S277487

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

v.

TONY HARDIN,
Defendant and Petitioner.

Second Appellate District, Division Seven, Case No. B315434
Los Angeles County Superior Court, Case No. A893110
The Honorable Juan Carlos Dominguez, Judge

ANSWER TO AMICUS CURIAE BRIEFS

ROB BONTA (SBN 202668)
Attorney General of California
MICHAEL J. MONGAN (SBN 250374)
Solicitor General
LANCE E. WINTERS (SBN 162357)
Chief Assistant Attorney General
SUSAN SULLIVAN PITHEY (SBN 180166)
Senior Assistant Attorney General
*HELEN H. HONG (SBN 235635)
Deputy Solicitor General
IDAN IVRI (SBN 260354)
Supervising Deputy Attorney General
NIMA RAZFAR (SBN 253410)
Deputy Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101
(619) 738-9693
Helen.Hong@doj.ca.gov
Attorneys for Respondent

November 9, 2023

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES
(continued)

Page

TABLE OF AUTHORITIES
(continued)

Page

STATUTES

CONSTITUTIONAL PROVISIONS

OTHER AUTHORITIES

INTRODUCTION

This brief responds to arguments in the amicus curiae briefs filed by Neuroscience, Psychology, and Juvenile Justice Scholars (Neuroscience Scholars); Human Rights Watch and others (Human Rights Watch); the Santa Clara County Independent Defense Counsel Office (Independent Defense Counsel); the ACLU, California Public Defenders Association, and Contra Costa Public Defender Office (ACLU); Professor Catherine M. Grosso (Professor Grosso); and the Prosecutors Alliance of California (Prosecutors Alliance). Like the Court of Appeal below, many of those amici have an unduly narrow view of the purpose of the youth offender parole statute—as accounting only for youth-related mitigating factors—or raise policy arguments that are best directed to the Legislature or the electorate. None of them presents a persuasive reason to conclude that the exclusion of offenders sentenced to life without the possibility of parole from the youth offender parole statute fails rational basis review or otherwise violates the equal protection clause.[1]

ARGUMENT

I. THE YOUTH OFFENDER PAROLE STATUTE REFLECTS A COMBINATION OF LEGITIMATE PURPOSES, INCLUDING THE LEGISLATURE'S PENOLOGICAL INTERESTS

As the People explained in the opening and reply briefs, the youth offender parole statute set out in Penal Code section 3051

---

[1] Except for a limited discussion *ante* fn.7, the People do not address the arguments in the amicus curiae briefs filed in support of the People by the District Attorney of San Bernardino County District Attorney, the District Attorney of Santa Clara County, and the Criminal Justice Legal Foundation.

reflects a "combination of legitimate purposes." (*Hernandez v. City of Hanford* (2007) 41 Cal.4th 279, 301; see OBM 24-30; RB 11-17.) The statute's structure, text, and legislative history establish that the Legislature balanced its desire to account for youth-related mitigating factors with concerns about culpability and the appropriate level of punishment for certain particularly serious crimes. (OBM 24-30; RBM 11-17.) These legislative purposes are reflected in the statute's graduated parole eligibility dates (Cal. Penal Code, § 3051, subds. (b)(1)-(b)(4)), its exclusion of certain young adult offenders convicted of particularly serious offenses from the parole scheme altogether (*id.*, subd. (h)), and the manner in which the parole scheme caps the number of years an inmate may be imprisoned before becoming eligible for parole (*id.*, subd. (a)(1); *People v. Franklin* (2016) 63 Cal.4th 261, 278).[2] The several legislative objectives are also reflected in the statutory history, with state legislators identifying both rehabilitative and other penal concerns.[3]

Amici Neuroscience Scholars, Human Rights Watch, and Independent Defense Counsel each assert—like the Court of Appeal and petitioner Tony Hardin (Opn. 17, 19; ABM 40)—that

---

[2] Except as otherwise noted, all statutory references are to the Penal Code.

