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Sent: Friday, April 29, 2022 5:05 PM
To: Sinclair. Casey (DA)
Subject: May 2022 Webinars and Replays!

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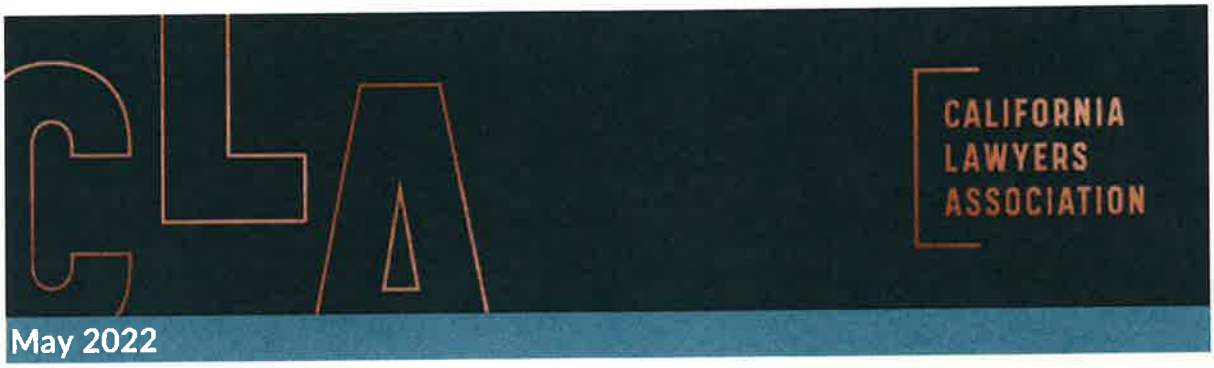

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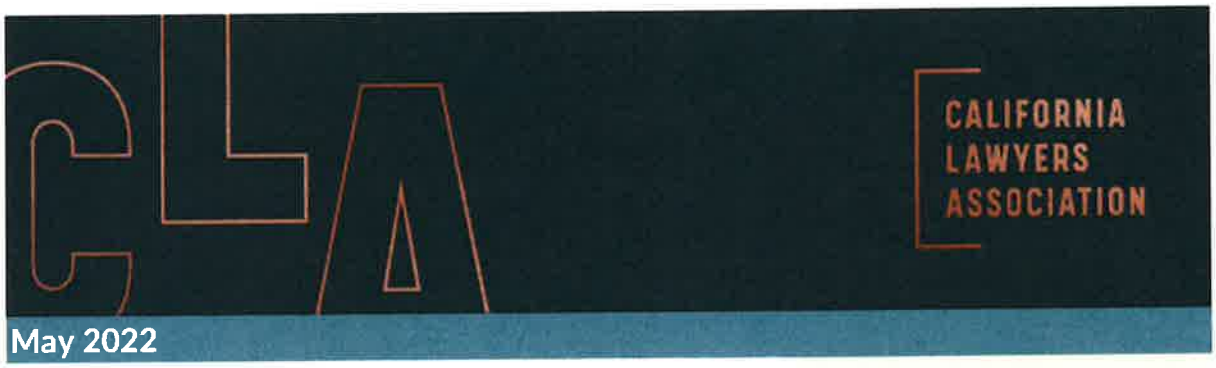

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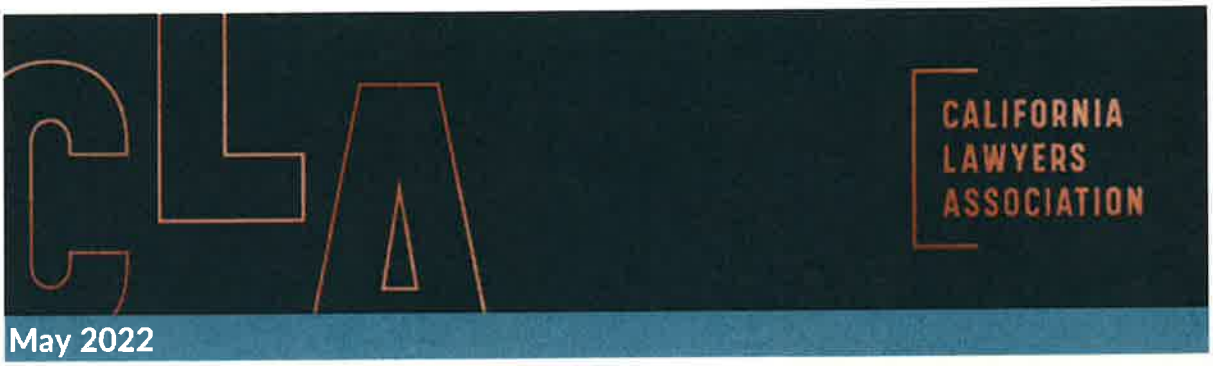

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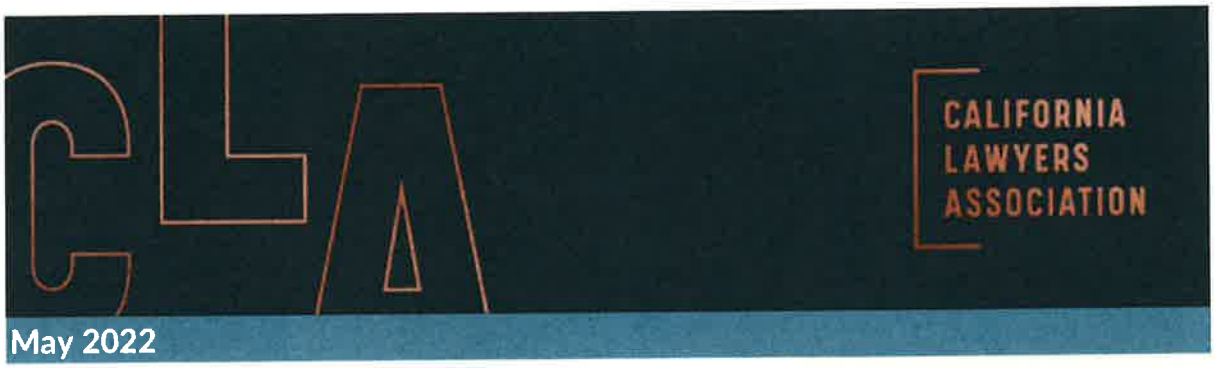

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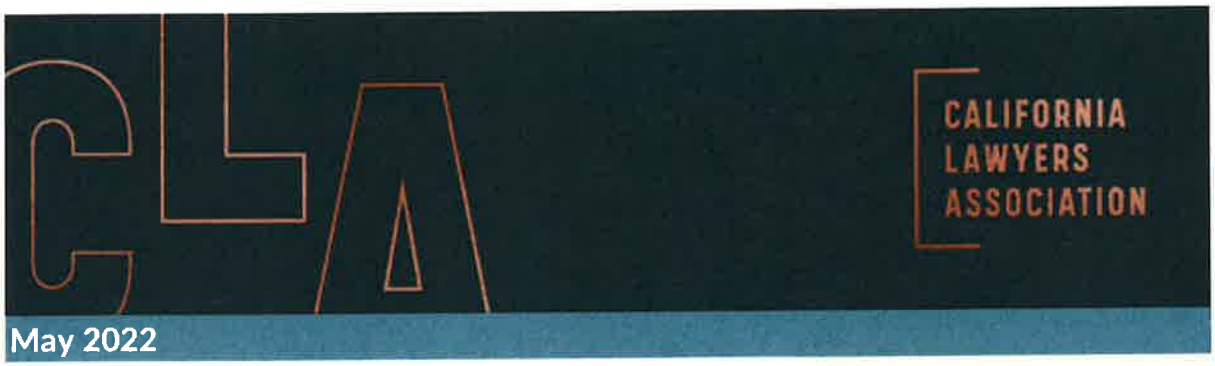

