S227929 SUPREME COURT COPY

S227929

August 14, 2015

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CLERK SUPREME COURT

The Honorable Tani Cantil-Sakauye, Chief Justice
Associate Justices, California Supreme Court
350 McAllister St.
San Francisco, CA 94102

Re: Letter in Support of Petition for Review per Rule 8.500(g)
In re J.H., Case No. S227929

Dear Chief Justice Cantil-Sakauye and Associate Justices:

Pursuant to California Rule of Court 8.500(g), we write on behalf of Juvenile Law Center, the Center on Wrongful Convictions of Youth, the Center for Juvenile Law and Policy, and the Pacific Juvenile Defender Center to request that the Court review the opinion in *In re. J.H.* Amici request review to ensure this Court gives proper weight to both the research and common sense implications of Joseph's youth on his ability to comprehend and validly waive his *Miranda* rights. Accordingly, this Court should recognize the importance of providing juvenile suspects the opportunity to consult with counsel before waiving *Miranda* rights, particularly when the only adult available to the juvenile during a custodial interrogation has a conflict of interest.

Indeed, this case epitomizes the particular vulnerability of children who come in conflict with the law. Allowing Joseph to waive his *Miranda* rights under the circumstances in this case ignores the clear constitutional mandate that juveniles' developmental status – particularly their impulsivity, poor judgment, and susceptibility to pressure – is relevant to their decision to waive. It rejects the decisive research showing that a ten-year-old is highly unlikely to fully understand and appreciate the nature of his *Miranda* rights or the long-term consequences of the on-the-spot decision to waive them. It flouts every legal protection established to protect Joseph from the coercive power of the state or from parents who endanger the exercise of his rights. It leaves Joseph without adequate protection in the face of his interrogators.

Interests of Juvenile Law Center, the Center on Wrongful Convictions of Youth, the Center for Juvenile Law and Policy, and the Pacific Juvenile Defender Center

Juvenile Law Center, founded in 1975, is the oldest public interest law firm for children in the United States. Juvenile Law Center advocates on behalf of youth in the child welfare and criminal and juvenile justice systems to promote fairness, prevent harm, and ensure access to appropriate services. Among other things, Juvenile Law Center works to ensure that children's rights to due process are protected at all stages of juvenile court proceedings, from arrest through disposition, from post-disposition through appeal,

and; that the juvenile and adult criminal justice systems consider the unique developmental differences between youth and adults in enforcing these rights.

The Center on Wrongful Convictions of Youth ("CWCY") is a joint project of the Northwestern University School of Law Bluhm Clinic's Children and Family Justice Center and Center on Wrongful Convictions with a unique mission of uncovering and remedying wrongful convictions of youth, as well as promoting public awareness and support for nationwide initiatives aimed at preventing future wrongful convictions. Much of the CWCY's research and work focuses on how young people react to police interrogation, specifically how adolescents' immaturity, vulnerability to external pressure, and diminished ability to weigh risks and long-term consequences negatively impacts their ability to comprehend and validly waive their *Miranda* rights and renders them uniquely susceptible to making false confessions or unreliable statements when interrogated in a custodial setting.

The Center for Juvenile Law and Policy (CJLP) is a non-profit advocacy organization housed at Loyola Law School in Los Angeles, California. CJLP has three clinics dedicated to the direct representation of clients and the specialized training of law students. The Juvenile Justice Clinic is a trial level clinic where professors supervise law students representing clients in delinquency proceedings in Los Angeles. The Youth Justice Education Clinic trains students who advocate on behalf of child clients for appropriate educational services and against school exclusion. The Juvenile Innocence and Fair Sentencing Clinic is a post-conviction clinic dedicating to reducing the draconian sentences, such as LWOP, that children received after their adult criminal court waivers and convictions.

