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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 104

HON. H. CLAY JACKE II, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

CASE NO. MA028053

JUAN M. RAYFORD (01),)

DUPREE A. GLASS (02),)

DEFENDANTS.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APRIL 20, 2023

APPEARANCES:

FOR THE PEOPLE:

JESSICA TILLSON
GRACE SHIN
DEPUTY DISTRICT ATTORNEYS

FOR DEFENDANT
RAYFORD:

DELLA DONNA LAW
BY: ANNEE DELLA DONNA, ATTORNEY
301 FOREST AVENUE
LAGUNA BEACH, CALIFORNIA 92651

FOR DEFENDANT
GLASS:

DUBIN LAW FIRM
BY: ERIC DUBIN, ATTORNEY
19200 VON KARMAN AVENUE
SIXTH FLOOR
IRVINE, CALIFORNIA 92612

ALICIA L. ANDERSON, CSR #8472
OFFICIAL REPORTER

1 CASE NUMBER: MA028053
2 CASE NAME: PEOPLE VS. JUAN RAYFORD (01)
3 DUPREE GLASS (02)
4 LOS ANGELES, CA THURSDAY, APRIL 20, 2023
5 DEPARTMENT 104 HON. H. CLAY JACKE II, JUDGE

6 APPEARANCES:
7 (THE DEFENDANT JUAN RAYFORD PRESENT
8 IN COURT WITH HIS COUNSEL ANNEE DELLA DONNA,
9 ATTORNEY AT LAW; THE DEFENDANT
10 DUPREE GLASS PRESENT IN COURT WITH HIS
11 COUNSEL ERIC DUBIN, ATTORNEY AT LAW;
12 JESSICA TILLSON, GRACE SHIN,
13 DEPUTY DISTRICT ATTORNEYS, REPRESENTING
14 THE PEOPLE OF THE STATE OF CALIFORNIA.)

15
16 REPORTER: ALICIA L. ANDERSON, CSR NO. 8472
17 TIME: A.M. SESSION

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21 THE COURT: ALL RIGHT. THIS IS THE MATTER OF
22 PEOPLE VERSUS JUAN RAYFORD AND DUPREE GLASS, MA028053.
23 APPEARANCES, PLEASE.

24 MS. DELLA DONNA: GOOD MORNING, YOUR HONOR.
25 ANNEE DELLA DONNA APPEARING ON BEHALF OF PETITIONER JUAN
26 MARSHALL RAYFORD.

27 MR. DUBIN: GOOD MORNING, YOUR HONOR. ERIC DUBIN
28 APPEARING ON BEHALF OF DUPREE GLASS.

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MS. TILLSON: JESSICA TILLSON ON BEHALF OF THE PEOPLE.

MS. SHIN: GRACE SHIN ON BEHALF OF THE PEOPLE.

THE COURT: GOOD MORNING TO ALL.

AND GOOD MORNING TO EVERYONE IN THE AUDIENCE.

FIRST OFF, I'D LIKE TO SAY THAT THERE'S BEEN A LOT OF LITIGATION, BEEN A LOT OF ADVOCACY IN THIS MATTER, AND THE COURT APPRECIATES RESPECTIVE POINT OF VIEWS. THE COURT APPRECIATES THE ZEAL IN WHICH THE RESPECTIVE SIDES REPRESENTED THEIR RESPECTIVE SIDES.

BUT ORIGINALLY THE DEFENDANTS WERE CONVICTED OF 11 COUNTS OF ATTEMPTED WILLFUL, DELIBERATE, PREMEDITATED MURDER, ONE COUNT OF SHOOTING AT AN INHABITED DWELLING BASED UPON THEIR PARTICIPATION IN A 2004 SHOOTING AT THE HOME OF SHEILA LAIR. QUOTING DIRECTLY FROM THE COURT OF APPEAL OPINION. THEY WERE SENTENCED TO 11 CONSECUTIVE LIFE SENTENCES PLUS 220 YEARS. THE GANG ENHANCEMENT WAS STAYED AS WELL AS COUNT 12 SHOOTING AT AN INHABITED DWELLING.