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CATHOLIC LEGISLATIVE NETWORK

Public Policy Insights

Catholic Social Teaching in the Public Square

Inside this issue

- • Assembly Votes to Expand Taxpayer-Funded Abortion
- • CCC and Interfaith Group Supporting Racial Justice Bill
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March 18, 2022
Vol. 15 No. 10

California Catholic Conference

En Español

Assembly Votes to Expand Taxpayer-Funded Abortion

The State Assembly voted Thursday morning to pass SB 245, a bill vehemently opposed by the CCC that would remove insurance co-pays or any other cost-sharing requirement for all abortion services and prohibit cost-sharing from

being imposed on a Medi-Cal beneficiary for those services.

The bill passed on a 46 - 18 party-line vote.

"Instead of focusing on how to make abortion services more affordable, the legislature should be working on making the cost-of-living more affordable for mothers and caregivers," said California Catholic Conference Executive Director Kathleen Domingo. "Where is the equitable push for services for mothers who can't afford to take their child to the doctor when they are sick or for increased benefits for pregnant mothers to ensure their health and the health of their child? Removing co-pays and using taxpayer money for abortion procedures instead of increasing parental support services tells California's mothers they are less valuable than those seeking abortions."

Thank you to all who contacted their legislator via The Legislative Network to urge a no vote on this bill. Please stay with the CCC as we continue to fight this bill as it heads to the Governor.

Top

CCC and Interfaith Group Supporting Racial Justice Bill

The CCC, collaborating with a coalition of over 100 faith-based leaders, delivered letters to lawmakers this week announcing their support of AB 256, the Racial Justice for All bill by Assemblymember Ash Kalra (D - San Jose).

The letter, signed by over 110 faith leaders, including 30 Catholics, urges Senators to extend the protections

Lord Jesus Christ, Son of God, have mercy on us sinners.

Lord Jesus, born under the bombs of Kyiv, have mercy on us.

Lord Jesus, who died in his mother's arms in a bunker in Kharkiv, have mercy on us.

Lord Jesus, sent at 20 years old to the front, have mercy on us.

Lord Jesus, who still sees armed hands in the shadow of your Cross, have mercy on us!

Forgive us, Lord,

if, not content with the nails with which we pierced your hands, we continue to drink from the blood of the dead torn apart by weapons.

Forgive us, Lord, if these hands that you created for care have been transformed into instruments of death.

Forgive us, Lord, if we continue to kill our brother, if we continue like Cain to remove the stones from our field to kill Abel. Forgive us if we continue to justify cruelty with our toil, if with our pain we

against discrimination in the courtroom based on race, ethnicity, or national origin to everyone, regardless of when that discrimination occurred.

In 2020, California passed the California Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin. Still, that bill was prospective and left many people with discrimination convictions behind. AB 256 applies it retroactively.

View the letter here.

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Mental Health Ministry Conference

The CCC invites you to join us for the first-ever Mental Health Ministry Conference for mental health ministers, May 19-21, at the Jesuit Retreat Center in Los Altos, CA.

The theme for the inaugural event is *Building a Culture of Community: Equipping Leaders for Mental Health Ministry*. Mental health ministers and caregivers will join with others in ministry from around the country, hear from experts, and share resources and best practices. The conference fee includes an opening banquet, lodging, and all meals.

The event is co-sponsored by the Association of Catholic Mental Health Ministers, the National Catholic Partnership on Disability, and the California Catholic Conference.

Click here for more information and to register. Early Bird Registration ends Mar 31!

legitimize the cruelty of our actions.

Forgive us the war, Lord.

Lord Jesus Christ, Son of God, we implore you: Stop the hand of Cain!

Enlighten our consciences,

let not our will be done,

do not abandon us to our own actions.

Stop us, Lord, stop us.

@Pontifex

Support Ukrainian Humanitarian Efforts

CLICK HERE

Laudato Si' Action Plan Resources

CLICK HERE

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California Catholic Conference Career Opportunity

The California Catholic Conference is currently seeking an Office Manager for our Sacramento-based office. The Office Manager is responsible for overall office and personnel operations, including human resources needs, the needs of the physical office, and support for meetings, events, and conferences for the California Catholic Conference and California Conference of Catholic Bishops.

Click here for a full description and information on how to apply.

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In The News

Idaho Passes Bill to Ban Abortion After Six Weeks of Pregnancy

Like the Texas abortion law, the bill extends the state's Fetal Heartbeat Preborn Child Protection Act, which the Idaho Legislature passed last year.

Pope Francis discusses Ukraine war with Russian Orthodox leader

The pope and Patriarch Kirill of Moscow and All Russia addressed the conflict during a video conference call on March 16.

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Newsweek Op-Ed: We Represent Diverse Christian Denominations, But We Agree on Immigration Reform

Collectively, we represent people across a range of religious traditions: a bishop of the Roman Catholic Church, the president of the National Association of Evangelicals, and the president of the Southern Baptist Convention, the nation's largest evangelical denomination. We are a diverse group of Christian leaders. We also have significant theological and political differences, as do the congregants whom we lead.... But for all of our differences, we agree on the urgency of immigration reforms.

Top

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LegInfo@cacatholic.org
1119 K Street Sacramento, CA 95814
916.313.4000

CALIFORNIA CATHOLIC CONFERENCE

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votervoice

From: Saucedo. Jesse (DA)
Sent: Thursday, March 17, 2022 2:44 PM
To: Masingale. Carolyn (DA)
Subject: Fwd: Judge Couzens Memo
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Jesse Saucedo
Deputy District Attorney
916-874-5605

From: Moore. Matthew (DA) <MooreM@sacda.org>
Sent: Wednesday, January 19, 2022 3:10:42 PM
To: Saucedo. Jesse (DA) <SaucedoJ@sacda.org>
Subject: RE: Judge Couzens Memo

Matthew Moore | Deputy District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5461 | moorem@sacda.org
Seek justice. Serve justice. Do justice.

From: Saucedo. Jesse (DA) <SaucedoJ@sacda.org>
Sent: Wednesday, January 19, 2022 3:10 PM
To: Moore. Matthew (DA) <MooreM@sacda.org>
Subject: Judge Couzens Memo

Hey!

Could you send along that Couzens Memo you were talking about (re: the new sentencing rules, etc) the other day at lunch?

Thanks!

