generate Reports / Get Help / Report a Problem Log Ou

CDC # : C64959 Search

CDC Number: C64959, FLOWERS, RICHARD EARL

Summary

Offender/Placement

CDC #:	C64959
Name:	FLOWERS, RICHARD EARL
Institution:	California State Prison, Los Angeles County
Bed Code:	[redacted]
Placement Score:	36
Custody Level:	Medium A
Housing Pgm:	GP - Gen Pop
Housing Restrictions:	Lower/Bottom Bunk Only
Physical Limitations to Job/Other:	

Disability/Assistance

[redacted]

Cal. Const. art. I § 1 (Privacy), Gov. Code § 6254(c) (Privacy)

Important Dates

Pending Revocation:	No
Revocation Date:	
Date Received in CDCR:	04/27/1983
Last Return Date:	11/14/1996
Extended Stay Date:	02/12/1997
Extended Stay Privileges?	
Release Date:	01/25/9999
120 Day Date:	09/27/9998
Next IDST Date:	

Work/Vocation/PIA

1

Group Priv:	A
Group Work:	A1
Start Date:	04/14/2016
Status:	Fulltime
Job Position:	YDW.001.005
Job Title:	FAC.A YARD CREW #1
IWTIP Code:	S
IWTIP Description:	Support Services
Regular Day Off:	T, F
Work Hours:	0630-1130, 1200-1400

Accommodation History

No Accommodation Records Found.