

William M. Robinson, Senior Staff Attorney, SB # 95951  
Sixth District Appellate Program, Inc.  
95 S. Market Street, Suite 570  
San Jose, CA 95113  
Telephone: (408) 241-6171  
email: bill@sdap.org

Attorney for Appellant Amanda Owens

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

**PEOPLE OF THE STATE OF CALIFORNIA,**  
Plaintiff and Respondent,

v.

**AMANDA OWENS,**  
Defendant and Appellant.

No. H049566

(Santa Cruz County No.  
19CR05412)

**MOTION FOR CALENDAR PREFERENCE**

TO: The Honorable Mary J. Greenwood, Presiding Justice, and to the Honorable Associate Justices of the Court of Appeal:

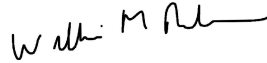
Appellant, Amanda Owens, by and through appointed counsel on appeal, moves for an order granting immediate preference on the calendar for this appeal on the grounds that expedited review is necessary to give appellant the full benefit of an effective remedy. As explained below, if appellant prevails on the issue presented on appeal, she will likely be resentenced to a term at least one-year shorter than her current term. With full credits, including eligible milestone credits, she is presently set to be released on July 14, 2023. Thus, calendar preference is in the interest of justice and fairness.

This motion is based on the accompanying memorandum of points and authorities, the record and files in the present case, and the attached declaration of William M.

Robinson.

Dated: August 23, 2022

Respectfully submitted,



---

William M. Robinson, Sr. Staff Attorney  
Sixth District Appellate Program  
Attorney for Appellant Amanda Owens

### **MEMORANDUM OF POINTS AND AUTHORITIES**

Calendar preference is provided for in California Rules of Court, rule 8.240. (See, e.g., *Warren v. Schecter* (1997) 57 Cal.App.4th 1189, 1198-1199.) Calendar preference “means an expedited appeal schedule, which may include expedited briefing and preference in setting the date of oral argument.” (Rule 8.240.) Calendar preference is appropriate in order for the court to preserve its jurisdiction and to be able to fashion an appropriate remedy should the appellant prevail. (See, e.g., *Melaleuca, Inc. v. Clark* (1998) 66 Cal.App.4th 1344, 1353 & fn. 1 [ordering expedited review instead of issuing a writ of supersedeas].)

On October 21, 2021, Ms. Owens was sentenced to a total prison term of four years, based on a three-year middle term for involuntary manslaughter, and a one-year enhancement for personal use of a deadly weapon. (2CT 486-487, 489-490)

In the present appeal, Ms. Owens contends that recent amendments to Penal Code section 1170, which both sides agree apply to her conviction and sentence in light of *In re Estrada* (1965) 63 Cal.2d 740, when applied to the factual circumstances of her case, require resentencing to the lower term of two years based on (a) the settled fact that she was a victim of intimate partner violence in connection with the current offense, and (b) the trial court’s express findings that the aggravating and mitigating factors in the case

were balanced. Although the parties to this appeal disagree as to whether a remand for resentencing is required, appellant believes, based on the arguments presented in this Court, that she has made a substantial showing of her entitlement to resentencing and a prison sentence reduced by one year.

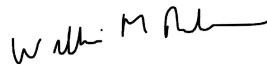
As explained in the attached declaration of appellate counsel, Ms. Owens is scheduled to be released on October 17, 2023 if she earns full conduct credits, and can be released as soon as July 14, 2023 if she earns additional milestone credits at the Community Transition Reentry Program in Los Angeles where she is currently serving her sentence.

It follows from the foregoing that Ms. Owens should be granted calendar preference to ensure, if she is successful on appeal, that she will obtain a meaningful benefit from a reduced sentence. As further set forth in the attached declaration of appellate counsel, counsel intends to waive oral argument to further facilitate this court's prompt resolution of the present appeal.

Based on the foregoing, appellant respectfully asks this Court to grant calendar preference pursuant to Rule 8.240.

Dated: August 23, 2022

Respectfully submitted,



---

William M. Robinson, Assistant Director  
Sixth District Appellate Program  
Attorney for Appellant Jonathan Lee Conner

### **DECLARATION OF WILLIAM M. ROBINSON**

1. I am appointed counsel for appellant Amanda Owens in the above case. This declaration is prepared in support of the instant motion for calendar preference, and is

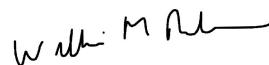
being prepared at my first opportunity after preparing Appellant’s Reply Brief for filing, and receiving information from Ms. Owens regarding her present custody status and scheduled release date, as detailed below.

2. I am informed and believe by Ms. Owens that her current “Earliest Possible Release Date (ERPD) for her present four-year sentence is October 17, 2023. I am further informed and believed that the program she is currently enrolled in, the “Community Transition Reentry Program (CCTRP) will permit her to earn milestone credits which would allow her to be released by July 14, 2023.

3. If the arguments advanced in appellant’s briefs are accepted by this Court, there is a strong likelihood, as explained above and in appellant’s briefing, that Ms. Owens will have her 3-year middle term sentence for involuntary manslaughter reduced to a 2-year lower term based on the change of law to section 1170, which applies to her sentence under *Estrada*, and the trial court’s express findings that she was a victim of intimate partner violence and that the mitigating factors and aggravating factors in her case are in balance. Thus, if her argument is successful on appeal, there is a near certainty that her sentence will be reduced by at least one-year.

4. My intention as counsel for Ms. Owens is to waiver oral argument in this case in order to facilitate this Court’s decision of the appeal in the most expedited manner.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. This declaration was executed on August 23, 2022, at San Jose, California.



---

William M. Robinson

**DECLARATION OF SERVICE BY E-MAIL AND U.S. MAIL**

**Case Name:** *People v. Owens*

**Case No.:** *H049566*

I declare that I am over the age of 18, not a party to this action and my business address is 95 S. Market Street, Suite 570, San Jose, California 95113. On the date shown below, I served the within *Motion for Calendar Preference* to the following parties hereinafter named by:

X **BY ELECTRONIC TRANSMISSION** - I transmitted a PDF version of this document by electronic mail to the party(s) identified on the attached service list using the e-mail address(es) indicated.

Attorney General's Office  
455 Golden Gate Avenue, Suite 11,000  
San Francisco, CA 94102-7004  
[attorney for respondent]  
[SFAGDocketing@doj.ca.gov](mailto:SFAGDocketing@doj.ca.gov)  
(Served electronically via TrueFiling.com)

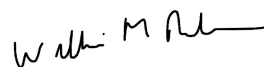
Court of Appeal  
333 W. Santa Clara Street  
Suite 1060, 10th Floor  
San Jose, CA 95113  
[Sixth.District@jud.ca.gov](mailto:Sixth.District@jud.ca.gov)  
(Served electronically via TrueFiling.com)

X **BY MAIL** - Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Jose, California, addressed as follows:

Amanda Owens, WG7833  
CCWF  
P.O. Box 1508  
Chowchilla, CA 93610

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

Dated: August 23, 2022



William M. Robinson

Declarant

Signature