Jesse Saucedo
Deputy District Attorney
916-874-5605

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Hightower. Jeffrey (DA)
Sent: Thursday, March 10, 2022 1:22 PM
To: Chisholm. Matthew (DA)
Subject: Good luck
Attachments: Couzens 2022 Sentencing Law Changes.pdf

Jeff Hightower | Supervising Deputy District Attorney
Justice, Training & Integrity Unit
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8685 | hightowerj@sacda.org
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SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Moore. Matthew (DA)
Sent: Wednesday, March 2, 2022 11:14 AM
To: Andersen. Kristen (DA)
Subject: RE: Send me that stuff from Cozens
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Matthew Moore | Deputy District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5461 | moorem@sacda.org
Seek justice. Serve justice. Do justice.

From: Andersen. Kristen (DA) <AndersenK@sacda.org>
Sent: Wednesday, March 2, 2022 11:09 AM
To: Moore. Matthew (DA) <MooreM@sacda.org>
Subject: Send me that stuff from Cozens

THANK YOU!!!

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Miller. Richard (DA)
Sent: Thursday, February 24, 2022 4:22 PM
To: Ho. Thienvu (DA)
Subject: diversion/collab court info
Attachments: BraunHagey.ACLU.pdf

The materials provided are found here: Materials Provided.2021.BraunHagey

The attached letter, and the materials, were all released pursuant to a CPRA in 2021.

Rick Miller | Assistant Chief Deputy District Attorney
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6843 | millerri@sacda.org
seek justice. serve justice. do justice.

Sacramento County
District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

August 16, 2021

Ellen Leonida
351 California Street, 10th Floor
San Francisco, CA 94104

Re: Public Records Act Request

Dear Ms. Leonida:

We are in receipt of your request for records under the California Public Records Act (CPRA) dated July 23, 2021.

You attached two exhibits to your request. Exhibit 1 is a copy of a May 13, 2019, CPRA request, and Exhibit 2 is copy of a July 29, 2019, CPRA request; both of these were submitted to this office on behalf of the ACLU in 2019. Responses to both were timely issued and multiple documents were provided.

In your current request, you write:

> "This CPRA letter constitutes a renewal of the ACLU's two prior requests (as relevant, updated to the present day) and also a request for the additional following records in the possession or control of the Office of the District Attorney of Sacramento for the time-period 2015 to present."

You then set forth what we interpret to be your current request in items 1a-l, 2a-e, 3a-c, and 4a-d. As to this current request, I will address each item individually as follows:

1. "Any and all written policies, memoranda, or guidance documents regarding:

   a. Diversion eligibility and/or programming."

   This request seeks various information regarding diversion programs. We are interpreting your request for "diversion eligibility and/or programming" to apply to defendants charged with a crime, as the Sacramento County District Attorney's Office does not itself utilize pre-filing diversion programs.

   We do not have an index that identifies all documents relevant to this response. The CPRA applies to existing records and does not require a public agency to create a record that does not exist. (Gov't Code section 6252(e) and (f).) Further, such a request is unduly burdensome, as it would require us to hand search tens of thousands of files and

over 400 employees offices to locate potentially responsive documents. This is unduly burdensome, something not required under the CPRA. However, we have been able to locate several items that we are providing to you, as explained below.

Your request does not clarify what you consider "diversion." California Penal Code section 1000 et seq. provides several statutory diversion programs. As for the documents you seek regarding eligibility for such programs, the various criteria are set forth by statute and thus this information is already available to you publicly. Multiple diversion eligibility and programming information is available to you publicly and can be found at https://www.saccourt.ca.gov/criminal/collaborative-courts.aspx, which is the Sacramento Superior Court's website.

In 2018, AB 1810 added Penal Code sections 1001.35 and 1001.36, which created the mental health diversion program. Similarly, the requirements for this diversion are set forth by statute. We possess documents responsive to this request which we are providing to you. See attachments titled "Mental Health Diversion Process for Felony Cases Only," "Memorandum – Mental Health Diversion Nov 6 2018," and "MHDiversion – AB1810 7-13-18." We also possess documents responsive to this request and are providing them to you. See attachments titled "Felony MHD_Distributed 12-18-18_RevJan2019," MDP_Application and Instructions Complete," "MHC Stats 7-8-21," "MHD Cheat Sheet_FINAL_OCT_2018_Updated July 22, 2019," and "Misdemeanor MHD_Final_updated 7-26-19." We also possess a draft of an internal procedures guide prepared by court staff. Please note this version was at the time not final and subject to being changed. See attachment titled "10.29.18 MHC- Procedure Manual."

In Sacramento County, we have several collaborative courts, which involve partnerships between our office, the Superior Court, the Probation Department, the Public Defender's Office, and sometimes community-based organizations to provide services and avoid incarceration for certain offenders. These programs do not fall within the statutory definition of diversion as set forth in Penal Code section 1000 et seq. However, successful completion of some of these programs may result in a dismissal of charges, similar to the effect of a statutory diversion program. We are interpreting your request as including within your definition of "diversion" those programs where dismissal is available. Information regarding these, and other collaborative courts in Sacramento County, are provided on our website at www.sacda.org under the "Services" heading by clicking on the link "Collaborative Courts." Further documents we possess relating to those programs are being provided. See attachments titled "Sacramento County District Attorney's Office," "Community & Government Relations," "Citizen Academy-CollCourts2019," "Collaborative Courts Referral Quick Reference Guide," "How To Guide_Collaborative Courts_Rev_Feb 8_2019," Collaborative Court Advisory Board Orientation Packet," "How to Guide_Collaborative Courts_Rev_August 2021," "CA 2020 ScheduleofClassesBinder," "CGR Outreach Programs – Defined," and "Citizens Academy Brochure Update 01.20."

Other documents potentially responsive to this request are also being provided. See attachments titled "Sac County CSEC MOU-5.14.19," Sac Court Dedicated Cal 2.26.19," "AB 79 ALTA Diversion Summary," "Quarterly DUITC Stats 5-27-21," "Reentry)2nd-Quarter_Apr_Jun_2021," and "Veterans Treatment Court (Fiscal yr 20-21 Data)." Finally, general information related to diversion eligibility and/or programs can be found in our "Legal_and_Case_Prosecution_Policy_Manual_December_10_2019," which we are providing to you and is publicly available on our website, www.sacda.org.

Regarding additional documents identifying office policies or guidelines regarding diversion courts, it is our practice, pursuant to the law, not to disclose these types of policy documents because they are exempt from disclosure under the CPRA by the deliberative process privilege. (Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) In addition, the courts have ruled that written policies concerning how prosecutors exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k). Other notations regarding specific cases are also exempt as privileged attorney work product.

