

IN THE SUPREME COURT FOR THE STATE OF CALIFORNIA

In re E. F., a Person Coming Under the Juvenile
Court Law.

_____)	Case No. S260839
THE PEOPLE OF)	
THE STATE OF CALIFORNIA,)	
)	2d District Criminal
Plaintiff and Respondent,)	Div 2 B295755
)	
v.)	Los Angeles County
)	Juv. Delinquency
E. F.,)	PJ53161
)	
Defendant and Appellant/Petitioner.)	
_____)	

REQUEST FOR JUDICIAL NOTICE
MEMORANDUM OF POINTS AND AUTHORITIES

FOLLOWING AFFIRMANCE OF THE JUDGMENT OF THE
LOS ANGELES COUNTY JUVENILE COURT
BY DIVISION TWO OF THE
SECOND DISTRICT COURT OF APPEAL

Courtney M. Selan, Attorney at Law - California State Bar Number 236770
11664 National Boulevard, Suite 258, Los Angeles, California 90064
T: (310) 452-6870 E: courtneymselan@yahoo.com
By Appointment of the Court of Appeal for the Second District
Assigned "Independent Case" by the California Appellate Project

Attorney for Appellant, E. F.

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TO THE HONORABLE CANTIL-SAKAUYE, CHIEF JUSTICE, AND
TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE STATE OF CALIFORNIA:

Pursuant to rule 8.252 of the California Rules of Court, and
Evidence Code sections 451 and 451, and 459, and relating to the petition
for review filed on February 24, 2020, the minor, E. F., by and through
counsel, requests the Court take judicial notice of the following:

Petitioner’s arguments pursuant to Welfare and Institution’s Code
section 213.5, subdivision (b) apply not only to subdivision (b) (pertaining
to temporary restraining orders) but to subdivision (d) (pertaining to the
protective orders after notice hearings.) This request for judicial notice is

based on the memorandum of points and authorities filed concurrently with
the request.

Dated: March 16, 2020

Respectfully submitted,
/s/ Courtney M. Selan
Courtney M. Selan
Attorney for Appellant, E. F.

MEMORANDUM OF POINTS AND AUTHORITIES

California Rules of Court, rule 8.252 provides the means for judicial notice on appeal. The rule provides in subdivision (a)(2) that the motion must state:

“(A) Why the matter to be noticed is relevant to the appeal; (B) Whether the matter to be noticed was presented to the lower court and, if so, whether judicial notice was taken by that court; (C) If judicial notice was not taken by the lower court, why the matter would be proper for judicial notice pursuant to Evidence Code section 451; 452; or 453 on appeal; and (D) Whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.”

(Cal. Rules of Court, rule 8.252(a)(2).)

This court may properly take judicial notice of the court records in a related appeal. In *Stephenson v. Drever* (1997) 16 Cal.4th 1167, 1170, fn. 1, the Court did so, finding that:

“Because this appeal is taken from a judgment of dismissal after the sustaining of a demurrer without leave to amend, we draw the operative facts, as did the Court of Appeal, from the complaint and from the record in an appeal (*Drever Partners, Inc. v. Stephenson* (Aug. 12, 1996) A071120, A071148 [nonpub. opn.]) in a related action between the same parties. (*Drever Partners, Inc. v. Stephenson* (Super. Ct. S.F. County, 1995, No. 962810).) We may take judicial notice of the latter record. (Evid. Code, § 452, subd. (d)(1), 459.)”

In the petition for review filed in the present case on February 17, 2020, petitioner referenced Welfare and Institutions Code section 213.5, subdivision (b) as the applicable provision to arguments pertaining to both the temporary restraining order and to the three-year protective order imposed after a noticed hearing. This was an imprecise articulation of the statute as applied to petitioner's claim, as subdivision (b) pertains to the imposition of the restraining order, and subdivision (d) pertains to the imposition of the protective order imposed after a noticed hearing.

Section 213.5, subdivision (b) states, in relevant part:

“After a petition has been filed pursuant to Section 601 or 602 to declare a child a ward of the juvenile court, and until the time that the petition is dismissed or wardship is terminated, upon application in the manner provided by Section 527 of the Code of Civil Procedure or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code, the juvenile court may issue ex parte orders . . . (3) enjoining the child from contacting, threatening, stalking, or disturbing the peace of any person the court finds to be at risk from the conduct of the child, or with whom association would be detrimental to the child.”

Subdivision (d) states, in relevant part:

“The juvenile court may issue, upon notice and a hearing, any of the orders set forth in subdivisions (a), (b), and (c). A

restraining order granted pursuant to this subdivision shall remain in effect, in the discretion of the court, no more than three years, unless otherwise terminated by the court, extended by mutual consent of all parties to the restraining order, or extended by further order of the court on the motion of any party to the restraining order.”

Petitioner requests that the Court take judicial notice that petitioner’s arguments concerning the imposition of the temporary restraining order pertain Welfare and Institutions Code section 213.5, subdivision (b), and that petitioner’s arguments concerning the imposition of a three-year protective order imposed after a noticed hearing pertain to Welfare and Institutions Code section 213.5, subdivision (d).

Dated: March 16, 2020

Respectfully submitted,
/s/ Courtney M. Selan
Courtney M. Selan
Attorney for Appellant, E. F.

CERTIFICATE OF SERVICE BY AN ATTORNEY

In re E. F./People v. E. F. S690839 [Div 2 B295755] [Los Angeles PJ53161]

I, Courtney M. Selan, declare that I am over eighteen (18) years old, I am an active member of the California State Bar, and not a party to the within action. My electronic address is courtneymselan@yahoo.com, and my business address is 11664 National Boulevard No. 258, Los Angeles, California 90064.

On March 16, 2020, I filed one true electronic copy (by True-Filing) of the REQUEST FOR JUDICIAL NOTICE with the California Supreme Court. On the same date, I served one true electronic copy of the same also by True-Filing to the 1) Second District Court of Appeal and 2) Los Angeles Office of the Attorney General. On the same date, and per request, I served one true electronic copy of the same to CAPLA by regular email to capdocs@lcap.com. Also on the same date, I served one true paper copy of the same by First Class Mail on:

Office of the District Attorney
Sylmar Juvenile Courthouse
16350 Filbert Street
Sylmar, California 91342

E. F. (Appellant)
Address on File Court Appeal

Honorable Fred J. Fujioka, Judge
Sylmar Juvenile Courthouse (Dept 277)
16350 Filbert Street
Sylmar, California 91342

Office of the Public Defender
Sylmar Juvenile Courthouse
16350 Filbert Street
Sylmar, California 91342

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

Executed on March 16, 2020 at Los Angeles, California

/s/ Courtney M. Selan

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **IN RE E.F.**

Case Number: **S260839**

Lower Court Case Number: **B295755**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **courtneymselan@yahoo.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
REQUEST FOR JUDICIAL NOTICE	S260839_RJN_EF

Service Recipients:

Person Served	Email Address	Type	Date / Time
Grace Shin Office of the District Attorney 193524	GShin@da.lacounty.gov	e-Serve	3/16/2020 5:04:25 PM
Office Office Of The District Attorney Appellate Division 247037	dana.ali@doj.ca.gov	e-Serve	3/16/2020 5:04:25 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

3/16/2020

Date

/s/Courtney Selan

Signature

Selan, Courtney (236770)

Last Name, First Name (PNum)

Courtney M Selan

Law Firm