

SUPREME COURT COPY

SUPREME COURT
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No. S082915

MAR 15 2010

Frederick K. Ohlrich Clerk

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
~~Deputy~~

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 Respondent,)
)
 v.)
)
 SUSAN DIANE EUBANKS,)
)
 Appellant.)

San Diego Superior
Court No. SCN 069937

Capital Case

Automatic Appeal from a Judgment of the Superior Court
for the State of California, County of San Diego,
The Honorable Joan P. Weber

REQUEST FOR JUDICIAL NOTICE

PATRICK MORGAN FORD,
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(SBN 114398)

(619) 236-0679

Attorney for Appellant
SUSAN DIANE EUBANKS

DEATH PENALTY

Request for Judicial Notice

Appellant, Susan Diane Eubanks, by and through her counsel, Patrick Morgan Ford, hereby requests the court to take judicial notice of official census documents in conjunction with her automatic appeal pending before this court.¹ The case has been fully briefed and awaits the court setting a date for oral argument.

Appellant was convicted of four counts of first degree murder with special circumstances in the San Diego County Superior Court and sentenced to death.

In her opening brief, appellant challenges the screening and selection process for potential jurors which occurred in her trial and resulted in a jury which was not reflective of the ethnic population of the venue, in particular, the Hispanic population was drastically under represented. (See AOB p.73.)

In support of that argument, appellant requests this court take judicial notice of official documents of the United States Census Bureau, reflecting the ethnic makeup of the venue from which her jury pool was drawn.

Evidence Code section 459 subd.(a) holds, "The reviewing court may take judicial notice of any matter specified in Section 452." Section 452 subd. (c) refers to public records. Thus, an appellate court has the same discretionary power as a trial judge to notice matters listed in the optional notice statute. (See e.g., *People v. Terry* (1974) 38

¹ Counsel apologizes to the court and opposing counsel for the delay in submitting the instant request. This was an oversight based upon the mistaken belief that the motion had been submitted in conjunction with the opening brief.

Cal.App.3d 432, 439.) And this is so even if the matter was not noticed in the trial court. (*Harris v. Alcoholic Beverage Control App. Bd.* (1965) 62 Cal.2d 589, 596.)

In *People v. Howard* (1997) 1 Cal.4th 11, 32, 1160 and fn. 6, this court took judicial notice of census records to establish the Hispanic population of a specific county in reviewing a claim of under representation. (The court cited Evidence Code section 452 subd.s (c) and (h), and *People v. Williams* (1883) 64 Cal. 87, 91.) In *People v. Bell* (1989) 49 Cal.3d 502, 526 fn.12, this court relied upon a population report prepared by a county planning board which in turn relied upon census data for its figures. Moreover, in *People v. Burford* (1982) 132 Cal.App.3d 288, 290 fn.1, census population data was accepted by the appellate court in upholding a claim of systematic exclusion of a cognizable group.

Here, appellant mounts a challenge to the jury selection process in the Northern Judicial District of San Diego County, which she claims resulted in the systematic under representation of Hispanics. The census documents of which she requests judicial notice be taken provide the population data necessary for review of this claim.

Specifically, appellant requests the court to notice:

A) U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over [Covering cities within the North Judicial District of San Diego County].

B) U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by

Race for the Population 18 Years and Over [Covering city of San Diego, 1990 Census];

C) U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over [Covering all of San Diego County, 1990 Census]; and,

D) *639 Most Frequently Occurring Heavily Hispanic Surnames*, Appendix Table A of Building a Spanish Surname List for the 1990's – A New Approach to an Old Problem, a publication of the Population Division, United States Bureau of the Census;

A copy of each document is attached hereto.

WHEREFORE, appellant requests the court to take judicial notice of the referenced documents and include such data in its review of appellant's argument concerning the systematic under representation of Hispanics in pools from which her jury was drawn.

Dated: March 11, 2010.

Respectfully submitted,


PATRICK MORGAN FORD,
Attorney for Appellant
SUSAN DIANE EUBANKS

Attachment A

U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over [Covering cities within the North Judicial District of San Diego County].



P6. HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE, FOR THE POPULATION 18 YEARS AND OVER [73] - Universe: Total population 18 years and over
 Data Set: Census 2000, Summary File 1 (SF 1) 100-Percent Data

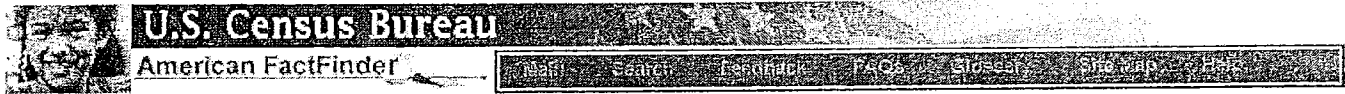
NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datatnotes/expsf1u.htm>.