Given the broad scope of your request, to the extent that we may possess materials related to diversion that may be contained in any of our investigatory files, Government Code section 6254(f) exempts from CPRA disclosure records of complaints to or investigations conducted by any local police agency, investigatory files compiled by any local police agency, and investigatory files compiled by any other local agency for law enforcement or licensing purposes. Under the California Constitution and by statute, the District Attorney is vested with broad authority to investigate violations of the law, and prosecute such matters in criminal, civil, or administrative actions, as may be appropriate. The District Attorney's employees include peace officers, attorneys, and other staff who perform such investigations. There can be no question that the District Attorney's Office is a local agency that conducts police or law enforcement investigations and has complaints and investigatory files within the meaning of section 6254(f). Case law supports this conclusion. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Rackaucas v. Superior Court* (2012) 104 Cal.App.4th 169; Fagan v. Superior Court (2003) 111 Cal.App.4th 607; *County of Los Angeles v. Superior Court* (2005) 130 Cal.App.4th 1099.) This exemption applies not only to documents generated by the agency, but also to records gathered from victims, witnesses, and others. (See *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.) This exemption continues to apply even if the case is complete, and the investigation closed. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.) To the extent that we may be in possession of some of the materials you seek, such materials are part of our investigatory files and are thus exempt from production under the CPRA.

Further, we would not necessarily be able to identify documents related to diversion programs simply from searching outcomes in our computerized case management

system. We would have to examine the case event history or our physical files for notations. Given the time frame you have identified and the number of cases that would be involved, this would require a hand search of voluminous materials and would be unduly burdensome, something not required under the CPRA. (See Gov't Code section 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588, 600-60; see also *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440, 452-454.)

b. "Custody and/or bail recommendations."

We do not have an index that identifies documents relevant to this response. The CPRA applies to existing records and does not require a public agency to create a record that does not exist. (Gov't Code section 6252(e) and (f).) Further, to locate all materials relevant to this request would require us to examine all of our investigatory files for the time period you specify. As noted above, those files are exempt from production under the CPRA. Further, such a request is unduly burdensome, as it would require us to hand search tens of thousands of files, something not required under the CPRA. Depending on the content of any such materials, other exemptions could apply such as the deliberative process privilege, attorney work product, or other exemption.

In addition, these types of policy documents are exempted from disclosure under the CPRA by the deliberative process privilege. Government Code § 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136. The courts have ruled that written policies concerning how prosecutors will exercise their discretion in charging and sentencing are not subject to discovery. *Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478. Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k).

That said, some information related to this request can be found in our Legal and Case Prosecution Policy Manual which we are providing to you as noted above.

c. "Charging recommendations and/or decisions, including, but not limited to:
   i. Charging recommendations and/or decisions regarding enhancements;
   ii. Charging recommendations and/or decisions regarding special circumstances; or
   iii. Charging recommendations and/or decisions regarding wobblers."

Given the broad scope of this request (including all sub-requests), to the extent that we may possess relevant materials in our investigatory files, such materials are exempt from production under Government Code section 6254(f). Further, it is our practice, pursuant to the law, not to disclose these types of policy documents because they are exempt from disclosure under the CPRA by the deliberative process privilege. (Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) In addition, the courts have ruled that written policies concerning

how prosecutors exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k).

However, information relevant to this request can be found our Legal and Case Prosecution Policy Manual which we are providing to you as noted above.

d. "Compliance with *Brady v. Maryland*, 373 U.S. 83 (1963)."

The Sacramento County District Attorney's Office trains its attorneys on federal and California cases regarding ethical discovery practices, including those set forth in *Brady v. Maryland*. It has been our practice not to disclose specific training materials. The documents you seek are exempt from disclosure by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code section 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to interpret the law and train our attorneys on the ethical administration of justice. Disclosure would expose the decision-making process in such a way as to discourage candid discussion and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice.

Furthermore, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*) Our *Brady* and discovery policies in general are stated in our Legal and Case Prosecution Policy Manual and are encompassed in that document's statement that "It is the policy of the Sacramento County District Attorney's Office to promptly provide all discoverable materials in criminal cases in accordance with the law. Prosecutors shall follow all constitutional, statutory, and ethical discovery obligations." As noted, we are providing that manual to you.

Finally, we do not have in index identifying all the materials specified in this request, to conduct a search for them would be unduly burdensome, and any such materials contained within our investigatory files are exempt from CPRA production as detailed in the response to 1.a., above.

e. "Jury selection."

The Sacramento County District Attorney's Office trains its attorneys on federal and California cases regarding the ethical selection of jurors. It has been our practice not to

disclose specific training materials. The documents you seek are exempt from disclosure by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code section 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to interpret the law and train our attorneys on the ethical administration of justice. Training discussions include tactical and strategic information. Disclosure would expose the decision-making process in such a way as to discourage candid discussion and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice.

Furthermore, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*) Our policy regarding jury selection is stated in our Legal and Case Prosecution Policy Manual and is encompassed in that document's statement that "The prosecutor serves the public interest and should act with integrity and balanced judgment to increase public safety both by pursuing appropriate criminal charges of appropriate severity, and by exercising discretion not to pursue criminal charges in appropriate circumstances. The prosecutor should seek to protect the innocent and convict the guilty, consider the interests of victims and witnesses, and respect the constitutional and legal rights of all persons, including suspects and defendants." As noted, we are providing that manual to you.

Finally, we do not have an index identifying all the materials specified in this request, to conduct a search for them would be unduly burdensome, and any such materials contained within our investigatory files are exempt from CPRA production as detailed in the response to 1.a., above.

f. "Sentencing recommendations."

Please see response to 1.b., above.

g. "Prosecution of minors."

Our policy regarding this topic can be found in our Legal and Case Prosecution Policy Manual, which we are providing to you. Your request for records on this topic is broad and could encompass a wide variety of materials that are not required to be produced due to the deliberative process and work product privileges, the investigatory file exemption, and other exemptions depending on the content of such materials. I also note that because of the privacy and confidentiality concerns that makes juvenile case records exempt from disclosure under the CPRA. (See Gov't Code §§ 6542(c), 6254(k), 6255(a).) Dissemination of information from juvenile case files is limited by Welfare

and Institutions Code section 827. Records may be sealed pursuant to Welfare and Institutions Code sections 781 and 786.

h. "Parole recommendations."

Any written policies, memoranda, or guidance documents we may possess regarding parole recommendations would be exempt under the deliberative process privilege, attorney work product privilege, and Gov. Code section 6255 as detailed above. To the extent we may possess any such materials within our investigatory files, such materials are exempt from production pursuant to Gov. Code section 6254(f) as detailed above. We have publicly released some of our parole recommendations, which are available on our website at https://www.sacda.org/early-prison-releases/early-prison-releases-opposition-letters/ within the four links that appear on that page.

i. "Pardon and commutation recommendations."

See response to 1.h., above

j. "Reports to the State Bar relating to discipline and/or prosecutorial misconduct."

Our Legal and Case Prosecution Policy Manual includes information responsive to this request. We are providing that to you.

k. "Data collection of relating to all criminal matters, including demographic data of defendants and victims."

This language is vague. You do not define what you mean by "data collection." If you seek statistical information from our prosecution files, demographic data of defendants and victims would come from our investigatory files, which are exempt from disclosure under Government Code section 6254(f), as noted above. If you wish to further clarify this request, please do so.

l. "Referral of cases for federal prosecution."

Any cases we have referred for federal prosecution would be part of our investigatory files exempt from disclosure under Government Code section 6254(f), as noted above. Otherwise, we have no responsive documents.

