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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

* * * * *

THE PEOPLE OF THE STATE OF CALIFORNIA,)	No. 39910
)	
Plaintiff,)	
)	
vs.)	COMMITMENT
)	JUDGMENT OF DEATH
JOHN LEE HOLT,)	
)	
)	
Defendant.)	

TO THE SHERIFF OF KERN COUNTY AND TO THE WARDEN OF THE STATE PRISON OF THE STATE OF CALIFORNIA AT SAN QUENTIN:

BE IT REMEMBERED that on the 25th day of September, 1989, an Information numbered 39910 was duly filed against the defendant, John Lee Holt, by the District Attorney of Kern County, charging said defendant with the crime of murder in violation of California Penal Code section 187, it being further charged and alleged that said murder was committed under the following special circumstances, to wit: it was committed during the commission or attempted commission of the crime of Robbery,

in violation of Penal Code section 190.2(a)(17)(i); it was committed during the commission or attempted commission of the crime of Rape, in violation of Penal Code section 190.2(a)(17)(iii); it was committed during the commission or attempted commission of the crime of Sodomy, in violation of Penal Code section 190.2(a)(17)(iv); it was committed during the commission or attempted commission of the crime of Burglary, in violation of Penal Code section 190.2(a)(17)(vii).

9 Thereafter, the defendant was duly arraigned, entered a
0 plea of not guilty to the charge of murder and denied the
1 special circumstances as set forth in the Information.

12 Thereafter, on February 26, 1990, the defendant and his
13 attorney being present, the case came on for trial and the
14 selection of the jury was commenced. On April 9, 1990, the
15 trial jury and four alternates were duly and regularly impaneled
16 and sworn to try the above-entitled case. That thereafter
17 evidence was duly presented to the trial jury as to the issues
18 raised by the defendant's plea of not guilty and his denial of
19 the special circumstances charged in the Information, argument
20 was made to said trial jury by the prosecution and defense, and
21 the court instructed said trial jury as to the law applicable to
22 the case.

23 Thereafter, on April 17, 1990, the trial jury rendered a
verdict of guilty and fixed the degree of murder in the first
degree, and found the special circumstances as set forth in the
Information to be true.

Thereafter, on April 23, 1990, pursuant to Penal Code section 190.3 evidence was presented on behalf of the People and the defendant as to whether the penalty shall be death or life imprisonment without possibility of parole. Thereafter, following the arguments of both counsel and instructions of law by the court on this issue, the said trial jury on May 2, 1990, did return a finding that the penalty shall be death.

8 Thereafter, on May 30, 1990, the defendant's motions to
9 strike the special circumstances and for modification of the
0 verdict and finding imposing the death penalty were heard by the
1 Court and said motions were denied, whereupon on May 30, 1990,
2 the defendant's counsel stated there was no legal cause why
3 sentence should not be pronounced, and the court pronounced
4 judgment as follows:

15 **JOHN LEE HOLT**, it is the judgment and sentence of this
16 court that for the offense of murder as charged in the
17 Information of which you previously, to wit, on April
18 17, 1990, were found guilty, the jury having found the
19 offense of murder to be first degree and the jury
20 having returned a verdict that the special
21 circumstances alleged in the Information under
22 California Penal Code section 190.1(a), were true; and
23 the jury having previously, to wit, on May 2, 1990,
24 found that the penalty shall be death; and this court
25 having, on May 30, 1990, denied your motion to strike
26 the special circumstances and application for

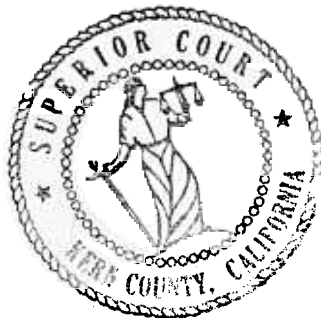
1 modification of verdict and finding imposing the death
2 penalty; it is the order of this Court that you shall
3 suffer the death penalty, said penalty to be inflicted
4 within the walls of the state prison at San Quentin,
5 California, in the manner prescribed by law and at a
6 time to be fixed by this Court in the warrant of
7 execution. **YOU ARE REMANDED** to the care, custody, and
8 control of the Sheriff of Kern County to be by him
9 delivered to the Warden of the State Penitentiary at
10 San Quentin, California, within ten days from the date
11 hereof, in the usual course of his duties, for the
12 execution of the sentence on the offense of murder in
13 the first degree contained in Count I of the
14 Information of which you have been found guilty and
15 the special circumstances having been found to be
16 true, to be held by him pending the final
17 determination of your appeal in this matter, which is
18 automatic, said sentence to be executed upon final
19 determination of said appeal, and you are to be held
20 by him during said period of time, until further order
21 of this Court. It is so ordered.

22 Therefore, this is to command you, the Sheriff of Kern
County, as provided in said judgment, to take John Lee Holt to
the State Prison of the State of California at San Quentin,
California, and deliver him into the custody of the Warden of
the said State Prison; and this

1 FURTHER, is to command you, the Warden of the State Prison
of the State of California, at San Quentin, California, to hold
in your custody, the said John Lee Holt, pending the decision of
this cause on appeal, and upon judgment becoming final, to carry
into effect the judgment of said Court at a time and on a date
to be hereafter fixed by order of this Court, within the State
Prison, at which time and place you shall then and there put to
death the said John Lee Holt in the manner and means prescribed
by law.

10 In Witness Whereof, I have hereunto set my hand as Judge of
the said Superior Court, and have caused the seal of the said
court to be affixed hereto.

13 DONE this 30th day of May, 1990.



Robert J. Dean

Judge of the Superior Court
of the State of California
in and for the County of Kern

19 **ATTEST:**

20
21 GALE S. ENSTAD, County Clerk and
22 Clerk of the Superior Court of the
State of California, in and for
the County of Kern.

23
24 By *D. L. Christopherson*
Deputy County Clerk

D. L. CHRISTOPHERSON