[3] See, e.g., Assem. Comm. on Public Safety, Rep. on Sen. Bill No. 261 (2015-2016 Reg. Sess.) June 29, 2015, p. 4 (discussing "focus on rehabilitation"); *id.* at p. 2 ("SB 261 holds young people accountable and responsible for what they did. They must serve a minimum of 15 to 25 years in prison depending on their offense.").

the Legislature's exclusive purpose in expanding the youth offender parole statute to young adults up through age 25 was to account for a "growing body of neuroscientific and psychological studies" reflecting that all young adults "possess still-developing brains and personalities that render them less culpable and more capable of reform." (Neuroscience Scholars Br. 9.)[4] But apart from quoting the Court of Appeal's conclusion on that point (see, e.g., Neuroscience Br. 11), they offer no support for that narrow understanding of legislative purpose. And none of those amici addresses the textual and other structural evidence demonstrating that the Legislature accounted for several other penological aims. (OBM 24-30; RBM 11-17.)

With that limited view of statutory purpose as their starting point, amici contend that it is "scientifically unsound" to exclude any young adults from the young adult parole scheme, because young adults as a class share neurological and developmental similarities. (Neuroscience Scholars 44.) Amici also suggest that the People have taken the position that the young adults excluded from the parole statute are somehow developmentally different from other young adults who are entitled to parole consideration, or that certain young adults are scientifically incapable of reform. (See, e.g., Neuroscience Br. 16, 39.)

---

[4] See also Neuroscience Scholars Br. 12 (describing Legislature's "overriding purpose" to account for developmental science of youth brains); Human Rights Watch Br. 35-36 (describing narrow view of legislative purpose); Independent Defense Counsel Br. 22 (same).

That is a flawed understanding of the People's position. The People have never disputed that "[f]undamental changes in brain development" may occur through age 25 (Neuroscience Scholars Br. 17), or whether certain young adult offenders initially sentenced to life terms have been capable of demonstrating "remarkable" reform (Human Rights Watch Br. 12). It has instead been the People's position—consistent with basic principles of rational basis review—that the Legislature was free in its discretion to account for the seriousness of young adult offenders' offenses and to conclude that considerations of retribution, deterrence, and incapacitation justify lifetime incarceration for some young adult offenders. (OBM 24-30; RBM 11-17.) Because the Legislature was not drawing lines exclusively "[f]rom a scientific perspective" (Neuroscience Scholars Br. 44), it could rationally account for the seriousness of an offense when setting the penalty for a crime. (See, e.g., *People v. Wilkinson* (2004) 33 Cal.4th 821, 840 ["The decision of how long a particular term of punishment should be is left properly to the Legislature."].)

None of the amici disputes that general principle. But the Neuroscience Scholars and Independent Defense Counsel appear to suggest that the U.S. Supreme Court's Eighth Amendment precedents concerning juvenile sentences constrain the Legislature from giving weight to other legitimate penal purposes. (Neuroscience Scholars Br. 12-14 [discussing *Miller v. Alabama* (2012) 567 U.S. 460]; Independent Defense Counsel Br. 23-24 [same].) Independent Defense Counsel is more explicit; it

contends that sentences of life without parole for all young adult offenders are "cruel and/or unusual," in view of their developmental traits. (Independent Defense Counsel Br. 23-25.)

Amici's arguments are no more persuasive than the similar arguments presented in Hardin's answering brief. (See ABM 13-18, 28-30; see also RBM 8-11.) This Court has repeatedly recognized that the high court precedents discussed by amici apply only to sentences imposed on offenders under the age of 18; severe sentences on young adults for serious crimes do not offend the Eighth Amendment. (See, e.g., *People v. Flores* (2020) 9 Cal.5th 371, 430 ["[T]he high court has concluded that the federal Constitution draws the line at age 18."]; *People v. Tran* (2022) 13 Cal.5th 1169, 1234-1235 ["the age of 18 is the point where society draws the line for many purposes between childhood and adulthood and is the age at which the line for death eligibility ought to rest." (internal quotations omitted)]; *People v. Powell* (2018) 6 Cal.5th 136, 192 ["*Roper* teaches that a death judgment against an adult is not unconstitutional merely because that person may share certain qualities with some juveniles."]; *People Gutierrez* (2014) 58 Cal.4th 1354, 1380 [describing "categorical reasoning" in high court decisions "about differences between juveniles and adults"].) The Legislature was thus free to consider sentencing objectives beyond the rehabilitative capacity of young adult offenders when drawing lines about parole eligibility.