2. "Any and all policies regarding training as well as any training materials, recorded trainings, or related materials:"

a. "Which are mandatory for prosecutors."

These types of documents are exempted from disclosure under the CPRA by the

deliberative process privilege. Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.

In addition, this office employs over 170 attorneys and possesses a large amount of material in the form of books, treatises, memoranda, publications, and other documents that could be considered within the scope of your request for "all training materials." A large amount of these materials has been purchased or received by this office, and a large number of materials have been purchased or received by individual members of this office. Given the nature of criminal case litigation, the materials or portions of materials could be located in individual offices, online, in criminal case files, and elsewhere. To locate all such materials would be unduly burdensome, as it would require us to hand search hundreds of employees' offices, computers, and tens of thousands of files, something not required under the CPRA.

Further, a significant amount of such documents is subject to United States Copyright law. Legal publications and treatises – all within the scope of your request - and other non-agency publications used in the education and training of our staff are controlled by federal copyright law. (See, e.g., 17 U.S.C. sections 102, 103.) Release of such copyrighted materials would similarly violate Government Code section 6254(k). We believe that copyrighted materials produced by an outside source which this office has are not the type of public records contemplated for release within the meaning of the CPRA.

Further, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*)

b. "Which are optional for prosecutors."

See response to 2.a., above.

c. "Which relate to jury selection."

See response to 2.a., above.

d. "Which relate to bias, implicit bias, unconscious bias, and/or racism."

See response to 2.a., above.

e. "Which relate to presentation and/or use of evidence from social media platforms (including but not limited to YouTube, Snapchat, Instagram, TikTok, Twitter, Facebook,

Reddit and Tumblr) and other media (including but not limited to movies, song lyrics, and videos)."

See response to 2.a., above.

3. "Records concerning the Racial Justice Act:"[1]

   a. "Implementation of and compliance with the RJA."

   To the extent that our investigatory files potentially contain materials related to the implementation of, compliance with, or communications concerning Penal Code section 745, such materials are exempt from production pursuant to Gov. Code section 6254(f).

   As with any new law, "records concerning" the implementation of, compliance with, or communications concerning the new law could potentially be located in the office of any attorney and could be in various form. We do not have an index that identifies the records you seek and are not required under the CPRA to create one. To search over 170 attorneys' offices and potentially over 170 computers and thousands of criminal case files is unduly burdensome and not required under the CPRA.

   Further, depending on the content of any such materials, multiple exemptions and/or privileges could apply including the deliberative process privilege, attorney work product privilege, exemptions pursuant to Gov. Code section 6254(k), and others.

   b. "Communications concerning the RJA:"

   See response to 3.a., above.

   c. "Trainings related to the RJA."

   See response to 3.a. and 2.a., above.

4. "All investigations into *Batson-Wheeler* motions, including, but not limited to:
   a. Motions filed;
   b. Motions granted;
   c. Internal training and/or discipline; or
   d. Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted."

   This request seeks records of "all investigations into *Batson-Wheeler* motions" that includes but is not limited to "Motions filed, "Motions granted," "Internal training and/or discipline," and "Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted."

   We do not track such motions in our computerized case management system, nor do we

[1] I assume by "Racial Justice Act" you mean Penal Code section 745. If I am mistaken, please advise me.

have an index that identifies them. The only means to identify documents relative to motions being filed and/or granted would be to hand search tens of thousands of files, which again is unduly burdensome. Further, except for motions filed in court by this office, any other documents relevant to this request would come from our investigatory files, which are exempt from production pursuant to Gov. Code section 6254(f).

Regarding internal training, please see response to 2.a., above.

I now turn to your "renewal" of two prior CPRA requests submitted on behalf of the ACLU on May 13, 2019, and July 29, 2019. You write that "This CPRA letter constitutes a renewal of the ACLU's two prior requests (as relevant, updated to the present day)." I do not understand what you mean by "renewal … as relevant, updated to the present day" in this context. We issued written responses to those requests in 2019 and also provided materials in 2019. You seem to contend that with regard to both prior CPRA requests, we provided nothing and simply asserted the records were not subject to disclosure. That is not accurate. I have retrieved our response to the May 13, 2019, request in which we provided over 20 separate documents totaling over 100 pages in response. Attached is a copy of our June 6, 2019, response to the May 13, 2019, request. In that response, we identified the materials provided.

I cannot tell if you were not aware that we provided those materials, or if the intent of your statement regarding our responses to the prior CPRA requests was not meant to be interpretated as asserting that we provided nothing, but rather whether you were referring to certain items not provided that you believe should have been provided. I ask you to please clarify exactly what you are asking for at this time.

As I am providing the responsive documents electronically, there is no charge.

Sincerely,

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

Richard Miller
Assistant Chief Deputy District Attorney

From: Miller. Richard (DA)
Sent: Monday, February 7, 2022 3:23 PM
To: 118858-00830026@requests.muckrock.com
Subject: Your CPRA
Attachments: Muckrock.R.Calendar 18-21.pdf

To whom it may concern:

Attached is a pdf of the calendar from March, 2018, through and including October, 2021, which is past the date of your initial request of September 8, 2021. As described in our letter to you dated November 15, 2021, certain redactions have been to remove privileged and/or exempt material.

Thank you.

Rick Miller | Assistant Chief Deputy District Attorney
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6843 | millerri@sacda.org
seek justice. serve justice. do justice.

January 25, 2021 - January 31, 2021

January 2021

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021

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	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

Monday, January 25

[redacted]

Tuesday, January 26

[redacted]

11:00am - 12:00pm Prison Case Presentation (JPC) - Rosado. Noemi (DA)

1:00pm - 2:00pm CDAA Foundation

[redacted] - Rosado. Noemi (DA)

[redacted]

Wednesday, January 27

11:00am - 12:30pm Backlog of Cases

[redacted] - Rosado. Noemi (DA)

2:30pm - 3:30pm Weekly PUA / UI Statewide Fraud Executive Coordination Cell meeting (DCR or

[redacted] - Creviston, Julie@CalOES

Thursday, January 28

Probation sweep

[redacted]

Friday, January 29

7:50am - 8:50am Point West Rotary Group (ZOOM) - Rosado. Noemi (DA)

10:00am - 10:15am Phone call with Connor (CALL IN TO ... [redacted]) - Rosado. Noemi (DA)

10:30am - 11:30am AB 2542 Discussion (ZOOM - [redacted]) - Velasco. Cecile (DA)

2:00pm - 3:00pm EDD Fraud (zoom) - Rosado. Noemi (DA)

Saturday, January 30

Sunday, January 31

From: Miller. Richard (DA)
Sent: Friday, February 4, 2022 4:58 PM
To: Kory DeClark
Subject: CPRA letter
Attachments: BraunHagey.2.4.22.pdf

Hi Kory. Attached is our response to your letter. As stated in the letter, I'm willing to have further discussions if you think they might be fruitful. Just let me know. Thanks.

