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Electronically
FILED:01/08/2021
San Luis Obispo Superior Court
By:Pudas, Stacie

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN LUIS OBISPO

13
14 **THE PEOPLE OF THE STATE OF CALIFORNIA,**
15
16 Plaintiff,
17
18 v.
19 **TIANNA ARRATAWENTWORTH,**
MARCUS LEE MONTGOMERY,
AMMAN ASFIL ASFAW, AND JOSHUA
POWELL,
20
21 Defendants.

Case Nos. 20M-05512
**PEOPLE'S NOTICE OF APPEAL OF
DECEMBER 11, 2020 ORDER
RECUSING SAN LUIS OBISPO
COUNTY DISTRICT ATTORNEY'S
OFFICE**
Dept.: 8
Judge: The Hon. Rita C. Federman,

22 **TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE**
23 **COUNTY OF LOS ANGELES:**

24 PLEASE TAKE NOTICE that the Attorney General of the State of California appeals,
25 pursuant to Penal Code section 1424, subdivision (a)(1) and (2), and in accordance with section
26 1466, subdivision (a)(1) to the Appellate Division of the San Luis Obispo County Superior Court,
27 from the Court's December 11, 2020 order recusing the San Luis Obispo County District
28

1 Attorney's Office made and entered in case number 20M-03225 (*People v. Tianna*
2 *Arratawentworth, Marcus Lee Montgomery, Arman Asfil Asfaw, and Joshua Powell*).

3 The recusal order appealed from jointly made and entered by the Superior Court in case
4 numbers 20M-03225 (*People v. Tianna Arratawentworth, Marcus Lee Montgomery, Arman Asfil*
5 *Asfaw, and Joshua Powell*); and 20F-06361 (*People v. Robert Anthony Lastra, Jr., Sam Jeffrey*
6 *Grocott, and Jerad Dylan Hill*). The Attorney General has contemporaneously filed a notice of
7 appeal in case number 20F-06361 to the Court of Appeal of the State of California, Second
8 Appellate District. Thus, under the circumstances of a jointly made and entered order in the two
9 cases, transfer of the instant appeal in case number 20M-05512 from the Appellate Division to the
10 Court of Appeal and consolidation with the appeal in case number 20F-05512, is necessary to
11 secure uniformity of decision. Therefore, in the event that the Appellate Division declines to
12 exercise its sua sponte authority to certify this instant appeal for transfer to the Court of Appeal
13 (Cal. Rules of Court, rule 8.1005(a)(1)), or the Court of Appeal were to decline to exercise its sua
14 sponte authority to transfer the instant appeal to it for disposition with the appeal in 20F-06361
15 (Cal. Rules of Court, rule 8.1002(3)), the Attorney General will petition the Appellate Division to
16 do so pursuant to California Rules of Court, rule 8.1005(a) and (b).

17 Dated: January 8, 2021

Respectfully Submitted,

18
19 XAVIER BECERRA
Attorney General of California
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21 SUSAN SULLIVAN PITHEY
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: ***People v. Tianna Arratawentworth, Marcus Lee Montgomery, Amman Asfil Asfaw, and Jashua Powell***

No.: **20M-05512**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On January 8, 2021, I served the attached **PEOPLE'S NOTICE OF APPEAL OF DECEMBER 11, 2020 ORDER RECUSING SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY'S OFFICE**, by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Defendant Tianna Wentworth Curtis L. Briggs Seville Briggs LLP 3330 Geary Boulevard, 3 rd Floor East San Francisco, CA 94118	Defendant Marcus Lee Montgomery Dustin M. Tardiff Tardiff Law Office 6699 Bay Laurel Pl # 1 Avila Beach, CA 93424
Defendant Joshua Powell Steven D. Rice Managing Attorney San Luis Obispo Defenders 991 Osos Street, #A San Luis Obispo, CA 93401	Defendant Amman Fasil Asfaw Earl E. Conway, III Earl E. Conway, III – A Professional Law Corporation 1065 Higuera Street, Suite 202 San Luis Obispo, CA 93401

San Luis Obispo County District Attorney's Office 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408
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I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 8, 2021, at Los Angeles, California.

Lici Garcia
Declarant

/s/ Lici Garcia
Signature