The Pacific Juvenile Defender Center (PJDC) is the regional affiliate for California of the National Juvenile Defender Center based in Washington, D.C. PJDC works to build the capacity of the juvenile defense bar and to improve access to counsel and quality of representation for children in the justice system. PJDC provides support to juvenile trial lawyers, appellate counsel, law school clinical programs and non-profit law centers to ensure quality representation for children throughout California. PJDC offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building and policy development. PJDC's Amicus Committee is composed of representatives from various children's advocacy agencies and defender organizations located throughout California. Collectively, our members represent thousands of children in delinquency and dependency courts.

<u>This Court Should Grant Review to Clarify the Standard for Waiver of *Miranda* Rights for a 10-Year-Old Defendant</u>

Joseph H. was 10 years old when he was adjudicated for the murder of his father, on the basis of statements gathered in the absence of a valid waiver of his *Miranda* rights.

The State bears the burden of proving by a preponderance of evidence that the defendant waived his *Miranda* rights voluntarily, knowingly, and intelligently.[1] The suspect must have "full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it."[2] There is a threshold presumption against finding a waiver of *Miranda* rights.[3] Significant U.S. Supreme Court and California case law support a standard for waiver of *Miranda* rights that recognizes a young person's developmental status. This Court should grant review to settle this important question of law.

Because youth – and particularly 10-year-olds like Joseph -- have deficits in their ability to understand and appreciate these rights relative to adults and are more susceptible to coercion than adults, any analysis of waiver must account for a youth's developmental status and give due care to ensure that the juvenile has the opportunity to consult with a competent adult or an attorney prior to any waiver.[4] Where a juvenile defendant is not provided adequate explanation of the *Miranda* rights and the consequences of waiver, and where the juvenile defendant does not demonstrate comprehension of those rights, his waiver cannot be deemed knowing and intelligent.[5]

The U.S. Supreme Court has long held that police must use special care when interrogating teenagers since a youth is "an easy victim of the law."[6] More recently, in *J.D.B. v North Carolina*, the U.S. Supreme Court noted these earlier decisions in holding that, for the purposes of determining whether a juvenile is in custody under *Miranda*, officers must consider how a "reasonable child" would perceive the situation.[7] *J.D.B.*

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[1] *People v. Williams*, 233 P.3d 1000, 1017 (Cal. 2010). *See also Miranda v. Arizona*, 384 U.S. 436, 444 (1966).

[2] *Moran v. Burbine*, 475 U.S. 412, 421 (1986).

[3] *People v. Cruz,* 187 P.3d 970, 995 (2008) *(citing North Carolina v. Butler,* 441 U.S. 369, 373 (1979)).

[4] *See In re Elias V*188 Cal. Rptr. 3d. 202, 217 (Ca. Ct. App. 2015); *In re Art. T.*, 183 Cal. Rptr. 3d 784, 798 (Cal. Ct. App. 2015) (holding "a court should consider a juvenile's age for purposes of analyzing whether the juvenile has unambiguously invoked his or her right to counsel").

[5] *See, e.g., T.C. v. Arkansas*, 364 S.W.3d 53, 62 (Ark. 2010).

[6] *See Haley v. Ohio*, 332 U.S. 596, 599-600 (1948) (holding that interrogation could easily "overwhelm" a 15-year old who is a "lad of tender years" and no match for the police). *See also Gallegos v. Colorado,* 370 U.S. 49, 54 (1962) (holding that a 14 year old is "unable to know how to protest his own interests or how to get the benefits of his constitutional rights").

[7] J.D.B. v. N. Carolina 131 S. Ct. 2394, 2402-03 (U.S. 2011).

underscored that "kids are different" than adults – including in ways that make them uniquely vulnerable during the pressure-cooker environment of police interrogation.[8] The Fourth District, in the case of a 13-year-old, recently relied on *J.D.B.* in holding that courts must be responsive to adolescent development and use "extreme caution" when applying "aggressive, deceptive, and unduly suggestive" interrogation techniques.[9] All of these cases dealt with juveniles aged thirteen or older at the time of their interrogations. Common sense dictates that Joseph, age ten, would be even less of a match for the police than these youth, and would be less likely to assert his own interests and constitutional rights in such a context.