ON DIRECT APPEAL THE COURT OF APPEAL AFFIRMED THEIR CONVICTIONS BUT VACATED THE GANG AND FIREARM ENHANCEMENTS. THAT WAS ON JULY 18TH, 2006. AFTER THAT VARIOUS WRITS OF HABEAS CORPUS WERE FILED THEREAFTER. ON JUNE 16TH OF '20 THE COURT OF APPEAL FILED AN OPINION THAT GRANTED WRITS OF HABEAS CORPUS AND VACATED EACH DEFENDANT'S 11 CONVICTIONS FOR ATTEMPTED WILLFUL, DELIBERATE, AND PREMEDITATED ATTEMPTED MURDER.

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THE DEFENDANTS WERE SENTENCED TO TIME SERVED ON THE SHOOTING AT AN INHABITED DWELLING AND WERE RELEASED FROM CUSTODY. I BELIEVE THAT DATE WAS OCTOBER 30TH, 2020. MY BIRTHDAY.

IN FOOTNOTE 22 OF THE AFOREMENTIONED OPINION THE COURT OF APPEAL AS TO EACH DEFENDANT DID NOT ADDRESS THE CLAIMS OF ACTUAL INNOCENCE THAT WERE RAISED PREVIOUSLY. THE DEFENDANTS FILED A MOTION FOR FACTUAL INNOCENCE IN 2021. AFTER SOME LITIGATION THE COURT RE-CHARACTERIZED THE MOTION AS HAVING BEEN MADE UNDER SECTION 1473.7(A)(2), I.E., NEWLY DISCOVERED EVIDENCE OF ACTUAL INNOCENCE EXISTS THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE AS A MATTER OF LAW OR IN THE INTEREST OF JUSTICE.

AN EVIDENTIARY HEARING BEGAN IN OCTOBER OF LAST YEAR AND CONCLUDED FEBRUARY 24TH OF THIS YEAR. IN ADDITION TO LISTENING TO TESTIMONY, THIS COURT REVIEWED THE PROCEDURAL HISTORY OF THE CASE, THE PLEADINGS, AS WELL AS VARIOUS TRANSCRIPTS OF THE PRELIMINARY AND TRIAL. THE COURT ALSO REVIEWED PRIOR HABEAS FILINGS AND RULINGS THEREON.

ADMITTEDLY IN THIS CASE INCONSISTENCIES ARE BOUNDLESS. YET CONTRARY TO THE ASSERTIONS OF THE DEFENSE, THE VAST MAJORITY OF THE EVIDENCE PRESENTED AT OUR HEARING WAS NOT NEWLY DISCOVERED. MOST OF IT WAS KNOWN OR SHOULD HAVE BEEN KNOWN TO THE PARTIES OR THEIR LAWYERS YEARS AGO. FOR EXAMPLE, DE ANTWAN NEAL HAD RELEVANT EVIDENCE WHILE THE TRIAL WAS TAKING PLACE, BUT HE WAS TURNED AWAY BY

1 DEFENSE LAWYER. HE WAS INTERVIEWED IN 2012 AND THEN AGAIN
2 THEREAFTER BY A POST CONVICTION INVESTIGATOR.

3 SHADONNA WILLIAMS WAS KNOWN AT THE TIME OF
4 THE CRIME. SHE TESTIFIED AT THE PRELIMINARY HEARING THAT
5 SHE DID NOT SEE THE DEFENDANT SHOOT OR HOLD A GUN. SHE
6 WAS AVAILABLE TO BE CALLED AS A WITNESS.

7 STEVE STRONG ADMITTEDLY DIDN'T INVESTIGATE
8 THIS CASE BUT CONSULTED IN 2018. HE OVERHEARD MS. LAIR
9 SAY SHE DIDN'T CARE IF THEY, MEANING DEFENDANTS, DID IT OR
10 NOT. SHE WANTED SOMEBODY TO GO TO JAIL.

11 THE CONTENTS OF THE VARIOUS CHIRPS THAT
12 WOULD IMPEACH DONEISHA WERE KNOWN THE DAY OF THE SHOOTING.
13 JASMIN THOMPSON WAS KNOWN AS OF THE DAY OF THE SHOOTING
14 ALSO HER TESTIMONY AT THE PRELIMINARY HEARING.