	Bonsall CDP, California	Carlsbad city, California	Del Mar city, California	Encinitas city, California	Escondido city, California	Fallbrook CDP, California	Oceanside city, California	Rancho Santa Fe CDP, California	San Marcos city, California	Solana Beach city, California
Total:	2,611	60,007	3,791	44,637	93,872	20,593	116,573	2,410	38,972	10,654
Hispanic or Latino	442	6,165	141	5,783	30,915	6,557	29,716	124	12,188	1,351
Not Hispanic or Latino:	2,169	53,842	3,650	38,854	62,957	14,036	86,857	2,286	26,784	9,303
Population of one race:	2,149	52,952	3,612	38,190	61,439	13,761	84,259	2,270	26,123	9,143
White alone	2,037	49,538	3,477	36,228	54,346	12,990	69,072	2,189	23,227	8,666
Black or African American alone	26	495	11	235	1,829	259	6,403	6	696	56
American Indian and Alaska Native alone	8	158	7	129	582	98	528	4	153	26
Asian alone	71	2,591	108	1,476	4,411	340	6,815	67	1,930	366
Native Hawaiian and Other Pacific Islander alone	4	101	2	53	189	47	1,339	1	97	14
Some other race alone	3	69	7	69	102	27	102	3	20	15
Population of two or more races:	20	890	38	664	1,518	275	2,598	16	661	160
Population of two races:	16	825	37	605	1,409	260	2,379	13	626	146
White; Black or African American	1	37	1	40	64	9	166	0	37	7
White; American Indian and Alaska Native	3	190	7	129	357	73	447	2	129	25
White; Asian	4	273	17	196	333	84	676	5	196	32
White; Native Hawaiian and Other Pacific Islander	0	38	1	29	65	12	138	1	17	7
White; Some other race	7	181	6	155	384	70	415	4	146	58
Black or African American; American Indian and Alaska Native	0	9	0	2	30	3	89	0	12	0
Black or African American; Asian	0	12	2	1	34	1	104	0	19	0
Black or African American; Native Hawaiian and Other Pacific Islander	0	0	0	0	5	0	15	0	1	0
Black or African American; Some other race	0	4	2	4	14	2	29	0	6	1
American Indian and Alaska Native; Asian	1	5	0	3	10	1	33	0	6	4
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	0	0	3	0	1	11	0	2	0
American Indian and Alaska Native; Some other race	0	0	0	2	9	3	9	0	0	0
Asian; Native Hawaiian and Other Pacific Islander	0	41	0	31	44	12	151	1	25	4
Asian; Some other race	0	34	1	10	52	9	80	0	30	7
Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	8	0	16	0	0	1
Population of three races:	3	60	1	49	95	15	202	3	32	13
White; Black or African American; American Indian and Alaska Native	0	23	0	13	33	2	62	1	2	5
White; Black or African American; Asian	0	2	0	4	5	1	6	0	0	1
White; Black or African American; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	1	0	0	0
White; Black or African American; Some other race	0	2	1	0	0	1	8	0	0	1
White; American Indian and Alaska Native; Asian	2	5	0	2	7	0	15	0	8	1
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	0	0	0	1	0	3	0	0	0
White; American Indian and Alaska Native; Some other race	0	1	0	7	12	4	11	0	3	0
White; Asian; Native Hawaiian and Other Pacific Islander	0	16	0	12	21	7	41	2	11	1
White; Asian; Some other race	1	3	0	6	8	0	23	0	4	4
White; Native Hawaiian and Other Pacific Islander; Some other race	0	2	0	1	3	0	6	0	0	0
Black or African American; American Indian and Alaska Native; Asian	0	2	0	0	2	0	2	0	1	0
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	0	0	0	0
Black or African American; American Indian and Alaska Native; Some other race	0	1	0	0	0	0	3	0	1	0
Black or African American; Asian; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	4	0	1	0
Black or African American; Asian; Some other race	0	0	0	0	1	0	4	0	0	0
Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	1	0	0	0
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	1	0	0	0
American Indian and Alaska Native; Asian; Some other race	0	0	0	1	0	0	4	0	0	0
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	3	0	1	2	0	7	0	1	0
Population of four races:	1	5	0	7	13	0	9	0	2	1
White; Black or African American; American Indian and Alaska Native; Asian	0	2	0	1	5	0	1	0	0	1
White; Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	0	0	0	0
White; Black or African American; American Indian and Alaska Native; Some other race	0	0	0	2	0	0	1	0	0	0
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander	0	2	0	0	2	0	1	0	0	0
White; Black or African American; Asian; Some other race	0	0	0	0	1	0	0	0	0	0
White; Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0	0	0	3	0	4	0	1	0
White; American Indian and Alaska Native; Asian; Some other race	0	0	0	3	0	0	0	0	0	0
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	1	1	0	1	0	0	0
White; Asian; Native Hawaiian and Other Pacific Islander; Some other race	1	1	0	0	1	0	1	0	1	0

Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0	0	0	0	0	0	0	0	0
Black or African American; American Indian and Alaska Native; Asian; Some other race	0	0	0	0	0	0	0	0	0	0
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
Population of five races:	0	0	0	3	1	0	8	0	1	0
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0	0	3	0	0	7	0	0	0
White; Black or African American; American Indian and Alaska Native; Asian; Some other race	0	0	0	0	1	0	0	0	0	0
White; Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	1	0	0	0
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	1	0
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0
Population of six races:	0	0	0	0	0	0	0	0	0	0
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0	0	0	0	0	0	0	0	0

U.S. Census Bureau
Census 2000

Standard Error/Variance documentation for this dataset:
Accuracy of the Data: Census 2000 Summary File 1 (SF 1) 100-Percent Data (PDF 44KB)



**P6. HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE FOR THE POPULATION
18 YEARS AND OVER [73] - Universe: Total population 18 years and over
Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data**

NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datatnotes/expsf1u.htm>.

	Valley Center CDP, California	Vista city, California
Total:	5,159	63,204
Hispanic or Latino	727	21,022
Not Hispanic or Latino:	4,432	42,182
Population of one race:	4,370	41,075
White alone	4,145	35,341
Black or African American alone	19	2,371
American Indian and Alaska Native alone	116	310
Asian alone	72	2,593
Native Hawaiian and Other Pacific Islander alone	7	352
Some other race alone	11	108
Population of two or more races:	62	1,107
Population of two races:	62	1,026
White; Black or African American	1	66
White; American Indian and Alaska Native	31	227
White; Asian	8	288
White; Native Hawaiian and Other Pacific Islander	9	58
White; Some other race	10	210
Black or African American; American Indian and Alaska Native	0	30
Black or African American; Asian	0	28
Black or African American; Native Hawaiian and Other Pacific Islander	0	9
Black or African American; Some other race	0	13
American Indian and Alaska Native; Asian	0	11
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	2
American Indian and Alaska Native; Some other race	0	5
Asian; Native Hawaiian and Other Pacific Islander	1	42
Asian; Some other race	2	33
Native Hawaiian and Other Pacific Islander; Some other race	0	4
Population of three races:	0	71
White; Black or African American; American Indian and Alaska Native	0	12
White; Black or African American; Asian	0	1
White; Black or African American; Native Hawaiian and Other Pacific Islander	0	0
White; Black or African American; Some other race	0	3
White; American Indian and Alaska Native; Asian	0	7
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	3
White; American Indian and Alaska Native; Some other race	0	7
White; Asian; Native Hawaiian and Other Pacific Islander	0	17
White; Asian; Some other race	0	14
White; Native Hawaiian and Other Pacific Islander; Some other race	0	2
Black or African American; American Indian and Alaska Native; Asian	0	0
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	0	1
Black or African American; American Indian and Alaska Native; Some other race	0	1
Black or African American; Asian; Native Hawaiian and Other Pacific Islander	0	1
Black or African American; Asian; Some other race	0	0
Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	0	1
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0
American Indian and Alaska Native; Asian; Some other race	0	0
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0
Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	1
Population of four races:	0	8
White; Black or African American; American Indian and Alaska Native; Asian	0	2
White; Black or African American; American Indian and Alaska Native;		

Native Hawaiian and Other Pacific Islander	0	0
White; Black or African American; American Indian and Alaska Native; Some other race	0	1
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander	0	0
White; Black or African American; Asian; Some other race	0	0
White; Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	0	0
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	2
White; American Indian and Alaska Native; Asian; Some other race	0	0
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0
White; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	3
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	0
Black or African American; American Indian and Alaska Native; Asian; Some other race	0	0
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0
Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0
Population of five races:	0	2
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0	1
White; Black or African American; American Indian and Alaska Native; Asian; Some other race	0	0
White; Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0	0
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	1
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0
Population of six races:	0	0
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0	0

U.S. Census Bureau
Census 2000

Standard Error/Variance documentation for this dataset:

[Accuracy of the Data: Census 2000 Summary File 1 \(SF 1\) 100-Percent Data \(PDF 44KB\)](#)

Attachment B

U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over [Covering city of San Diego, 1990 Census]



**P6. HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE FOR THE POPULATION
18 YEARS AND OVER [73] - Universe: Total population 18 years and over
Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data**

NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanotes/expsf1u.htm>.