II. THE LEGISLATURE'S EXCLUSION OF YOUNG ADULT OFFENDERS CONVICTED OF SERIOUS CRIMES IS RATIONALLY RELATED TO LEGITIMATE PENOLOGICAL PURPOSES

Until this point, no one has disagreed with the premise that the Legislature's exclusion of young adult offenders is evaluated under the rational basis standard of review. The Court of Appeal applied rational basis review (Opn. 14); the People explained in the opening brief why rational basis review applies (OBM 20-22); Hardin agrees that rational basis is the applicable standard (ABM 26-27); and every Court of Appeal to evaluate an equal protection challenge to the exclusion of young adult offenders sentenced to life without the possibility of parole has applied rational basis review.[5]

The ACLU's amicus brief departs from that uniform view and urges this Court to evaluate the equal protection question "using strict judicial scrutiny." (ACLU Br. 15; see also Independent Defense Counsel Br. 12, fn. 3 ["Enhanced review should apply given the evident racial disparities presented by the pool of youths sentenced to LWOP."].) The ACLU asserts that the Legislature "knowingly harmed a politically disfavored group—young men of color—to preserve some 'tough on crime' credibility in passing an otherwise ameliorative statute." (ACLU Br. 18.) Because, in the ACLU's view, the Legislature

---

[5] See *In re Williams* (2020) 57 Cal.App.5th 427, 436; *People v. Acosta* (2021) 60 Cal.App.5th 769, 779; *People v. Jackson* (2021) 61 Cal.App.5th 189, 200; *People v. Sands* (2021) 70 Cal.App.5th 193, 203; *People v. Morales* (2021) 67 Cal.App.5th 326, 347; *People v. Bolanos* (2022) 87 Cal.App.5th 1069, 1077; *People v. Ngo* (2023) 89 Cal.App.5th 116, 123.

"target[ed] . . . young men of color for the harshest criminal law penalties" (*id.* at p. 54), the ACLU contends that strict scrutiny is the applicable standard of review under *Village of Arlington Heights v. Metropolitan Housing Develop. Corp.* (1977) 429 U.S. 252. (ACLU Br. 15.)

Typically, "California courts will not consider issues raised for the first time by an amicus curiae." *Cal. Bldg. Indus. Ass'n v. State Water Resources Control Bd.* (2018) 4 Cal.5th 1032, 1048, fn. 12.) There is good reason to adhere to that default approach in this case, particularly since the question of "intentional discrimination is [one] of fact." (*Anderson v. Bessemer City* (1985) 470 U.S. 564, 573.)

In any event, the ACLU's assertion is unfounded. As the ACLU acknowledges, strict scrutiny in this context is triggered only by proof of discriminatory intent or purpose. (ACLU Br. 21.) "Discriminatory purpose . . . implies more than intent as volition or intent as awareness of consequences." (*Personnel Adm'r of Mass. v. Feeney* (1979) 442 U.S. 256, 279.) "It implies that the decisionmaker, in this case a state legislature, selected or reaffirmed a particular course of action at least in part 'because of,' not merely 'in spite of,' its adverse effects upon an identifiable group." (*Ibid.*)

The ACLU does not come close to proving a discriminatory purpose. It contends that the inmates sentenced to life without the possibility of parole are "disproportionately" "Black and brown people," with "approximately 86% of the population" excluded by section 3051, subdivision (h), being people of color.

(ACLU Br. 16; see *id.* at pp. 22-29.) But that statistic alone provides no evidence of invidious purpose—especially because the ACLU does not address the racial composition of inmates who *are* eligible for parole consideration under section 3051. According to amicus curiae Independent Defense Counsel, the demographics for individuals sentenced to life without the possibility of parole "are similar" to the "demographic statistics for [l]ife sentences" *with* the possibility of parole. (Independent Defense Counsel Br., Ex. B (Decl. of Dr. Kathryn Albrecht, ¶ 3) [noting that, based on data from Santa Clara County, 54.54% of inmates sentenced to life without the possibility of parole are Black or Hispanic and that 60.88% of inmates sentenced to parole-eligible life terms are Black or Hispanic].) And the Legislature included that latter class among the inmates who are eligible for youth offender parole.[6]

The ACLU also suggests that the "historical context of section 3051(h) provides . . . proof of intentional discrimination." (ACLU Br. 29.) According to the ACLU, the exclusions "betray[] a renewed intent to exploit public fear and animus towards young

---

[6] The ACLU also points to a trial court's ruling under the Racial Justice Act as evidence of discriminatory intent. (ACLU Br. 28.) But the trial judge explicitly held that the Racial Justice Act does not require proof of discriminatory intent. (Order, *People v. Windom*, Contra Costa Superior Court Dkt. No. 01001976380 (May 23, 2023), p. 4.) And a single case-specific ruling under that statute does not show invidious discrimination with respect to every inmate sentenced to life without the possibility of parole—and certainly does not show that the *Legislature* acted with a discriminatory purpose when crafting the relevant statutory scheme.