Rick Miller | Assistant Chief Deputy District Attorney
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6843 | millerri@sacda.org
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Sacramento County
District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

February 4, 2022

Kory DeClark
BraunHagey & Borden
351 California Street, 10th Floor
San Francisco, CA 94104

Re: Public Records Act Request

Dear Mr. DeClark:

This is in response to your letter dated December 28, 2021, which followed our December 20, 2021, telephone conference in which we discussed our response to your July 23, 2021, request under the California Public Records Act (CPRA).

Your letter addresses four topics, which I address here individually. The first topic set forth is:

> "No. 1 (Policies, memoranda, or guidance documents)
>
> The primary sticking point for document production was the vagueness of the terms in our request. We write to clarify that, by "policies, memoranda, or guidance documents," we mean documents that reflect a policy decision by the office to handle all cases of a particular type in a particular way. Thus, we are not seeking any documents that concern a particular case, or that reflect only a discussion about the creation of a policy, rather than the final policy itself."

With that clarification, I believe we have fulfilled this request in our August 16, 2021, response to your original request wherein we provided the requested documents.

The second topic set forth is:

> "No. 2 (training materials)
>
> Here, too, we are seeking only materials that were/are provided by the office to train attorneys on the office's policies and practices—i.e., that instruct the attorneys to handle all cases of a particular type in a particular way. Again, we are not seeking notes on particular cases (e.g., instructions on how to handle a particular cross examination) or discussions about which trainings should be created to be given. We are after only the final product—the presentation decks, training manuals, how-to handouts, etc.—that your office has used in the specified time period."

With regard to training materials in general, our position on this issue, as stated in our August 16, 2021, response to your original CPRA request, is as follows. The documents you seek are exempt from disclosure by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code section 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to interpret the law and train our attorneys on the ethical administration of justice. Training discussions include tactical and strategic information. Disclosure would expose the decision-making process in such a way as to discourage candid discussion and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice.

Further, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*) For example, our *Brady* and discovery policies in general are stated in our Legal and Case Prosecution Policy Manual and are encompassed in that document's statement that "It is the policy of the Sacramento County District Attorney's Office to promptly provide all discoverable materials in criminal cases in accordance with the law. Prosecutors shall follow all constitutional, statutory, and ethical discovery obligations."

That said, I note that we provided to you our Legal and Case Prosecution Policy Manual on August 16, 2021. It is the same document we provide to all our attorneys, and it is the document we use to train our attorneys on this office's policies and practices. While this is not a waiver of the exemptions set forth above as to any other training materials on any topic that we may possess, or any other exemptions set forth in our August 16, 2021, response, our provision of that document appears to satisfy your request on this topic.

The third topic set forth is:

> "No. 3 (records concerning the Racial Justice Act)
>
> We discussed this section less than the others. We do not believe this request is unduly burdensome for any materials that can be located with relatively simple searches of computers or servers (such a keyword searches). Please let us know if you disagree. We of course reserve the right to challenge any exemption based on undue burden for searches of paper files, too."

Our response to this request, has not changed from that stated in our August 16, 2021, response. To answer your specific question, I do think you underestimate the amount of material that would be retrieved on computers and servers searching for such common words as racial, justice, and act. Those terms are in common use in any criminal law practitioner's office.

The fourth topic set forth is:

> "No. 4 (Batson-Wheeler)
>
> You were going to give this section more thought in light of our conversation—particularly, any documents that relate to internal trainings and/or discipline."

Our response to this request has not changed from that stated in our August 16, 2021, response.

If you believe that further discussion may prove useful to find further common ground, please feel free to contact me.

Sincerely,

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

Richard Miller
Assistant Chief Deputy District Attorney

From: Thinh. Tan (DA)
Sent: Tuesday, February 1, 2022 12:53 PM
To: Kubochi. Alissa (DA);Park. Caroline (DA);Porter. Greg (DA);Zdobnikow. Kim (DA);Meyer. Frank (DA);Chen. Matt (DA);Wagner. Nick (DA);Moreno. Carina (DA);Archibald. Dean (DA)
Cc: Hightower. Jeffrey (DA)
Subject: LexisNexis State Net

We have added a new research tool for JTI. It is called State Net via LexisNexis. This platform monitors and manages federal and state legislative/regulatory activity, and provides meaningful summaries of selected legislation and regulation. This platform will help JTI research and monitor Senate and Assembly Bills which will significantly affect our JTI caseload and the office as a whole (e.g., AB 3070, SB 1437, SB 775, AB 333, AB 2542, PC 1170, etc.). The platform also immediately alerts us to changes in the bills and compiles the resources and information in one location.

To access State Net, go to: http://sn.lexisnexis.com. Rick Miller and I have usernames and password to access the platform. If you need to use State Net, please contact me.

Tan Thinh | Supervising Deputy District Attorney
Sacramento District Attorney's Office
Justice, Training and Integrity Unit
901 G Street | Sacramento, CA 95814
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From: Carlson. Chris (DA)
Sent: Tuesday, February 1, 2022 9:53 AM
To: Girgis. Jehan (Probation)
Subject: Emailing: Couzens_2022_Sentencing_Law_Changes
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Your message is ready to be sent with the following file or link attachments:

Couzens_2022_Sentencing_Law_Changes

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Carlson. Chris (DA)
Sent: Friday, January 28, 2022 4:22 PM
To: McCluskey. LeeAnn (Probation)
Subject: Emailing: Couzens_2022_Sentencing_Law_Changes
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Thanks. Great seeing you
Your message is ready to be sent with the following file or link attachments:

Couzens_2022_Sentencing_Law_Changes

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Michael Burke <mb024740@gmail.com>
Sent: Tuesday, January 25, 2022 6:05 PM
To: DA Office
Cc: Miller. Richard (DA)
Subject: Re: Public Records Request
Attachments: Sacramento County DA Office Request Ho and Mathews 1-25-2022.docx; Sacramento County DA Office Request Mathews and Ho 1-25-2022.docx

To Whom it May Concern:

I would like to update my previous public records request submitted on 1/20/2021. Please disregard the previous request and see the new attached request that includes Assistant Chief Deputy District Attorney Thien Ho.

I have also attached an additional request regarding allegations of racial discrimination/implicit bias.

Thanks for your attention to this matter.

Best,
Michael

On Thu, Jan 20, 2022 at 10:47 AM Michael Burke <mb024740@gmail.com> wrote:
To Whom it May Concern:

Please see the attached public records request regarding records for former Deputy District Attorney Alana Mathews.

All best,
Michael Burke

January 25, 2022

Sacramento County District Attorney's Office
901 G Street
Sacramento, CA 95814
Phone: 916-321-2201

Submitted Via Email: daoffice@sacda.org

Dear Sir or Madam:

The following request is being made in accordance with the California Public Records Law [Cal. Gov't Code § 6252] and all other applicable California public records laws. I am requesting the following records held by the Sacramento County District Attorney's Office in regard to former Deputy District Attorney Alana Mathews (aka Alana Mathews-Davis) and current Assistant Chief Deputy District Attorney Thien Ho:

- Any releasable records or emails describing or detailing allegations made by members of the public concerning racial discrimination/implicit bias, as described in the Racial Justice Act (AB 2542), by Mathews or Ho during their litigation of cases as deputy district attorneys

Please advise if records costs are expected to exceed $75. I can be reached at 202-470-0114 or mb024740@gmail.com with any questions. Thank you in advance for your time and attention.