	San Diego city, California
Total:	929,492
Hispanic or Latino	198,693
Not Hispanic or Latino:	730,799
Population of one race:	708,504
White alone	508,663
Black or African American alone	64,396
American Indian and Alaska Native alone	3,442
Asian alone	126,091
Native Hawaiian and Other Pacific Islander alone	3,884
Some other race alone	2,028
Population of two or more races:	22,295
Population of two races:	20,783
White; Black or African American	1,383
White; American Indian and Alaska Native	2,726
White; Asian	5,908
White; Native Hawaiian and Other Pacific Islander	661
White; Some other race	4,514
Black or African American; American Indian and Alaska Native	642
Black or African American; Asian	694
Black or African American; Native Hawaiian and Other Pacific Islander	119
Black or African American; Some other race	1,008
American Indian and Alaska Native; Asian	266
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	40
American Indian and Alaska Native; Some other race	73
Asian; Native Hawaiian and Other Pacific Islander	1,135
Asian; Some other race	1,557
Native Hawaiian and Other Pacific Islander; Some other race	57
Population of three races:	1,365
White; Black or African American; American Indian and Alaska Native	433
White; Black or African American; Asian	56
White; Black or African American; Native Hawaiian and Other Pacific Islander	12
White; Black or African American; Some other race	72
White; American Indian and Alaska Native; Asian	100
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	27
White; American Indian and Alaska Native; Some other race	74
White; Asian; Native Hawaiian and Other Pacific Islander	251
White; Asian; Some other race	161
White; Native Hawaiian and Other Pacific Islander; Some other race	33
Black or African American; American Indian and Alaska Native; Asian	27
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	3
Black or African American; American Indian and Alaska Native; Some other race	26
Black or African American; Asian; Native Hawaiian and Other Pacific Islander	16
Black or African American; Asian; Some other race	39
Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	2
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	15
American Indian and Alaska Native; Asian; Some other race	2
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	3
Asian; Native Hawaiian and Other Pacific Islander; Some other race	13
Population of four races:	119
White; Black or African American; American Indian and Alaska Native; Asian	54
White; Black or African American; American Indian and Alaska Native;	

Native Hawaiian and Other Pacific Islander	4
White; Black or African American; American Indian and Alaska Native; Some other race	14
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander	11
White; Black or African American; Asian; Some other race	5
White; Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	0
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	14
White; American Indian and Alaska Native; Asian; Some other race	9
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0
White; Asian; Native Hawaiian and Other Pacific Islander; Some other race	4
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0
Black or African American; American Indian and Alaska Native; Asian; Some other race	1
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	1
Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	2
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0
Population of five races:	28
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	22
White; Black or African American; American Indian and Alaska Native; Asian; Some other race	3
White; Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	0
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	1
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	2
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0
Population of six races:	0
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0

U.S. Census Bureau
Census 2000

Standard Error/Variance documentation for this dataset:

[Accuracy of the Data: Census 2000 Summary File 1 \(SF 1\) 100-Percent Data \(PDF 44KB\)](#)

Attachment C

U.S. Census Bureau, Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over [Covering all of San Diego County, 1990 Census]



**P6. HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE FOR THE POPULATION
18 YEARS AND OVER [73] - Universe: Total population 18 years and over
Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data**

NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanotes/expsf1u.htm>.