Black and brown men for political gain." (*Id.* at p. 48.) At the same time, however, the ACLU acknowledges that the California Legislature has endeavored to eliminate racial disparities in the criminal justice system with several recent legislative efforts. (*Id.* at p. 49.) It points to the California Fair Sentencing Act, the Racial and Identity Profiling Act, the passage of SB 620, and the passage of AB 1308 as legislative efforts designed to "address racial disparities." (*Id.* at pp. 49-50.) And while the ACLU points to the exclusions in subdivision (h) as evidence of a "significant departure from contemporaneous enactments" (*id.* at 51), it ignores that the exclusion is not the product of an abrupt change from prior practice. The Legislature preserved the exclusions in subdivision (h) through several rounds of legislative revisions from when the parole statute was first enacted, reflecting an express policy decision to exclude certain offenders convicted of the most serious offenses from the parole regime. (See, e.g., Sen. Comm. on Public Safety, Rep. on Senate Bill No. 394 (2017-2018 Reg. Sess.) March 21, 2017, pp. 2, 4; see also Assem. Comm. on Public Safety, Rep. on Senate Bill No. 394 (2017-2018 Reg. Sess.) June 27, 2017, p. 1.)

Properly analyzed under the rational basis standard of review, the Legislature acted permissibly in declining to extend the parole scheme to young adult offenders who were convicted of the most serious crimes and sentenced to parole-ineligible life terms. (OBM 24-40; RBM 17-22.) Just as the Legislature could rationally isolate those offenses for the most serious forms of punishment (see, e.g., *People v. Turnage* (2012) 55 Cal.4th 62,

77), it could rationally rely on similar considerations to deny young adult offenders who are convicted of those offenses the opportunity for eventual parole consideration.[7] "[T]he Legislature reasonably could have decided that youthful offenders who have committed such crimes—even with diminished culpability and increased potential for rehabilitation—are nonetheless still sufficiently culpable and sufficiently dangerous to justify lifetime incarceration." (*Williams*, *supra*, 57 Cal.App.5th at p. 436.)

Professor Grosso and the Prosecutors Alliance of California challenge, as an empirical matter, the premise that individuals sentenced to life without parole are convicted of the most serious

---

[7] Several other amici—the District Attorney of San Bernardino County District Attorney, the District Attorney of Santa Clara County, and the Criminal Justice Legal Foundation—posit that the Legislature did not have the authority to amend the penalties attached to special circumstance murder because they were set by the electorate through Proposition 7. Because penological aims are adequate to supply a rational basis for the disparate treatment of offenders excluded from the parole scheme under subdivision (h), the Court need not address this separate basis to uphold the exclusion of inmates sentenced to life without the possibility of parole. Similarly, those amici raise the question of the proper remedy if the Court were to conclude that the challenged exclusion *does* violate the equal protection clause. The Court need not address the question of remedy here because there is no constitutional violation. But if the Court were to hold that the exclusion violates the constitution, it should remand to the Court of Appeal to consider in the first instance the issue of remedy. (Cf. *Boling v. Public Employment Relations Bd.* (2018) 5 Cal.5th 898, 920 [remanding to Court of Appeal to consider appropriate judicial remedy for violation identified in the opinion].)

offenses. They focus on the way in which prosecutorial discretion is exercised in practice when charging special circumstances. (Grosso Br. 8-17; Prosecutors Alliance Br. 15-23.) According to Professor Grosso, her data reflects that for offenders convicted between 1978 and 2002, "ninety-five percent of all offenders convicted of first-degree murder could have been charged and convicted of one or more special circumstances and sentenced to LWOP under California law in effect in 2008." (Grosso Br. 9). She relied on that same data to publish an article questioning whether California's death penalty scheme is constitutional. (*Id.* at 9, fn. 2 [identifying two law review articles published on the basis of the same data].) And the Prosecutors Alliance suggests that it is important for the Court to consider "how well the decision to charge a special circumstance maps onto the justifications for youth offender parole." (Prosecutors' Alliance Br. 19.)

