

13-56132

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHNNY BACA,

Petitioner-Appellant,

v.

DERRAL ADAMS, Warden,

Respondent-Appellee.

On Appeal from the United States District Court
for the District of California
No. ED CV 08-683 MMM (PJW)
The Honorable Margaret M. Morrow, Judge

**APPELLEE'S UNOPPOSED MOTION FOR
SUMMARY REVERSAL AND REMAND TO
THE DISTRICT COURT TO
CONDITIONALLY GRANT THE WRIT**

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Pursuant to Fed. R. App. P. 27, Appellee-Respondent respectfully moves this Court to summarily reverse the judgment of the district court, remand the matter, and direct the issuance of a conditional writ of habeas corpus.

After oral argument, this matter was discussed with the Attorney General and the new Riverside County District Attorney. In the interest of justice, the People have concluded that the conviction should be set aside. Therefore, in behalf of the State, the Attorney General asks this Court for summary reversal.

Counsel for Mr. Baca agrees with this resolution. Thus, more specifically, the Parties ask the Court to reverse the judgment of the district court and remand, with directions to issue a conditional grant of the writ, requiring that Appellant Baca be released or, in the alternative, retried within a reasonable time.

Dated: January 29, 2015

Respectfully Submitted,

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