	San Diego County, California
Total:	2,090,172
Hispanic or Latino	475,519
Not Hispanic or Latino:	1,614,653
Population of one race:	1,569,548
White alone	1,249,632
Black or African American alone	107,228
American Indian and Alaska Native alone	11,300
Asian alone	188,799
Native Hawaiian and Other Pacific Islander alone	8,874
Some other race alone	3,715
Population of two or more races:	45,105
Population of two races:	42,040
White; Black or African American	2,619
White; American Indian and Alaska Native	7,365
White; Asian	11,553
White; Native Hawaiian and Other Pacific Islander	1,651
White; Some other race	9,754
Black or African American; American Indian and Alaska Native	1,143
Black or African American; Asian	1,215
Black or African American; Native Hawaiian and Other Pacific Islander	212
Black or African American; Some other race	1,267
American Indian and Alaska Native; Asian	479
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	87
American Indian and Alaska Native; Some other race	166
Asian; Native Hawaiian and Other Pacific Islander	2,080
Asian; Some other race	2,337
Native Hawaiian and Other Pacific Islander; Some other race	112
Population of three races:	2,765
White; Black or African American; American Indian and Alaska Native	832
White; Black or African American; Asian	102
White; Black or African American; Native Hawaiian and Other Pacific Islander	18
White; Black or African American; Some other race	122
White; American Indian and Alaska Native; Asian	220
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	53
White; American Indian and Alaska Native; Some other race	180
White; Asian; Native Hawaiian and Other Pacific Islander	571
White; Asian; Some other race	328
White; Native Hawaiian and Other Pacific Islander; Some other race	59
Black or African American; American Indian and Alaska Native; Asian	49
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander	6
Black or African American; American Indian and Alaska Native; Some other race	52
Black or African American; Asian; Native Hawaiian and Other Pacific Islander	36
Black or African American; Asian; Some other race	49
Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	8
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	28
American Indian and Alaska Native; Asian; Some other race	11
American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	3
Asian; Native Hawaiian and Other Pacific Islander; Some other race	38
Population of four races:	229
White; Black or African American; American Indian and Alaska Native; Asian	91
White; Black or African American; American Indian and Alaska Native;	

Native Hawaiian and Other Pacific Islander	7
White; Black or African American; American Indian and Alaska Native; Some other race	22
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander	23
White; Black or African American; Asian; Some other race	8
White; Black or African American; Native Hawaiian and Other Pacific Islander; Some other race	3
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	34
White; American Indian and Alaska Native; Asian; Some other race	17
White; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	3
White; Asian; Native Hawaiian and Other Pacific Islander; Some other race	17
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	0
Black or African American; American Indian and Alaska Native; Asian; Some other race	1
Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	1
Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	2
American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0
Population of five races:	67
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander	53
White; Black or African American; American Indian and Alaska Native; Asian; Some other race	4
White; Black or African American; American Indian and Alaska Native; Native Hawaiian and Other Pacific Islander; Some other race	1
White; Black or African American; Asian; Native Hawaiian and Other Pacific Islander; Some other race	3
White; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	6
Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	0
Population of six races:	4
White; Black or African American; American Indian and Alaska Native; Asian; Native Hawaiian and Other Pacific Islander; Some other race	4

U.S. Census Bureau
Census 2000

Standard Error/Variance documentation for this dataset:

[Accuracy of the Data: Census 2000 Summary File 1 \(SF 1\) 100-Percent Data \(PDF 44KB\)](#)

Attachment D

639 Most Frequently Occurring Heavily Hispanic Surnames, Appendix Table A of Building a Spanish Surname List for the 1990's – A New Approach to an Old Problem, a publication of the Population Division, United States Bureau of the Census.

Technical Working Paper No. 13

TECHNICAL WORKING PAPER NO. 13
March 1996

Building a Spanish Surname List for the 1990's— A New Approach to an Old Problem

by
David L. Word and R. Colby Perkins Jr.

**Population Division
U. S. Bureau of the Census
Washington D.C.**

The data and results appearing in this working paper were originally introduced at the Annual Meeting of the Population Association of America (PAA) Miami, Florida May 1994.

The views expressed in this paper are solely attributable to the two authors and do not necessarily reflect the position of the United States Bureau of the Census.

ABSTRACT

The United States Census Bureau produced and released Spanish surname products for 1950, 1960, 1970 and 1980. This 1990 version is another way station in an ongoing research journey. This paper, "Building a Spanish Surname List for the 1990's—A New Approach to an Old Problem," differs from its predecessors in two significant respects.

- (1) Until 1990, name has never been part of a permanent Census electronic record. Following the 1990 Census, the Census Bureau appended name to 7 million Census records for the purposes of determining undercount. The "List" is constructed by tabulating the responses (surname by surname) to the Spanish origin question for persons in that sample. Well over 90 percent of male householders with the surnames: GARCIA, MARTINEZ, RODRIGUEZ, and LOPEZ responded affirmatively to the Spanish origin question while less than 1.0 percent of male householders named SMITH, JOHNSON, and BROWN provided a positive response to the Spanish origin question.
- (2) In the past, a name was either on the list (e.g., Garcia) and was taken to be Spanish or it did not appear on the list. The assumption was that any name not on the list was not Spanish. Since neither BROWN nor SILVA appeared on the 1980 Spanish Surname list, one would naturally assume that neither name was Spanish. In the electronic version of the 1990 "List" we append auxiliary data for 25,000 surnames including both SILVA and BROWN that allow users to form their own lists. Almost 60 percent of the SILVA's in our 1990 Census sample responded that they were Hispanic while less than 1 percent of BROWN's claimed to be Hispanic. Moreover, another auxiliary item suggests that the letters S I L V A form a potentially Spanish word. That same statement cannot be made for B R O W N. From this data, some users might include SILVA on their own personal Spanish surname list, while others would justifiably arrive at an opposite conclusion.