Of course, it is well established that a sentence that is truly arbitrary and irrational would violate the Constitution. (*Turnage*, *supra*, 55 Cal.4th at p. 74.) But this Court has repeatedly rejected claims of unconstitutional arbitrariness in the closely-related capital sentencing context, which relies on proof of a special circumstance in the same way. (See, e.g., *People v. Boyer* (2006) 38 Cal.4th 412, 483 ["The death penalty law does not fail to genuinely narrow the death-eligible class, or result in arbitrary and capricious penalty decisions, insofar as it grants prosecutors discretion to choose, from among cases meeting the statutory standards, those in which the death penalty will

actually be sought."]; *People v. Ray* (1996) 13 Cal.4th 313, 324 ["Prosecutorial discretion to select those eligible cases in which the death penalty will actually be sought does not in and of itself evidence an arbitrary and capricious capital punishment system or offend principles of equal protection."].) In light of that precedent and the available mechanisms for individual defendants to claim that their particular conviction or sentence was arbitrary—whether on direct review or habeas—the Legislature was entitled to presume the constitutionality of the sentencing regime upon which the parole system would operate.

More importantly, rational basis review does not require mathematical precision or a perfect fit. Courts are required to accept "generalizations and rough accommodations that the Legislature seems to have made." (*Turnage*, *supra*, 55 Cal.4th at p. 77.) "A classification is not arbitrary or irrational simply because there is an 'imperfect fit between means and ends' . . . or because it may be 'to some extent both underinclusive and overinclusive.'" (*Johnson v. Dept. of Justice* (2015) 60 Cal.4th 871, 887, internal citations omitted.)[8] And here the Legislature could rationally rely on an underlying parole-ineligible sentence as a proxy for the seriousness of a crime in order to identify the class of offenders it wished to exclude from parole consideration.

---

[8] Professor Grosso and the Prosecutors' Alliance also ignore that conviction for first degree murder is not a prerequisite to eligibility for youth offender parole. Their arguments about the relative seriousness of special circumstance murders as compared to first degree murders are inapplicable for other parole-eligible offenses.

CONCLUSION

The judgment of the Court of Appeal should be reversed.

Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL J. MONGAN
Solicitor General
LANCE E. WINTERS
Chief Assistant Attorney General
SUSAN SULLIVAN PITHEY
Senior Assistant Attorney General

s/ Helen H. Hong

HELEN H. HONG
Deputy Solicitor General
IDAN IVRI
Supervising Deputy Attorney General
NIMA RAZFAR
Deputy Attorney General
Attorneys for Respondent

November 9, 2023

CERTIFICATE OF COMPLIANCE

I certify that the attached Reply Brief uses a 13 point Century Schoolbook font and contains 3,075 words.

ROB BONTA
Attorney General of California

s/ Helen H. Hong

HELEN H. HONG
Deputy Solicitor General
Attorneys for Respondent

November 9, 2023

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **People v. Tony Hardin** No.: **S277487**

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. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On November 9, 2023, I electronically served the attached **Answer to Amicus Curiae Briefs** by transmitting a true copy via this Court's TrueFiling system.

Service Via TrueFiling
William Temko, Sara McDermott
Counsel for Petitioner

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 November 9, 2023, at San Diego, California.

Helen H. Hong	/s/ Helen H. Hong
Declarant for eFiling	Signature

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on November 9, 2023, a true copy thereof enclosed in a sealed envelope has been placed in the internal mail collection system at the Office of the Attorney General at 600 West Broadway Street, Suite 1800, San Diego, CA 92101, addressed as follows:

The Honorable Juan Carlos
Dominguez, Judge
Los Angeles County Superior Court
Pomona Courthouse South
400 Civic Center Plaza
Department H
Pomona, CA 91766

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 November 9, 2023, at San Diego, California.

