

**POE**

Asked POE the questions each 2 times and here are the results

**Question #1 - In California, are petitioners able to challenge the integrity of evidence at the Prima Facie stage pursuant to penal code 1172.6?**

Yes, under California Penal Code 1172.6, petitioners can challenge the integrity of evidence at the prima facie stage. This code allows individuals convicted of murder under certain theories to petition for relief. During this stage, the court evaluates whether the petitioner has made a prima facie case for relief based on the evidence presented, which includes the ability to challenge the integrity and sufficiency of the evidence used in the original conviction.

However, the specifics of how evidence can be challenged and the standard the court applies can vary, so it's advisable to consult legal counsel for guidance tailored to individual circumstances.

Yes, in California, petitioners can challenge the integrity of evidence at the prima facie stage under Penal Code 1172.6. This code allows individuals convicted of murder under certain circumstances to petition for resentencing if they believe they were convicted based on a theory of liability that is no longer valid.

During the prima facie stage, the court assesses whether the petitioner has made a sufficient showing to warrant a hearing. This can include challenges to the integrity of the evidence used in the original conviction. If the court finds that the petitioner has established a prima facie case, it will then hold a hearing to further evaluate the evidence and any challenges presented.

It's important for petitioners to present compelling arguments and evidence to support their claims during this stage.

**Question #2 - In California, in penal code 1172.6 proceedings, can the District Attorney rely on unreliable evidence to prove intent?**

In California Penal Code 1172.6 proceedings, the District Attorney cannot rely on unreliable evidence to prove intent. The court's review is focused on whether the petitioner has made a prima facie case for relief based on the current standards of law regarding intent and liability.

During these proceedings, the court evaluates the evidence presented to determine if it is sufficient to support the original conviction. If the evidence is found to be unreliable or insufficient, it cannot be used to prove intent. The goal of the proceedings is to ensure that any conviction aligns with current legal standards, especially regarding theories of liability that may have changed since the original conviction.

Ultimately, the integrity and reliability of the evidence are crucial in determining the outcome of the petition.

In California Penal Code 1172.6 proceedings, the District Attorney cannot rely on unreliable evidence to prove intent. The court must evaluate whether the evidence presented is credible and sufficient to establish the necessary elements for the original conviction.

If the evidence is deemed unreliable, it cannot be used to support a finding of intent. The focus is on ensuring that any conviction aligns with current legal standards, particularly concerning theories of liability

ATTACHMENT

PEOPLE V. DAVENPORT (2023) 95 CAL APP. PREVIOUSLY ADMITTED  
MAY BE USED, IT MUST STILL MEET STANDARDS OF RELIABILITY UNDER CURRENT LAW

Suppression motions, which address the admissibility of evidence, are usually not considered at this stage. If the court finds that a prima facie case exists, a subsequent evidentiary hearing may be conducted, where more detailed issues, including challenges to evidence, can be raised.

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**Question #5 - In California, can a state statute impede upon the state constitution?**

In California, a state statute cannot impede upon the state constitution. The California Constitution is the supreme law of the state, meaning that any statute that conflicts with it is invalid.

If a statute is found to violate the state constitution, it can be challenged in court, and the courts have the authority to strike down or invalidate such statutes. This principle ensures that all laws adhere to constitutional standards and protections.

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In California, a state statute cannot impede upon the state constitution. The California Constitution is the highest law in the state, and any statute that conflicts with it is considered invalid.

If a statute is challenged as unconstitutional, courts have the authority to review and potentially strike it down. This ensures that all laws comply with constitutional provisions and protections.

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