15 SO WITH JUST ABOUT ALL THE EVIDENCE THAT WAS
16 PRESENTED THAT THEY WOULD ARGUE THAT THEY WERE NEWLY
17 DISCOVERED REALLY WEREN'T WITH ONE MAJOR EXCEPTION. NOW,
18 LOOKING AT PENAL CODE SECTION 1473, (3)(A) AND (B) WHEN IT
19 TALKS ABOUT NEW EVIDENCE. (3)(A) IS NEW EVIDENCE EXISTS
20 THAT IS CREDIBLE, MATERIAL, PRESENTED WITHOUT SUBSTANTIAL
21 DELAY AND OF SUCH DIVISIVE FORCE AND VALUE THAT IT WOULD
22 HAVE MORE LIKELY THAN NOT CHANGED THE OUTCOME AT TRIAL.

23 AND THEN SUB (B). FOR PURPOSES OF THIS
24 SECTION, NEW EVIDENCE MEANS EVIDENCE THAT HAS BEEN
25 DISCOVERED AFTER TRIAL THAT COULD NOT HAVE BEEN DISCOVERED
26 PRIOR TO TRIAL BY THE EXERCISE OF DUE DILIGENCE AND IS
27 ADMISSIBLE AND NOT MERELY CUMULATIVE, CORROBORATIVE,
28 COLLATERAL, OR IMPEACHING.

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NOW, WHAT HAPPENED IN JANUARY OF 2004 WAS A PRODUCT OF IMMATURITY AND IMPETUOSITY THAT TEENAGERS ALL OVER THE PLACE WANTED TO WATCH SOMEONE CATCH A FADE I THINK THE TERM -- IS WHAT THE TERM IS. IT WAS PURE CHAOS OUTSIDE OF THE LAIR HOME. IT WAS RIDICULOUS AND COULD HAVE RESULTED IN SOMEONE BEING KILLED. COULD HAVE BEEN A MASS CASUALTY.

WHILE WITNESSES WERE KNOWN TO DEFENDANTS -- WELL, LET ME SAY THIS. WHILE THIS PARTICULAR WITNESS WAS KNOWN TO THE DEFENDANTS, THEY KNEW HIM PERSONALLY. THEY HAD NO CLUE AS TO WHAT HE KNEW. THEY COULD NOT COMPEL HIM TO COME FORWARD. THIS WITNESS KEPT SILENT ALTHOUGH HE SAYS HE WANTED TO COME FORWARD EARLY ON. BUT HE WAS TOLD THAT IT WOULDN'T MATTER BECAUSE THEY ALL, MEANING HE AS WELL AS THE DEFENDANTS, WOULD BE IN JAIL AND WOULD REMAIN BEHIND BARS. OBVIOUSLY I'M TALKING ABOUT MR. CHAD MC ZEAL. HE ONLY CAME FORWARD RECENTLY WHEN HE COMMUNICATED TO HIS SISTER TO REACH OUT TO MR. RAYFORD'S MOTHER TO LET HER KNOW WHAT HE HAD DONE. BASED ON THIS, THERE WAS DISSENSION AMONGST FAMILIES THAT WERE ONCE CLOSE.

HE ADMITTED HE WAS PRESENT, HAVING BEEN IN THE CAR WITH RAYFORD AND GLASS EARLIER. HE GOT OUT THE CAR WHERE HE SAW ARGUING, COMMOTION, AND LOTS OF PEOPLE OUTSIDE. HE'S WAITING TO SEE IF SOMETHING WOULD HAPPEN. HE THEN SPOTTED SOMEONE IN THE CROWD THAT MADE HIM FEEL THE NEED FOR PROTECTION. HE ACQUIRED A GUN. HE ADMITTED HE FIRED AT LEAST TWO SHOTS IN RESPONSE TO THE SHOTS HE

1 HEARD. HE STATED THE DEFENDANTS WERE NOT SHOOTERS. HE
2 FELT IT WAS TIME, AS HE TESTIFIED, TO GET IT OFF HIS CHEST
3 AND LET THE HEALING BEGIN.