Prevailing sociological, psychological, and neurobiological research also support these "commonsense conclusions."[10] While many adults struggle with the complexity of the *Miranda* warnings,[11] youth have even less capacity to understand these warnings and the long-term consequences of the decision to waive because the parts of the brain that govern reason and impulse control continue to mature through and past adolescence.[12] Juveniles' *Miranda* comprehension is generally poor, particularly for youth under age 15.[13] As the *Elias V.* court recently observed, "research on juveniles' ability to exercise *Miranda* rights and their adjudicative competence consistently reports that, as a group, adolescents understand legal proceedings and make decisions less well than do adults. Youths fifteen years of age and younger exhibited the clearest and greatest disability."[14] Therefore, even if a juvenile offender understood the nature of the *Miranda* rights at the

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[8] *See id.* at 2403 (in a case involving a 13-year old, explaining that youth "often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them;" and they "are more vulnerable or susceptible to ... outside pressures than adults")

[9] *Elias V.* 188 Cal. Rptr. 3d. at 217, 220.

[10] *See, e.g.,* Laurence Steinberg et al, *Age Differences in Sensation Seeking and Impulsivity as Indexed by Behavior and Self-report: Evidence for a Dual Systems Model*, 44 DEV. PSYCHOL. 1764 (2008).

[11] *See* Goldstein et al., *Potential Impact of Juvenile Suspects' Linguistic Abilities on Miranda Understanding and Appreciation* in THE OXFORD HANDBOOK OF LANGUAGE AND LAW 299 – 311, 303 (Peter M. Tiersma and Lawrence M. Solan eds., 2012) (hereinafter "Impact of Juvenile Suspects' Linguistic Abilities on Miranda Understanding").

[12] *See* Alan M. Goldstein and Naomi E. Sevin Goldstein, *Empirical Foundations and Limits in* EVALUATING CAPACITY TO WAIVE MIRANDA RIGHTS, Oxford University Press 55-90 (2010) (hereinafter "Empirical Foundations and Limits").

[13] *See Empirical Foundations and Limits* at 59; Thomas Grisso, *Juveniles' Capacity to Waive Miranda Rights: An Empirical Analysis*, 68 Cal. L. Rev. 1134 (1980).

[14] *Elias V.*, 188 Cal. App. Rptr. 3d at 224 (quoting Barry C. Feld, *Police Interrogation of Juveniles: An Empirical Study of Policy and Practice*, 97 J. CRIM. L. & CRIMINOLOGY 219, 233 (2006))

time of the interrogation, because of his relatively immature perspective and judgment, "a youthful suspect may have difficulty appreciating the long-term consequences of waiving rights over the short-term consequences of withstanding police pressure during an unpleasant interrogation,"[15] As a result, juveniles are often not aware of the "consequences of the decision to abandon" the *Miranda* protections as is constitutionally required for valid waiver.[16] The officer interrogating Joseph H. recognized as much, commenting, before she questioned him, "Okay. Now, I'm going to read you something and, and it, it's called your Miranda rights. And I know you don't understand really what that is. But, that's why your mom is here. Okay?"[17]