Helen H. Hong	/s/ H. Hong
Declarant for U.S. Mail	Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. HARDIN**
Case Number: **S277487**
Lower Court Case Number: **B315434**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **helen.hong@doj.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	Hardin - CSC - Answer to Amicus Briefs FINAL

Service Recipients:

Person Served	Email Address	Type	Date / Time
David Boyd Office of the District Attorney of Santa Clara County	dboyd@dao.sccgov.org	e-Serve	11/9/2023 2:19:26 PM
Patrick Fuster GIBSON, DUNN & CRUTCHER LLP 326789	PFuster@gibsondunn.com	e-Serve	11/9/2023 2:19:26 PM
Kathryn Parker Complex Appellate Litigation Group LLP	paralegals@calg.com	e-Serve	11/9/2023 2:19:26 PM
Diana Garrido Contra Costa County Public Defender 243343	diana.garrido@pd.cccounty.us	e-Serve	11/9/2023 2:19:26 PM
Michael Laurence Law Office of Michael Laurence 121854	mlaurence@mlaurence.org	e-Serve	11/9/2023 2:19:26 PM
BLANCA ROMERO Department of Justice, Office of the Attorney General-San Diego	blanca.romero@doj.ca.gov	e-Serve	11/9/2023 2:19:26 PM
Brian McComas Law Office of B.C. McComas 273161	mccomas.b.c@gmail.com	e-Serve	11/9/2023 2:19:26 PM
Avram Frey ACLU of Northern California 347885	afrey@aclunc.org	e-Serve	11/9/2023 2:19:26 PM
Mitchell Keiter Office of the Orange County District Attorney	mkeiter@msn.com	e-Serve	11/9/2023 2:19:26 PM

Kymberlee Stapleton Criminal Justice Legal Foundation 213463	kym.stapleton@cjlf.org	e-Serve	11/9/2023 2:19:26 PM
Heidi Rummel USC Post-Conviction Justice Project 183331	hrummel@law.usc.edu	e-Serve	11/9/2023 2:19:26 PM
Kent Scheidegger Criminal Justice Legal Foundation 105178	kent.scheidegger@cjlf.org	e-Serve	11/9/2023 2:19:26 PM
Nima Razfar CA Attorney General's Office - Los Angeles 253410	nima.razfar@doj.ca.gov	e-Serve	11/9/2023 2:19:26 PM
Adeel Mohammadi MUNGER, TOLLES & OLSON LLP	adeel.mohammadi@mto.com	e-Serve	11/9/2023 2:19:26 PM
Brian Mccomas Law Office of B.C. Brian McComas, LLP	mccomas.b.c@mccomasllp.com	e-Serve	11/9/2023 2:19:26 PM
Matt Nguyen Cooley LLP 329151	mnguyen@cooley.com	e-Serve	11/9/2023 2:19:26 PM
Mitchell Keiter Keiter Appellate Law 156755	Mitchell.Keiter@gmail.com	e-Serve	11/9/2023 2:19:26 PM
Sara Mcdermott Munger, Tolles & Olson LLP 307564	sara.mcdermott@mto.com	e-Serve	11/9/2023 2:19:26 PM
William Temko Munger, Tolles & Olson LLP	william.temko@mto.com	e-Serve	11/9/2023 2:19:26 PM
Kent Scheidegger Criminal Justice Legal Foundation	cjlf@netcom.com	e-Serve	11/9/2023 2:19:26 PM
Helen Hong California Department of Justice, Office of the Solicitor General 235635	helen.hong@doj.ca.gov	e-Serve	11/9/2023 2:19:26 PM
Kathleen Hartnett Cooley LLP 31467	khartnett@cooley.com	e-Serve	11/9/2023 2:19:26 PM
Kimberly Saltz ACLU Foundation	ksaltz@aclu.org	e-Serve	11/9/2023 2:19:26 PM
Brent Schultze San Bernardino District Attorney 230837	bschultze@sbcda.org	e-Serve	11/9/2023 2:19:26 PM
Greg Wolff Complex Appellate Litigation Group LLP 78626	Greg.wolff@calg.com	e-Serve	11/9/2023 2:19:26 PM
Summer Lacey ACLU Foundation of Soutern California 308614	slacey@aclusocal.org	e-Serve	11/9/2023 2:19:26 PM

Sara Cooksey American Civil Liberties Union Foundation of Northern California	scooksey@aclunc.org	e-Serve	11/9/2023 2:19:26 PM
David Boyd Office of the District Attorney - Santa Clara County 184614	dboyd@da.sccgov.org	e-Serve	11/9/2023 2:19:26 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

11/9/2023

Date

/s/Helen Hong

Signature

Hong, Helen (235635)

Last Name, First Name (PNum)

California Department of Justice, Office of the Solicitor General

Law Firm