

7-27-12

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
APPELLATE DIVISION
401 N. Arrowhead Ave., San Bernardino, CA 92415-0063
(909) 387-8942

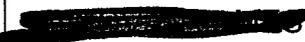
FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
Appeals Division

JUL 27 2012

BY 
CYNTHIA GOMEZ, DEPUTY

CASE NO.: ACRAS1100151 / V053926ADW (Victorville)

DATE: July 27, 2012

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v.  WINTERS, Defendant and Appellant.	E056987 ORDER RECEIVED AUG 28 2012 
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COURT OF APPEAL FOURTH DISTRICT

On July 19, 2012, this court received a request from the California Legal Rights Fund that the opinion in the above matter, filed on June 28, 2012, be published. Because that request was not timely received, it was denied as untimely in an order issued July 20, 2012.

The requesting party has now filed an application for extension of time to file a request for publication. We deem that application to be a motion for reconsideration of our order of denying the request for publication.

Good cause having been shown, the motion for reconsideration is hereby GRANTED. The order of July 20, 2012, denying the request for publication, is vacated.

Upon review of the merits of the request for publication, that request is hereby GRANTED. The opinion of this court, issued June 28, 2012, is hereby modified as follows:

The Opinion is ordered CERTIFIED FOR PUBLICATION.

I certify that copies of the above Order were mailed to counsel of record as indicated on




Court Clerk

...the decision in this ... will become final 30 days from the date of this order. (Cal. Rules of ... rule 8.888(a)(2).)

Gilbert G. Ochoa

GILBERT G. OCHOA
Presiding Judge of the Appellate Division



Joseph R. Brisco

JOSEPH R. BRISCO
Judge of the Appellate Division

John M. Pacheco

JOHN M. PACHECO
Judge of the Appellate Division

cc: Commissioner Patrick L. Singer, Victorville Courthouse

I certify that copies of the above Order were mailed to counsel of record as indicated on _____

Court Clerk

MAILING LIST FOR APPEAL # ACRAS 1100151:

~~XXXXXXXXXX~~ WINTERS
~~XXXXXXXXXX~~
HESPERIA, CA 92345

GEO. McCALIP
~~XXXXXXXXXX~~
LONG BEACH, CA 90813

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VICTORVILLE, CA 92392



8-27-12

**Superior Court of California
County of San Bernardino**

**APPEALS DIVISION
401 North Arrowhead Avenue
San Bernardino, CA 92415-0063**

**STEPHEN H. NASH
COURT EXECUTIVE OFFICER**

FAX (909) 521-3576

August 27, 2012

California Supreme Court
Reporter of Decisions
350 McAllister Street
San Francisco, CA 94102-3600

RE: Superior Court – Trial Court Case Number – V053926ADW
Superior Court – Appellate Division Case Number ACRAS 1100151
People vs. ██████████ Winters

On June 28, 2012, the Superior Court Appellate Division filed the enclosed Per Curiam Opinion, and certified the opinion for publication on July 27, 2012. Therefore, the following documents are being sent to you to process for publication.

1. PER CURIAM OPINION (2 certified paper copies)
2. PER CURIAM OPINION (on disk)

Please let me know if you need any additional information for publication of this Per Curiam Opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Cyndi Gomez".

Cyndi Gomez, LPA II
Superior Court Appeals Division



cc: State of California, Court of Appeal, Fourth Appellate District, Division Two

8.27.12



**Superior Court of California
County of San Bernardino**

**APPEALS DIVISION
401 North Arrowhead Avenue
San Bernardino, CA 92415-0063**

**STEPHEN H. NASH
COURT EXECUTIVE OFFICER**

FAX (909) 521-3576

August 27, 2012

Court of Appeal
Fourth Appellate District, Division Two
3389 12th Street
Riverside, CA 92501

RE: Superior Court Case Number: V053926ADW
Appellate Court Case Number: ACRAS1100151
Case Title: People vs. [REDACTED] Winters

This opinion has been certified for publication in the Official Reports. It is being sent to assist the Court of Appeal in deciding whether to order the case transferred to the court on the court's own motion under rules 8.1000-8.1018, pursuant to Rule 8.887(c)(2)(B).

The superior court has sent the record on transfer to Court of Appeal, pursuant to 8.1007(a)(1)(B) CRC.

Two certified copies of the opinion are also submitted to the Reporter of Decisions, in accordance with Rule 8.887(c)(2)(A) CRC.

A handwritten signature in black ink, appearing to read "Cyndi Gomez".



Cyndi Gomez, Deputy Clerk
Superior Court – Appellate Division
(909) 521-3574

Superior Court of California
County of San Bernardino
Appellate Division
401 N. Arrowhead Avenue
San Bernardino, CA 92415-0063

DECLARATION OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) VS. ACRAS1100151 / V053926ADW
COUNTY OF SAN BERNARDINO)

The undersigned hereby declares: I am a citizen of the United States of America, over the age of eighteen years, a resident of the above-named State, and not a party to nor interested in the proceedings named in the title of the annexed document. I am a Deputy Appellate Clerk of said County. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. On the date of mailing shown below, I placed for collection and mailing, in sealed envelopes which contained true copies of each annexed document, and which envelopes were addressed as follows:

California Supreme Court
Reporter of Decisions
350 McAllister Street
San Francisco, Ca 94102-3600

[REDACTED] Winters
[REDACTED]
Hesperia, CA92345

GEO. McCalip
[REDACTED]
Long Beach, CA 90813

District Attorney - Appellate Services Unit

Trial Court: Victorville Courthouse

Date and Place of Mailing: August 27, 2012, San Bernardino, California.

Document Mailed: **Letter to Court of Appeal – Publication of Opinion**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 2012, at San Bernardino, California.



A handwritten signature in black ink, appearing to be "GEO. McCalip", written over a horizontal line.

Deputy Clerk