In particular, studies show that juveniles often have difficulty with the abstract concept of rights.[18] On the most basic level, children may understand the word "right" as meaning "correct" instead of as a legal entitlement and protection that may have implications beyond their current situation.[19] Even after instruction, research reveals that more than half defined it as something one "can do."[20] The transcript of Joseph's interaction with Detective Hopewell precisely demonstrates this problem. When Detective Hopewell said, "you have the right to remain silent. You know what that means?" Joseph responded, "That means that I have the right to stay calm," indicating that he misunderstood the phrase as an instruction about how he should behave. Although Hopewell then explained "that means y-you do not have to talk to me,"[21] simplified language alone does not solve the problem. Because the ability to understand rights is tied to juveniles' developmental immaturity and capacity to comprehend abstract concepts, "simplified versions [of the *Miranda* warnings are] not necessarily easier to comprehend."[22] Joseph again demonstrated his lack of comprehension when Detective Hopewell asked him if he understood his right to an attorney: "It means don't talk until that means to not talk till the attorney or…."[23] Again, Joseph he appeared to interpret the detective's explanations as instructions as to how to behave. There is no indication that Joseph appreciated the role of the attorney. Indeed, his own comments suggest that he viewed the attorney as one more authority figure to whom he should defer.

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[15] *Juveniles' Linguistic Abilities and Miranda Understanding* at 308.

[16] *See Moran v. Burbine*, 475 U.S. 412, 421 (1986).

[17] Interview of Joseph H. at 3.

[18] *See* Heather Zelle et al., *Juveniles' Miranda Comprehension: Understanding Appreciation, and Totality of Circumstances Factors,* 39 LAW & HUM. BEHAV. 3, 281-93 (2015).

[19] *Impact of Juvenile Suspects' Linguistic Abilities on Miranda Understanding* at 301.

[20] *See Impact of Juvenile Suspects' Linguistic Abilities on Miranda Understanding* at 308.

[21] Petition for Review at 8.

[22] *See Impact of Juvenile Suspects' Linguistic Abilities on Miranda Understanding* at 305-06.

[23] Petition for Review at 8.

It is essential that a waiver by a juvenile suspect be explicit and clear. As the Delaware Supreme Court has held, "where there is any ambiguity about whether a juvenile defendant has h[im]self waived h[is] *Miranda* rights voluntarily and knowingly, the interrogating officer has an obligation to clarify the ambiguity contemporaneously on the record before continuing with the interview."[24] This is especially so in light of the U.S. Supreme Court's recent jurisprudence establishing different constitutional standards for juveniles in the interrogation room.[25] In Joseph's case, the waiver was anything but clear; the transcript reveals Joseph's misunderstanding of the *Miranda* rights.

The waiver is also unclear because Joseph is never asked whether or not he wants to give up his rights prior to speaking to the police and is never told that he can stop the interrogation at any time. Although these warnings are not required under Miranda, many police departments regularly use them to ensure that the suspect understands that he or she is intentionally giving up a constitutional right by agreeing to speak to the police and that the suspect still retains the power to change his or her mind.[26] Moreover, this case goes beyond the absence of explicit warnings. Rather, the detective's statements imply that Joseph must talk regardless of whether he requests a lawyer: "That means you have the choice that you can talk to me with your mom here, or you can wait and have an attorney before you talk to me."[27] The failure of the police to give the suspect these additional warnings, the failure to obtain a more explicit waiver, the statements implying that Joseph would be required to talk, and Joseph's young age, all weigh against a finding of a knowing, intelligent and voluntary waiver here.

Moreover, the waiver was invalid not only because of Joseph's young age, but also because his step-mother, who had clear conflicting legal interests, was present at his interrogation, encouraging him to confess. Joseph's step-mother, whose husband had just been murdered and was facing criminal charges herself, was in no position to advise

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[24] *Rambo v. State*, 939 A.2d 1275, 1280 (Del. 2007). Moreover, because developmental status shapes the legal protections during interrogation, the implied waiver doctrine established for adults by the U.S. Supreme Court thirty-five years ago in *North Carolina v. Butler*, 441 U.S. 369 (1979) is not applicable to a ten-year-old.

[25] *See J.D.B.*, 131 S. Ct. 2394. *See also Graham*, 560 U.S. at 78 (explaining that juveniles "have limited understandings of the criminal justice system and the roles of the institutional actors within it"). Here, the record makes clear that Joseph did not understand either his right to remain silent or his right to consult with an attorney.