4 YES. HE IS A CONVICTED FELON DOING 90 YEARS
5 TO LIFE. HE WAS SUBJECTED TO CROSS EXAMINATION.
6 OBVIOUSLY DIRECT EXAMINATION AND CROSS EXAMINATION. BUT
7 ONE THING WAS VERY TELLING TO THE COURT WHEN HE COMPLETED
8 HIS TESTIMONY. AS HE WAS WALKING OFF THE STAND BEING LED
9 BY THE SHERIFF BACK INTO THE LOCKUP, MR. RAYFORD ASKED ME
10 COULD HE SPEAK. I TOLD HIM NO. I TOLD HIM SPEAK THROUGH
11 HIS LAWYER. BUT HE BLURTED OUT TO MR. MC ZEAL "WHY? WHY
12 DID YOU SHOOT?" RAYFORD WAS UPSET TO SAY THE LEAST.
13 MR. GLASS. HE WAS AT COUNSEL TABLE CRYING, TEARS
14 STREAMING DOWN HIS FACE.

15 NOW, THAT IS WHAT I CALL NEWLY DISCOVERED
16 EVIDENCE. THE COURT HEARD FROM MS. LAIR. I READ HER
17 PREVIOUS TESTIMONY AS WELL AS HER DAUGHTER'S. AND WHAT
18 STEVE STRONG AND MR. MULRENIN DISCOVERED YEARS AGO IS NOT
19 NEW. BUT WHEN YOU COMPARE IT TO WHAT HER PREVIOUS
20 TESTIMONY WAS, HER TESTIMONY IN COURT, AND THOSE GENTLEMEN
21 HAD NO REASON TO LIE -- ALSO MS. DELLA DONNA TESTIFIED AS
22 TO WHAT SHE HEARD -- IT'S INCONSISTENT WITH THE TRUTH THAT
23 MS. LAIR AND HER DAUGHTER TELL. SO IT'S SUSPECT.

24 THIS COURT FINDS MR. MC ZEAL CREDIBLE. I
25 FIND THAT MR. RAYFORD AND MR. GLASS WERE NOT SHOOTERS NOR
26 DID THEY AID AND ABET THE ACTUAL SHOOTERS WHO THE COURT
27 BELIEVES WERE MR. BLAND AND MR. MC ZEAL.

28 I FIND THAT THE MOTION WAS TIMELY FILED AND

7
1 PURSUED WITH DILIGENCE. THEY HAVE MET THEIR BURDEN. THE
2 EVIDENCE THAT THEY PRESENTED PREPONDERATES, AND UNDER
3 PENAL CODE SECTION 1473.7 COUNT 12 IS VACATED.

4 SO WHERE DOES THAT LEAVE US?

5 MS. TILLSON: YOUR HONOR, I BELIEVE THE COURT
6 NEEDS TO SET THE CASE BACK ON THE PRETRIAL CALENDAR FOR A
7 DETERMINATION TO BE MADE WHETHER OUR OFFICE WILL RETRY THE
8 CASE OR NOT.

9 THE COURT: ALL RIGHT. TODAY WOULD BE 0 OF 60.
10 WHY DON'T WE COME BACK IN THIRTY DAYS.

11 MS. TILLSON: YOUR HONOR, ORIGINALLY THIS CASE
12 WAS OUT OF THE ANTELOPE VALLEY. WOULD THAT -- WOULD THE
13 CASE BE TRANSFERRED BACK TO THAT ORIGINAL TRIAL COURT?

14 THE COURT: WELL, IT WAS TRIED HERE MANY MONTHS
15 -- I MEAN MANY, MANY, MANY YEARS AGO. ALMOST TWENTY.
16 IF -- IF -- YOU KNOW, THAT MAY -- BECAUSE IT ORIGINATED
17 THERE, THAT MAY BE THE CORRECT PLACE. BUT THIS WAS THE
18 TRIAL COURT. I HAVE NO PROBLEM KEEPING IT HERE. BUT IF
19 YOU WISH IT TO GO BACK TO LANCASTER, I HAVE NO OBJECTION.
20 WHAT COURTROOM WAS IT?

21 MS. TILLSON: YOUR HONOR, I'M SORRY. I DON'T
22 HAVE AN ANSWER TO THAT.

23 MS. DELLA DONNA: YOUR HONOR, IT WAS ALWAYS
24 LOS ANGELES SUPERIOR COURT, AND WE WOULD OBJECT TO ANY
25 TRANSFER FROM THIS COURT.