Sincerely,

Michael Burke

P.O. Box 78036
Washington, DC 20013
Phone: 202-470-0114
Email: mb024740@gmail.com

January 25, 2022

Sacramento County District Attorney's Office
901 G Street
Sacramento, CA 95814
Phone: 916-321-2201

Submitted Via Email: daoffice@sacda.org

Dear Sir or Madam:

The following request is being made in accordance with the California Public Records Law [Cal. Gov't Code § 6252] and all other applicable California public records laws. I am requesting the following records held by the Sacramento County District Attorney's Office in regard to former Deputy District Attorney Alana Mathews (aka Alana Mathews-Davis) and current Assistant Chief Deputy District Attorney Thien Ho:

- Records detailing Mathews and Ho's official job titles during their tenures with the Sacramento County District Attorney's Office and the time periods they held those titles (e.g. intern, deputy district attorney, etc.)
- Records detailing Mathews and Ho's assignments as deputy district attorneys and corresponding dates for those assignments
- Any releasable records or emails regarding disciplinary actions against Mathews or Ho

Please advise if records costs are expected to exceed $75. I can be reached at 202-470-0114 or mb024740@gmail.com with any questions. Thank you in advance for your time and attention.

Sincerely,

Michael Burke

P.O. Box 78036
Washington, DC 20013
Phone: 202-470-0114
Email: mb024740@gmail.com

From: Wax. James (DA)
Sent: Wednesday, January 19, 2022 4:32 PM
To: Erica Graves
Subject: Sentencing
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

This was passed along to me. It may be helpful in navigating some of the new sentencing laws.

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Saucedo. Jesse (DA)
Sent: Wednesday, January 19, 2022 3:36 PM
To: Wax. James (DA)
Subject: Sentencing Memo
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Jesse Saucedo
Deputy District Attorney
916-874-5605

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Saucedo. Jesse (DA)
Sent: Wednesday, January 19, 2022 3:17 PM
To: Davisson. Hilary (DA);Gotha. Frederick (DA);Johnson. Nicholas (DA);Mahaffey. Stefanie (DA);McMillan. Adrianne (DA);Saucedo. Jesse (DA);Winchester. Cody (DA);Hayes. Gregory (DA);Morris. Andrea (DA)
Cc: Soloman. Andrew (DA)
Subject: Judge Couzens Memo Re: Sentencing Law Changes 2022
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Hey all,

Not sure if you have this already but I didn't so I thought I'd share it. Attached is a memo from Judge Couzens regarding the changes in sentencing law for 2022.

Jesse Saucedo
Deputy District Attorney
916-874-5605

SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Moore. Matthew (DA)
Sent: Friday, January 14, 2022 3:00 PM
To: Carlson. Chris (DA)
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Matthew Moore | Deputy District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5461 | moorem@sacda.org
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SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Porter. Greg (DA)
Sent: Tuesday, January 11, 2022 10:23 AM
To: Thinh. Tan (DA);Hightower. Jeffrey (DA);Zdobnikow. Kim (DA);Kubochi. Alissa (DA);Park. Caroline (DA);Meyer. Frank (DA);Chen. Matt (DA);Wagner. Nick (DA)
Subject: Couzens Memo on 2022 sentencing changes
Attachments: Couzens_2022_Sentencing_Law_Changes.pdf

Here is a November 2021 memo from Judge Couzens regarding sentencing law changes for 2022. Not too much new analysis on the 1170.95 front but other portions of it may be helpful to you.

Greg Porter | Deputy District Attorney
Justice, Training, and Integrity Division
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.1610 | porterg@sacda.org
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SELECTED CHANGES TO CALIFORNIA SENTENCING LAWS EFFECTIVE 2022

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

November 2021

From: Marlette, Patrick <MarletP@saccourt.ca.gov>
Sent: Monday, December 6, 2021 9:23 AM
To: Carr. Timothy (DA);Cobb. Marissa (Courts);Marlette. Patrick (Courts);Wise, Mike
Subject: New Laws 2022
Attachments: Hom's List.doc

AB 124 (KAMLAGER), CH. 695 EFFECTIVE JANUARY 1, 2022 CRIMINAL PROCEDURE Requires the court, when selecting the term that best serves the interests of justice, to consider as factors in mitigation of the crime if the defendant experienced intimate partner violence, commercial sex trafficking, commercial sexual exploitation, or human trafficking, and if the trauma of those experiences was a contributing factor to the defendant's criminal behavior. Authorizes the court to recall a person's sentence and resentence them upon a motion by the defendant and in doing so to consider whether enumerated factors relating to partner abuse and human trafficking and if associated trauma contributed to the defendant's criminal behavior that would make a sentence other than the lowest possible sentence unduly harsh. (PEN amend 236.23, 1170, add 236.15, 236.24, 1016.7)

AB 1228 (LEE), CH. 533 EFFECTIVE JANUARY 1, 2022 SUPERVISED PERSONS: RELEASE Among other things, requires persons released from custody prior to a probation violation hearing to be released on their own recognizance unless the court finds, by clear and convincing evidence, that the particular circumstances of the case require imposition of conditions of release to provide reasonable protection of the public and reasonable assurance of the person's future appearance in court. (PEN amend 1203.2, add 1203.25)

***AB 1540 (TING), CH 719 EFFECTIVE JANUARY 1, 2022 CRIMINAL PROCEDURE: RESENTENCING Among other things, prohibits the court from denying a recall and resentencing motion without a hearing and creates a presumption favoring recall and resentencing when such a motion is based on the recommendation of the Department of Corrections and Rehabilitation, the Board of Parole Hearings, local authorities, or the Department of Justice. Provides that the presumption may only be overcome by a showing of an unreasonable risk of danger to public safety, as defined by Penal Code section 1170.18(c), which relates to crimes commonly known as "super strikes" and provides: "As used throughout this code, 'unreasonable risk of danger to public safety' means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of [Section 667(e)(2)(C)]." That clause lists felonies for certain sex 2021 SUMMARY OF COURT-RELATED LEGISLATION 29 crimes, homicide or attempted homicide, solicitation to commit murder, and certain crimes involving weapons. (PEN amend 1170, 5076.1, add 1170.03)**

SB 16 (SKINNER), CH. 402 EFFECTIVE JANUARY 1, 2022 PEACE OFFICERS: RELEASE OF RECORDS Expands the categories of police personnel records that are subject to disclosure under the California Public Records Act and modifies existing provisions regarding the release of records subject to disclosure. Deletes the requirement in existing law that requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than five years older than the subject of the litigation. Specifies that the records related to use of excessive or unreasonable force must be sustained to be subject to disclosure. Clarifies that provisions of the attorney-client privilege must comply with standards. (EVID amend 1045; PEN amend 832.5, 832.7, 832.12, add 832.13)