[26] International Association of Chiefs of Police, *Reducing Risks: An Executive's Guide to Effective Juvenile Review and* Interrogation 7, 33 http://www.theiacp.org/Portals/0/pdfs/ReducingRisksAnExecutiveGuidetoEffectiveJuvenileInterviewandInterrogation.pdf (last visited August 14, 2015) (hereinafter "Reducing Risks").

[27] Interview of Joseph H. at 3 (emphasis added).

Joseph. Yet Detective Hopewell informed Joseph that the right to waive was his choice and his mom's choice, and that it was ok if he didn't understand his *Miranda* rights because "that's why your mom is here."[28] This Court has held that a child's waiver of counsel is invalid if it is the product of parental coercion.[29]

Similarly, in *Little v. Arkansas,* Justices Marshall and Brennan, dissenting from a denial of a petition for certiorari, recognized that a conflicted parent cannot protect the child from his or her own immaturity, and therefore suggested that the Court should determine "whether before a juvenile waives her constitutional rights to remain silent and consult with an attorney, she is entitled to competent advice from an adult who does not have significant conflicts of interest."[30] Amici urge this Court to accept Justice Marshall and Justice Brennan's invitation for clarity on this issue. Amici seek a narrow rule: when the only adult available to a juvenile suspect during a custodial interrogation has a conflict of interest, then the juvenile must be provided the opportunity to consult with counsel prior to waiving his or her rights. At the very least, this Court should make clear that absence of a conflict-free adult to advise the juvenile on the question of waiver should be given great weight in the totality of the circumstances test.

This rule builds on the United States Supreme Court's repeated recognition of the critical importance of providing juveniles with adult guidance during custodial interrogation – a parent, a guardian, or an attorney to assist the juvenile in making the potentially life-altering decision of whether to waive his *Miranda* rights.[31] Today, many states go further and actually require the presence of an interested adult during juvenile interrogations as a prerequisite to a valid *Miranda* waiver.[32] Law enforcement agrees; in

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[28] Petition for Review at 8 (referring to his step-mother); Interview of Joseph H. at 3.
29 In re Ricky H., 468 P.2d 204, 211 (Cal. 1970) (instructing the juvenile court to prohibit a child's waiver of counsel "if the circumstances indicate to the court that such extraneous and improper factors are substantially influencing the minor's decision").
[30] *Little v. Arkansas*, 435 U.S. 957, 959 (1978)
[31] *See, e.g., Gallegos*, 370 U.S. at 54 (noting that "a lawyer or an adult relative or friend could have given the [14-year-old] petitioner the protection which his own immaturity could not" and holding that "without some adult protection ... a 14-year-old boy would not be able to know, let alone assert, such constitutional rights as he had."); *Haley,* 332 U.S. at 600 (recognizing that a 15-year-old boy "needs someone on whom to lean lest the overpowering presence of the law, as he knows it, may not crush him").
[32] *See, e.g., In re B.M.B.*, 955 P.2d 1302, 1312-13 (Kan. 1998) (holding a confession cannot be used against a juvenile "absent . . . consultation [with a parent]"); *State v. Presha*, 748 A.2d 1108 (N.J. 2000; *In re K.W.B.*, 500 S.W.2d 275 (Mo. App. 1973); *Matter of Aaron D.*, 30 App.Div.2d 183 (N.Y. 1968); Feld, *Police Interrogation of Juveniles,* 97 J. CRIM. L. & CRIMINOLOGY at 226 (observing that "[a]bout a dozen states require the presence of a parent or other 'interested adult' when police interrogate juveniles").

its training guide regarding juvenile interrogations, the International Association Chiefs of Police recommend involving a friendly adult before permitting the child to waive his or her *Miranda* rights, both to ensure the child understands his rights and to aid the child's decision-making on whether to confess.[33]

