CASE QUICK REFERENCE People v. Marissa Elaine Keene (fictional)

Fictional demonstration matter. Method and format are VDVLAW's actual work product standard; all case facts, persons and identifiers are invented.

NEXT APPEARANCE (FICTIONAL DEMO SETTING): Preliminary hearing, Thursday, January 22, 2026, 8:30 a.m., Dept. 30, Superior Court of California, County of Placer

NEW IN THIS REVIEW

1. The 0.12 in the bail memorandum is the 2019 prior, not this collision; current whole blood 0.079 +/- 0.004 spans 0.08 (D1; L1).
2. Two collection times on the forensic specimen, 8:02 kit envelope against 8:37 tube label; hospital 104 mg/dL is serum, drawn before first fentanyl (L1; M1).
3. The Watson advisement rests on a 2019 docket minute entry; a certified plea record is not located in the production reviewed (D1).
4. EDR channels carry a documented CAN interruption (raw CDR files not produced); the decedent's autopsy and coroner toxicology are also not located (D1; X1).

DECISION QUESTION FOR COUNSEL

Whether to authorize the first verification phase (30 to 45 hours) and early toxicology and reconstruction consultation before the preliminary hearing. For counsel to accept, modify or reject.

CHARGES (COMPLAINT FILED OCT. 21, 2025, D1 BATES 000001-000006)

Count	Statutory range	Current status	Not established
Ct. 1: Pen. Code, § 187, subd. (a). Murder, implied malice.	Second degree: 15 years to life (Pen. Code, § 190, subd. (a)).	Watson theory: 2019 prior with docketed advisement; driving described by a following witness.	**Subjective awareness; certified advisement record (EP-011).**
Ct. 2: Pen. Code, § 191.5, subd. (a). Gross vehicular manslaughter.	4, 6, or 10 years (Pen. Code, § 191.5, subd. (c)(1)).	Alternative theory, same death; gross negligence is objective.	**Gross negligence; driving-time BAC (EP-003).**
Cts. 3-4: Pen. Code, § 273a, subd. (a). Child endangerment (S.K., T.K.).	2, 4, or 6 years each; wobbler (jail up to 1 year).	Children documented in the rear seats, transported (M1).	**Restraint and seating detail (EP-012).**
Cts. 5-6: Veh. Code, § 23153, subds. (a), (b). DUI causing injury; 0.08 or more.	16 months, 2 or 3 years (Pen. Code, § 18, subd. (a)); Veh. Code, § 23554 alternative.	Injury element documented (children's EMS records); per se margin contested.	**0.08 element; specimen timing (EP-001, EP-003).**

Aggregate exposure: driven by Count 1: 15 years to life. Counts 2 through 6 carry the determinate ranges above; interaction and stay questions are for counsel. No enhancement alleged in the complaint as produced.

CASE SNAPSHOT

Client	Marissa Elaine Keene (fictional); two minor children, S.K. and T.K.
Custody	In custody; bail $1,500,000 set October 22, 2025 (fictional)
Case / agency nos.	D.A. No. 26F-041882; CHP No. AUB-25-31874 (both fictional)
Alleged offense	October 18, 2025, approx. 6:18 a.m., head-on, Auburn Folsom Road near Newcastle Road, Placer County
Next date	Preliminary hearing, January 22, 2026 (fictional demo setting)
Victims	Decedent Daniel Ashford, second-vehicle driver, pronounced 6:41 a.m.; injured S.K. (9) and T.K. (6), rear-seat passengers (M1)
Prior conviction	**2019 DUI (Veh. Code, § 23152, subd. (b)), reported 0.12; Watson advisement per docket entry; certified plea record not located.**
Prosecutor	Deputy District Attorney R. Calloway (fictional)

POINTS ON EACH SIDE

Prosecution points	Defense points
1. 2019 DUI prior with a docketed Watson advisement supports implied malice (D1). **2.** A following driver describes weaving, then a left movement across the double yellow (W1; D1). **3.** The children were in the Subaru during the collision (M1). **4.** Retail purchase, bottle photo, phone anchors: 12:36 purchase; gathering 1:08 to 4:41 (D1; X1). **5.** Serum 104 at 7:11; whole blood 0.079 +/- 0.004; fatal head-on (M1; L1; D1).	**1.** Implied malice is subjective (People v. Watson (1981) 30 Cal.3d 290, 296-297); the awareness evidence is a docket entry (EP-011). **2.** The 0.12 in the bail memorandum is the 2019 prior, not this crash (EP-010). **3.** 0.079 +/- 0.004 spans 0.08; full lab packet and uncertainty policy not produced (EP-003). **4.** 8:02 against 8:37 specimen-time conflict unresolved; serum is not whole blood (EP-001, EP-002). **5.** No odor documented; trauma confusion; EDR channels interrupted, driving reconstruction unverified (EP-005, EP-007).

ITEMS TO CONFIRM BEFORE THE PRELIMINARY HEARING OR ANY DISPOSITION

[ ] Certified 2019 plea record and advisement language	[ ] Autopsy report and coroner toxicology
[ ] Full DOJ lab packets and uncertainty policy	[ ] The 8:02 against 8:37 specimen-time conflict
[ ] Raw Bosch CDR files and MAIT channel explanation	[ ] Child seating and restraint evidence
[ ] Full-resolution photos, tow and property records	[ ] Original witness and responder recordings

HEARING NOTES

Prosecution position	Defense response	Conditions / next date