26 THE COURT: WELL, WASN'T IT ORIGINALLY FILED IN
27 LANCASTER?

28 MS. TILLSON: IT WAS, AND IT WAS TRANSFERRED DOWN

1 TO CCB.

2 THE COURT: I THOUGHT IT WAS CCB.

3 MS. DELLA DONNA: YES.

4 MS. TILLSON: YES.

5 MS. DELLA DONNA: IT'S OUR POSITION LOS ANGELES
6 SUPERIOR COURT HAS JURISDICTION OVER THIS CASE.

7 MR. DUBIN: JOIN.

8 THE COURT: WELL, LANCASTER, BE IT IS FAR AWAY,
9 IS LOS ANGELES COUNTY AS WELL AND I HAVE NO -- YOU KNOW,
10 MAYBE WE SHOULD ASK DEPARTMENT 100 WHERE IT SHOULD GO.
11 ALL RIGHT.

12 MS. TILLSON: THE INFORMATION WAS FILED IN A19.

13 MS. DELLA DONNA: AND, YOUR HONOR, WHILE WE'RE
14 WAIT FOR CALL, WE HAVE A LETTER FROM THE LOS ANGELES
15 DISTRICT ATTORNEY'S OFFICE STATING THAT THEY WILL NOT
16 RETRY JUAN OR DUPREE FOR ANY CRIME. I AM HAPPY TO SHARE
17 THAT LETTER WITH MS. TILLSON AND MS. SHIN. I REPRESENTED
18 IN THIS COURT BEFORE THE D.A.'S OFFICE ALREADY AGREED TO
19 THAT PRIOR TO US FILING THIS MOTION. YOU KNOW, I TAKE
20 THIS -- IT'S OUR POSITION THAT THIS IS JUST ANOTHER DELAY
21 BY THE DISTRICT ATTORNEY'S OFFICE TO DELAY JUSTICE IN THIS
22 CASE. I'M HAPPY TO SHOW HER THE LETTER IF THAT WILL
23 RESOLVE THAT. HOPEFULLY THAT HEARING IN THIRTY DAYS WILL
24 BE TAKEN OFF CALENDAR.

25 THE COURT: WELL, I'M GOING TO ORDER THE FOUR
26 LAWYERS TO MEET AND CONFER ABOUT THIS, AND IF THAT IS THE
27 CASE I WILL TAKE IT OFF CALENDAR. BUT TEMPORARILY OR IN
28 THE MEANTIME, I SHOULD SAY, I'M GOING TO SET THE MATTER

1 FOR A PRETRIAL APPROXIMATELY THIRTY DAYS AWAY.

2 MS. DELLA DONNA: THANK YOU, YOUR HONOR.

3 MR. DUBIN: THANK YOU, YOUR HONOR.

4 THE COURT: JUST A MATTER OF WHERE IT WILL BE
5 ASSIGNED.

6 CLERK SAID IT WILL REMAIN IN 104. SO A DATE
7 APPROXIMATELY THIRTY DAYS AWAY.

8 MS. TILLSON: IT WILL GO BACK TO THE ORIGINAL
9 TRIAL UNIT. OUR UNIT WILL NO LONGER BE APPEARING.

10 MS. DELLA DONNA: WOULD IT BE POSSIBLE TO DO IT
11 ON MAY 18TH, YOUR HONOR? 16TH IS FINE.

12 THE COURT: ALL RIGHT. WE'LL SET THE MATTER
13 MAY 16TH, THIS DEPARTMENT, AT 8:30 IN THE MORNING.

14 MS. DELLA DONNA: THANK YOU, YOUR HONOR.

15 MR. DUBIN: THANK YOU SO MUCH TO THE COURT.

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18 (PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 104

HON. H. CLAY JACKE II, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

JUAN M. RAYFORD (01),)

DUPREE A. GLASS (02),)

DEFENDANTS.)

CASE NO. MA028053

REPORTER'S
CERTIFICATE

I, ALICIA L. ANDERSON, OFFICIAL REPORTER OF
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID
CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT
THE FOREGOING PAGES 1 THROUGH 9 COMPRISE A FULL, TRUE, AND
CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN
IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON THURSDAY,
APRIL 20, 2023.

DATED THIS 20TH DAY OF APRIL, 2023.

ALICIA ANDERSON, CSR #8472

OFFICIAL REPORTER