Further, the court's reliance on the un-Mirandized statements was not harmless: Joseph provided no other statement suggesting that he understood the wrongfulness of his conduct – an admission critical to securing his conviction pursuant to Penal Code Section 26 ("P.C. 26"). California law provides young defendants with what this Court has deemed a "fundamental protection to children" by establishing that a young person under the age of 14 cannot be adjudicated delinquent unless the prosecution establishes by clear and convincing evidence that he or she understood the wrongfulness of the act.[34] Joseph is well below the age of fourteen; it is even less likely that he could appreciate the wrongfulness of his actions.[35] It is extremely rare for the juvenile justice system in California to encounter, much less prosecute, a child just ten years old.[36]

Not only was Joseph extremely young, he was also the victim of significant trauma that affected his capacity to comprehend the wrongfulness of his actions. Studies have shown that abuse during the transition to adolescence can seriously disrupt developmental processes.[37] More specifically, physical abuse interrupts a child's ability to internalize society's moral values.[38] Researchers have also found that child abuse leads

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[33] *Reducing Risks, supra* note 26 at 7-8.

[34] P.C. 26; *In re Gladys R.*, 464 P.2d 127, 134 (1970).

[35] *In re Cindy E*, 147 Cal. Rptr. 812, 814 (1978) (noting that "it is only reasonable to expect that generally the older a child gets and the closer she approaches the age of 14, the more likely it is that she appreciates the wrongfulness of her acts.")

[36] *See* Sue Burrell et al., Incompetent Youth in California Juvenile Justice, 19 STAN. L. & POL'Y REV. 198, 203- 206 (2008).

[37] *See, e.g., Action Partnership on Interventions for Black Children Exposed to Violence: Black Children Exposed to Violence and Victimization, (last visited Aug. 14, 2015),* http://www.victimsofcrime.org/our-programs/other-projects/youth-initiative/interventions-for-black-children's-exposure-to-violence/black-children-exposed-to-violence (observing that "Youth who are victimized during the complicated transitional period of adolescence may experience serious disruption of their developmental processes.").

[38] Elizabeth Thompson Gershoff, *Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review*, 128 PSYCHOL. BULL. 539, 539-579 (2002).

children to process social information dysfunctionally,[39] and that the social processing difficulties encountered by children who are abused has a neural link.[40]

When young people are in stressful situations, such as a custodial interrogation, their already limited decision-making abilities are even more impaired.[41] These problems may be heightened for youth with trauma histories. Chronic traumatic stress causes youth to develop an oversensitive warning system which means that youth genuinely feel threatened and overreact, even to situations others would not find threatening.[42] Indeed, many youth with significant trauma histories become stuck in "fight or flight" mode, such that they may either engage in violence or dissociate entirely in the face of perceived threats.[43] Because young people have little or no control over their environments, the United States Supreme Court has recognized that traumatized children, in particular, may be less culpable than adults.[44]

This is certainly the case with Joseph, who was raised in a tumultuous family situation, characterized by physical, emotional, and sexual abuse, domestic violence, and drug abuse.[45] As Joseph's neuropsychology expert, Dr. Geffner, opined in the case, Joseph's lifelong exposure to violence caused mental limitations, impaired social functioning, and moral confusion, leaving Joseph unable "to understand what actually is society's standpoint of right and wrong."[46] Moreover, the threats were not merely abstract

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[39] Kenneth A. Dodge et al., *Social Information-Processing Patterns Partially mediate the Effect of Early Physical Abuse on Later Conduct Problems*, 104 J. of Abnormal PSYCHOL, 632, 632-643 (1995).

[40] Eaman J. McRory, Stephane A. DeBrito, Catherine L. Sebastian, Andrea Mechelli, Geoffrey Bird, Phillip A. Kelly, and Essie Vidding, "Heightened Neural reactivity to threat in child victims of violence," Current Biology Vol. 21 No. 23, pages R947-R448 (2011).

