

FILED
Superior Court of California
County of Los Angeles

JUL 01 2022

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES COUNTY**

16 **PEOPLE OF THE STATE OF**
17 **CALIFORNIA,**
18
19 Plaintiff and Respondent.

20 v.

21 **ANDREW LANCASTER,**
22 Defendant and Petitioner.

Case No. BA131909

Related to: California Supreme Court No. S154541 (on habeas corpus)

[Proposed] Order Accepting Amended Stipulation Regarding Claim 5 of Amended Petition for Writ of Habeas Corpus and Vacating Sentence of Death

24 In re

CAPITAL CASE

25 **ANDREW LANCASTER,**

Hon. Ronald S. Coen, presiding

27 On Habeas Corpus.

1 On June 10, 2020, the California Supreme Court ruled on Petitioner Andrew
2 Lancaster’s Amended Petition for Writ of Habeas Corpus, filed in that court on June 1,
3 2010. The court ordered Respondent to show cause in this Court “why the relief prayed
4 for should not be granted on the ground that trial counsel provided ineffective assistance
5 during the penalty phase, as alleged in Claim 5.” The court denied all remaining claims in
6 the Amended Petition on the merits. (*In re Lancaster* (order issued June 10, 2010),
7 S154541.) The California Supreme Court’s order “signifies the court’s preliminary
8 determination that the petitioner has pleaded sufficient facts that, if true, would entitle him
9 to relief [on Claim 5].” (*People v. Duvall* (1995) 9 Cal.4th 464, 475.)

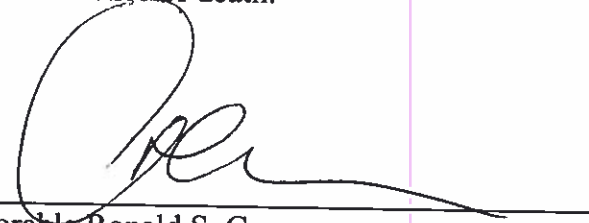
10 Good cause appearing, this Court accepts the parties’ amended stipulation filed June
11 ____, 2022. (See *Bechtel Corp. v. Superior Court* (1973) 33 Cal.App.3d 405, 412 [“Unless
12 contrary to law, court rule or public policy, a stipulation is . . . binding upon the court.”];
13 see also *People v. Elder* (2017) 11 Cal.App.5th 123, 133-134 [“A party to a criminal action
14 can, with binding effect, stipulate to both evidentiary matters and to the existence or
15 nonexistence of facts. [citation] . . . ‘[w]hen a proposed stipulation is accepted by the other
16 side, such stipulation becomes binding upon the court so long as it is not illegal or contrary
17 to public policy.’”]; *Title Ins. Co v. State Bd. of Equalization* (1992) 4 Cal.4th 715, 733
18 [“A court will respect a stipulation limiting the issues in a case.”]; *People v. Romero* (1994)
19 8 Cal.4th 728, 740 fn. 7 [noting that in a habeas proceeding, “the petitioner’s custodian
20 may stipulate to the truth of the petition’s allegations and to the requested relief.”].)

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1 The Court grants the petition for writ of habeas corpus on the basis of ineffective
2 assistance of counsel at the penalty phase, as alleged in Claim 5 of the Amended Petition
3 for Writ of Habeas Corpus. The judgment in *People v. Andrew Lancaster*, Case No.
4 BA131909, is vacated to the extent it imposes a sentence of death.

5 IT IS SO ORDERED.

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7 Dated: 7-1-22



8 By: _____
9 Honorable Ronald S. Coen
10 Judge of the Superior Court
11 Los Angeles County
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