We must emphasize that this product does not violate the confidentiality of Census responses. On average, each captured surname represents about 40 householders. Moreover, we provide no subnational geographic data nor is there any indication of first name or age of respondent. Given these conditions, we are confident that this file does not provide information that could identify any individual enumerated in the 1990 Census.

APPENDIX TABLE A: 639 MOST FREQUENTLY OCCURRING HEAVILY HISPANIC SURNAMES

(Number to right of surname indicates relative ranking among Spanish surnames)

Abeyta	476	Baca	157	Carrion	340	Dominguez	63	Guardado	587
Abrego	534	Badillo	515	Carvajal	478	Dominquez	448	Guerra	85
Abreu	416	Baez	193	Casanova	419	Duarte	201	Guerrero	54
Acevedo	112	Baeza	456	Casares	600	Duenas	499	Guevara	211
Acosta	60	Bahena	616	Casarez	458	Duran	76	Guillen	311
Acuna	370	Balderas	359	Casas	341	Echevarria	394	Gurule	539
Adame	326	Ballesteros	552	Casillas	271	Elizondo	379	Gutierrez	24
Adorno	549	Banda	339	Castaneda	123	Enriquez	173	Guzman	43
Agosto	597	Banuelos	378	Castellanos	261	Escalante	349	Haro	471
Aguayo	409	Barajas	220	Castillo	25	Escamilla	275	Henriquez	480
Aguilar	45	Barcla	405	Castro	37	Escobar	139	Heredia	336
Aguilera	243	Barragan	526	Cavazos	228	Escobedo	244	Hernandez	528
Aguirre	104	Barraza	381	Cazares	406	Esparza	169	Hernandes	520
Alanis	598	Barrera	111	Ceballos	498	Espinal	500	Hernandez	5
Alaniz	267	Barreto	497	Cedillo	571	Espino	469	Herrera	33
Alarcon	364	Barrientos	432	Ceja	410	Espinosa	143	Hidalgo	282
Alba	404	Barrios	200	Centeno	459	Espinoza	68	Hinojosa	229
Alcala	424	Batista	418	Cepeda	467	Esquivel	460	Holguin	372
Alcantar	567	Becerra	226	Cerda	296	Esquivel	231	Huerta	188
Alcaraz	599	Beltran	158	Cervantes	99	Estevez	619	Hurtado	253
Alejandro	550	Benavides	208	Cervantez	479	Estrada	52	Ibarra	114
Aleman	347	Benavidez	310	Clacion	213	Fajardo	382	Iglesias	489
Alfaro	207	Benitez	172	Chapa	247	Farias	428	Irizarry	233
Alicea	303	Bermudez	227	Chavarria	306	Feliciano	205	Jaime	442
Almanza	387	Bernal	168	Chavez	22	Fernandez	29	Jaimes	588
Almaraz	551	Berrios	299	Cintron	348	Ferrer	360	Jaquez	553
Almonte	614	Betancourt	290	Cisneros	135	Fierro	395	Jaramillo	171
Alonso	238	Blanco	163	Collado	536	Figueroa	59	Jasso	472
Alonzo	264	Bonilla	153	Collazo	318	Flores	13	Jimenez	35
Altamirano	466	Borrego	398	Colon	53	Florez	429	Jiminez	490
Alva	568	Botello	516	Colunga	434	Fonseca	335	Juarez	78
Alvarado	56	Bravo	194	Concepcion	426	Franco	116	Jurado	603
Alvarez	27	Briones	457	Contreras	71	Frias	461	Laboy	540
Amador	281	Briseno	433	Cordero	180	Fuentes	97	Lara	94
Amaya	265	Brito	333	Cordova	142	Gaitan	573	Laureano	604
Anaya	195	Bueno	316	Cornejo	441	Galarza	449	Leal	176
Anguiano	477	Burgos	209	Corona	186	Galindo	179	Lebron	400
Angulo	438	Bustamante	274	Coronado	221	Gallardo	232	Ledesma	300
Aparicio	535	Bustos	399	Corral	353	Gallegos	73	Leiva	622
Apodaca	273	Caballero	268	Corrales	601	Galvan	125	Lemus	297
Aponte	236	Caban	439	Correa	159	Galvez	307	Leon	95
Aragon	230	Cabrera	105	Cortes	175	Gamboa	354	Lerma	322
Arana	581	Cadena	440	Cortez	64	Gamez	302	Leyva	258
Aranda	285	Caldera	582	Cotto	468	Gaona	501	Limon	383
Arce	288	Calderon	107	Covarrubias	518	Garay	538	Linares	368
Archuleta	289	Calvillo	617	Crespo	278	Garcia	1	Lira	401
Arellano	190	Camacho	98	Cruz	17	Garibay	527	Llamas	554
Arenas	525	Camarillo	425	Cueclar	246	Garica	620	Loera	412
Arevalo	321	Campos	84	Curiel	572	Garrido	430	Lomeli	555
Arguello	569	Canales	260	Davila	129	Garza	26	Longoria	192
Arias	166	Candelaria	366	Deanda	584	Gastelum	586	Lopez	4
Armas	615	Cano	167	Dejesus	131	Gaytan	462	Lovato	502
Armendariz	447	Cantu	102	Delacruz	151	Gil	262	Loya	420
Annenta	417	Caraballo	317	Delafuente	585	Giron	411	Lozada	541
Arnijo	377	Carbajal	367	Delagarza	371	Godinez	388	Lozano	122
Arredondo	212	Cardenas	106	Delao	602	Godoy	621	Lucero	124
Areola	365	Cardona	214	Delapaz	537	Gomez	15	Lucio	481
Arriaga	397	Carmona	252	Delarosa	164	Gonzales	12	Luevano	491
Arroyo	132	Carranza	269	Delatorre	237	Gonzalez	6	Lugo	137
Arteaga	332	Carrasco	210	Deleon	81	Gracia	389	Lujan	215
Atencio	496	Carrasquillo	570	Delgadillo	427	Granado	519	Luna	66
Avalos	250	Carreon	583	Delgado	46	Granados	350	Macias	115
Avila	86	Carrera	517	Delrio	393	Griego	435	Madera	542
Aviles	245	Carrero	618	Delvalle	334	Grijalva	470	Madrid	185
Ayala	65	Carrillo	77	Diaz	14	Guajardo	308	Madrigal	270