[41] See Brief for the American Medical Association et al at 13, Miller v. Alabama, 132 S. Ct. 2455 (U.S. 2012) (No. 10-9646, 10-9647), 2012 WL 121237, at * 13. For youth like Joseph H. with ADHD, these impairments may be heightened. See also Marjolein Luman, Jaap Ososterlaan, Dirk L. Knol, and Joseph A. Sergeant, Decision-making in ADHD: sensitive to frequency but blind to the magnitude of the penalty? 49 J. of Child Psych and Psychol., 7, 712-22 (2008) (discussing the role that ADHD plays in a child's decision-making).

42 John Howard Association of Illinois, Incarcerated Youth and Childhood Trauma 1, http://www.thejha.org/sites/default/files/trauma_memo.pdf (last visited August 14, 2015).

[43] Danya Glaser, *Child Abuse and Neglect and the Brain—A Review,* 41 J CHILD PSYCHOL. & PSYCHIATRY 97, 103 (2000).

[44] *See Miller v. Alabama*, 132 S. Ct. 2455, 2468 (U.S. 2012).

[45] Petition for Review at 1.

[46] Petition for Review at 9.

or historical; Joseph stated that the night before the shooting his father "had threatened to remove all the smoke detectors and burn the house down while the family slept."[47] Joseph's appreciation of the wrongfulness of shooting his abusive father must be viewed in the context of Joseph's perception of these threats of violence.

Viewed in the context of the entire record, as this Court is required to do,[48] the *Miranda* errors were not harmless beyond a reasonable doubt. There was at the very least substantial doubt that Joseph knew and appreciated the wrongfulness of his conduct. For that reason, harmless error should not stand as an independent bar to review of an issue that has widespread implications for juvenile defendants here in California and around the nation.

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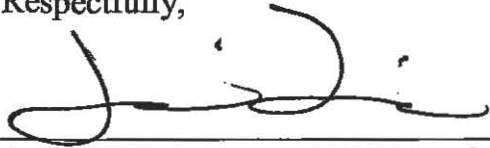
[47] *In re Joseph H*, 188 Cal. Rptr. 3d 171, 178 (Cal. App. 4th 2015).
[48] *People v. Mil*, 135 Cal. Rptr. 3d. 399, 352 (Cal. 2012).

Respectfully,



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DECLARATION OF SERVICE BY MAIL

Re: *In re J.H.*, Case No. S227929

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause. I am employed in the County of Philadelphia, State of Pennsylvania. My business address is 1315 Walnut Street, 4th Floor, Philadelphia, PA 19107. On August 14, 2015 I have caused to be served a true copy of the attached **Letter Supporting Request for Review** on each of the following, by placing same in an envelope(s) addressed as follows:

Defendant J.H. (Minor-Appellant)- *Pursuant to Rule 8.360(d)(1), Defendant has requested not to be served with court filings and Defendant's counsel, Punam Patel Grewal can be served in place of Defendant as his POA	Michael Soccio Riverside County District Attorney 3960 Orange St. Riverside, CA 92501
Office of the Attorney General P.O. Box 85266 San Diego, CA 92186-5266	Kamala D. Harris Attorney General of California Julie L. Garland Senior Assistant Attorney General Arlene A. Sevidal Supervising Deputy Attorney General Alastair J. Agcaoili Deputy Attorney General 110 West A Street, Suite 1100 San Diego, CA 92101-3702
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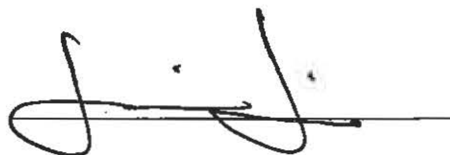
Each said envelope was sealed and sent via Federal Express overnight mail. I am familiar with this office's practice of collection and processing correspondence for mailing with Federal Express. Under that practice each envelope would be deposited with Federal Express in Philadelphia, Pennsylvania, on that same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 14, 2015, at Philadelphia, Pennsylvania.



Jessica Feierman, Esq.
Declarant