APPENDIX TABLE A: 639 MOST FREQUENTLY OCCURRING HEAVILY HISPANIC SURNAMES

(Number to right of surname indicates relative ranking among Spanish surnames)

Maestas	304	Nazario	545	Posada	593	Salcedo	532	Vaca	636
Magana	248	Negrete	324	Prado	294	Salcido	309	Valadez	330
Malave	521	Negron	216	Preciado	531	Saldana	219	Valdes	240
Maldonado	51	Nevarez	369	Prieto	313	Saldivar	445	Valdez	47
Manzanares	623	Nieto	251	Puente	358	Salgado	184	Valdivia	524
Mares	402	Nieves	120	Puga	609	Salinas	80	Valencia	127
Marin	177	Nino	626	Pulido	444	Samaniego	511	Valentin	257
Marquez	61	Noriega	344	Quesada	484	Sanabria	454	Valenzuela	110
Marrero	178	Nunez	58	Quezada	292	Sanchez	431	Valladares	577
Marroquin	312	Ocampo	355	Quinones	146	Sanchez	8	Valle	235
Martinez	2	Ocasio	361	Quinonez	413	Sandoval	55	Vallejo	386
Mascareñas	589	Ochoa	91	Quintana	140	Santaacruz	631	Valles	396
Mata	138	Ojeda	255	Quintanilla	277	Santana	117	Valverde	548
Mateo	503	Olivares	272	Quintero	162	Santiago	41	Vanegas	637
Matias	529	Olivarez	305	Quiroz	218	Santillan	562	Varela	223
Matos	202	Olivas	291	Rael	463	Sarabia	632	Vargas	36
Maya	556	Olivera	558	Ramirez	10	Sauceda	512	Vasquez	23
Mayorga	605	Olivo	475	Ramon	407	Saucedo	239	Vazquez	62
Medina	30	Olmos	507	Ramos	20	Sedillo	594	Vega	49
Medrano	191	Olvera	276	Rangel	133	Segovia	523	Vela	182
Mejia	93	Ontiveros	301	Rascón	610	Segura	241	Velasco	293
Melendez	109	Oquendo	530	Raya	561	Sepulveda	280	Velasquez	96
Melgar	624	Ordonez	421	Razo	492	Serna	249	Velazquez	130
Mena	323	Orellana	443	Regalado	403	Serrano	89	Velez	83
Menchaca	482	Ornelas	283	Rendon	287	Serrato	612	Veliz	578
Mendez	39	Oroseo	452	Renteria	256	Sevilla	613	Venegas	375
Mendoza	32	Orozco	147	Resendez	485	Sierra	187	Vera	197
Menendez	337	Orta	436	Reyes	19	Sisneros	563	Verdugo	579
Meraz	543	Ortega	50	Reyna	149	Solano	315	Verduzco	638
Mercado	103	Ortiz	16	Reynoso	325	Solis	90	Vergara	495
Merino	557	Osorio	338	Rico	295	Soliz	385	Viera	415
Mesa	342	Otero	174	Rincon	522	Solorio	446	Vigil	136
Meza	156	Ozuna	559	Riojas	574	Solorzano	564	Villa	134
Miramontes	606	Pabon	590	Rios	48	Soria	437	Villagomez	465
Miranda	79	Pacheco	92	Rivas	88	Sosa	118	Villalobos	225
Mireles	298	Padilla	57	Rivera	9	Sotelo	328	Villalpando	596
Mojica	343	Padron	508	Rivero	373	Soto	34	Villanueva	145
Molina	67	Paez	607	Robledo	509	Suarez	101	Villarreal	423
Mondragon	450	Pagan	148	Robles	82	Tafuya	455	Villarreal	87
Monroy	544	Palacios	181	Rocha	121	Tamayo	414	Villasenor	392
Montalvo	254	Palomino	627	Rodarte	493	Tamez	595	Villegas	165
Montanez	286	Palomo	591	Rodriguez	629	Tapia	141	Yanez	266
Montano	203	Pantoja	356	Rodriguez	3	Tejada	513	Ybarra	189
Montemayor	504	Paredes	357	Rodriguez	38	Tejada	464	Zambrano	488
Montenegro	505	Parra	217	Rojas	74	Tellez	352	Zamora	108
Montero	351	Partida	453	Rojo	510	Tello	565	Zamudio	639
Montes	154	Patino	345	Roldan	391	Teran	633	Zapata	224
Montez	451	Paz	327	Rolon	611	Terrazas	533	Zaragoza	376
Montoya	70	Pedraza	592	Romero	28	Tijerina	362	Zarate	331
Mora	119	Pedroza	422	Romo	222	Tirado	329	Zavala	170
Morales	18	Pelayo	546	Roque	486	Toledo	363	Zayas	514
Moreno	31	Pena	42	Rosado	144	Toro	346	Zelaya	580
Mota	483	Perales	384	Rosales	113	Torres	11	Zepeda	234
Moya	279	Peralta	263	Rosario	126	Torrez	242	Zuniga	155
Munguia	506	Perea	390	Rosas	152	Tovar	204		
Muniz	160	Peres	560	Roybal	408	Trejo	206		
Munoz	40	Perez	7	Rubio	128	Trevino	72		
Murillo	183	Pichardo	608	Ruelas	630	Trujillo	69		
Muro	625	Pina	196	Ruiz	21	Ulibarri	566		
Najera	319	Pineda	161	Ruvalcaba	575	Ulloa	494		
Naranjo	473	Pizarro	628	Saavedra	314	Urbina	374		
Narvaez	474	Polanco	320	Saenz	199	Urena	634		
Nava	198	Ponce	150	Saiz	487	Urias	576		
Navarrete	380	Porrás	547	Salas	100	Uribe	284		
Navarro	75	Portillo	259	Salazar	44	Urrutia	635		

DECLARATION OF SERVICE

I, Esther F. Rowe, say: I am a citizen of the United States, over 18 years of age, and employed in the County of San Diego, California, in which county the within-mentioned delivery occurred, and not a party to the subject case. My business address is 1901 First Avenue, Suite 400, San Diego, CA 92101. I served a *Request for Judicial Notice*, of which a true and correct copy of the document filed in the case is affixed, by placing a copy thereof in a separate envelope for each addressee respectively as follows:

California Supreme Court
350 McAllister Street
San Francisco, CA 94102

California Appellate Project
Attn: Morey Garelick
101 Second Street, Suite 600
San Francisco, CA 94105

Megan Beale
Deputy Attorney General
P.O. Box 85266
San Diego, CA 92186-5266

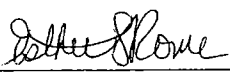
Honorable Joan P. Weber
San Diego Superior Court
325 S. Melrose Dr.
Vista, CA 92081

Bonnie Howard-Regan
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Susan Eubanks, #W82266
CCWF-504 S1-144 Low
P.O. Box 1508
Chowchilla, CA 93610

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

Executed on March 12, 2010, at San Diego, California.



Esther F. Rowe