SB 81 (SKINNER), CH. 721 EFFECTIVE JANUARY 1, 2022 SENTENCING: DISMISSAL OF ENHANCEMENTS Provides that notwithstanding any other law, at the sentencing hearing, the court must dismiss an enhancement if it finds that it is in the furtherance of justice to do so, unless an initiative statute prohibits dismissal of the enhancement. Requires that in exercising its discretion to dismiss enhancement, the court must consider and afford great weight to evidence offered by the defendant to prove that any of the enumerated mitigating circumstances are present. Provides that proof of the presence of one or more of these circumstances weighs greatly in favor of dismissing the enhancement, unless the court finds that dismissal of the enhancement would endanger public safety. Specifies that "endanger public safety" means there is a likelihood that the dismissal of the enhancement would result in physical injury or other serious danger to others. Sets forth the following circumstances that will weigh greatly in favor of dismissing the enhancement: (A) Application of the enhancement would result in a disparate racial impact as defined by the Racial Justice Act. (B) Multiple enhancements are alleged in a single case. In this instance, requires all enhancements beyond a single enhancement to be dismissed. (C) The application of an enhancement could result in a sentence of over 20 years. In this instance, requires the enhancement to be dismissed. (D) The current offense is connected to mental illness, as defined. (E) The current offense is connected to prior victimization or childhood trauma, as defined. (F) The current offense is not a violent felony as defined. (G) The defendant was a juvenile when they committed the current offense or any prior juvenile adjudication that triggers the enhancement(s) applied in the case. (H) The enhancement is based on a prior

conviction that is over five years old. (I) Though a firearm was used in the current offense, it was inoperable or unloaded.

Specifies that the enumerated circumstances are not exclusive, and the court maintains authority to dismiss or strike an enhancement in accordance with existing law. Provides that these provisions apply to sentencings occurring after January 1, 2021. (PEN amend 1385)

SB 567 (BRADFORD), CH. 731 EFFECTIVE JANUARY 1, 2022 CRIMINAL PROCEDURE: SENTENCING Requires the court to impose a term of imprisonment not exceeding the middle term unless there are circumstances in aggravation that, in the case of a trial by jury, are submitted to a jury and proved beyond a reasonable doubt or are stipulated by the defendant. Requires the court, upon the request of the defendant, to bifurcate the trial on the circumstances in aggravation from the trial of charges and enhancements unless the relevant facts came in at trial. Allows the court to consider prior convictions based on a certified record of conviction without a finding by the jury. Requires the court to set forth on the record the reasons for imposing the term selected. (PEN amend 1170, 1170.1)

SB 775 (BECKER), CH. 551 EFFECTIVE JANUARY 1, 2022 FELONY MURDER: RESENTENCING Allows a person who was convicted of murder under any theory under which malice is imputed to a person based solely on that person's participation in a crime, or who was convicted of attempted murder under the natural and probable consequences doctrine, or who was convicted of manslaughter when the prosecution was allowed to proceed on a theory of felony murder or murder under the natural and probable consequences doctrine, to apply to have their sentence vacated and be resentenced if, among other things, the complaint, information, or indictment was filed to allow the prosecution to proceed under a theory of felony murder, murder under the natural and probable consequences doctrine, or attempted murder under the natural and probable consequences doctrine. Requires a court, when reviewing the petition to determine whether the petitioner has made a prima facie showing that the petitioner falls within the resentencing provisions, to hold a prima facie hearing prior to denying a petition. Clarifies that counsel must be appointed, if requested, upon the filing of a facially sufficient petition and that only after the appointment of counsel and the opportunity for briefing may the court determine whether the petitioner has established a prima facie case for relief. (PEN amend 1170.95)

From: Carlson. Chris (DA)
Sent: Tuesday, September 14, 2021 12:40 PM
To: Meyer. Frank (DA)
Subject: Another 1473.7 case
Attachments: A159679.PDF

Filed 8/30/21

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE, Plaintiff and Respondent, v. VANESSA S. RODRIGUEZ, Defendant and Appellant.	A159679 (Napa County Super. Ct. No. CR121064)

Vanessa S. Rodriguez appeals from the trial court's denial of her 2020 motion under Penal Code section 1473.7[1] to vacate her 2005 conviction for felony possession for sale of a controlled substance, methamphetamine, in violation of Health and Safety Code section 11378.[2] Section 1473.7 permits individuals who are no longer in custody to move to vacate a conviction or sentence on the ground it is "legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of" the plea. (§ 1473.7, subd. (a)(1).) At the time Rodriguez filed her motion,

[1] Statutory references are to the Penal Code unless otherwise stated.

[2] Rodriguez also based her motion on section 1016.5, which requires a trial court, before accepting a plea of guilty or nolo contendere, to advise a defendant that if he or she is not a citizen, the conviction may have certain immigration consequences, including deportation. On appeal, Rodriguez does not argue the trial court failed to provide this advisement.

she had been detained by federal authorities and was facing mandatory deportation to her country of birth, Mexico, because of that conviction. She has since been deported.[3]

In 2005, Rodriguez pleaded no contest to the charge of possession for sale in violation of Health and Safety Code section 11378 (as well as to transportation of a controlled substance, methamphetamine, in violation of Health and Safety Code section 11379[4]) as part of a negotiated disposition of a multi-count case against her and was placed on probation. She brought her motion soon after she was detained by federal authorities. She submitted a

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[3] The People do not contend that deportation moots this appeal, presumably because her record of conviction, which the trial court declined to vacate, may continue to prevent her entry into this country in the future. (See *Zegarra-Gomez v. I.N.S.* (9th Cir. 2003) 314 F.3d 1124, 1127 ["case or controversy requirement is satisfied where the petitioner is deported, so long as he was in custody when the habeas petition was filed and continues to suffer actual collateral consequences of his removal"]; *United States v. Marsh* (1st Cir.1984) 747 F.2d 7, 9, fn. 2 [although defendants had been deported, their record of conviction constituted a "continuing harm" that may prevent their entry into this country in the future" and "[a]ccordingly, their appeals are not moot"].) Regardless, even if the case were moot for some reason, we would exercise our discretion to consider it because it poses issues of broad public interest, as seen by the Legislature's own declarations regarding sections 1473.7 and 1016.2, which we will discuss, and because Rodriguez argues trial court errors in implementing section 1473.7 that are likely to recur without appellate court guidance. (*County of Fresno v. Shelton* (1998) 66 Cal.App.4th 996, 1006 [appellate courts have the discretion "to decide a case which, although technically moot, poses an issue of broad public interest that is likely to recur"].)

[4] At the same time, Rodriguez also pleaded no contest to and was convicted of transportation of methamphetamine under Health and Safety Code section 11379. She does not seek to have that conviction vacated, and the People do not argue that the transportation conviction rendered her deportable or resulted in her inability to show prejudice from denial of the motion to vacate the sale conviction. We therefore do not address that conviction.

declaration of her own and a declaration of the supervising attorney of the law office that represented her in 2005, stating that her possession for sale conviction was legally invalid because in 2005 a prejudicial error damaged her ability to meaningfully understand the actual or potential adverse immigration consequences of her no contest plea. The declarations further stated that, but for this error, it was reasonably probable she would not have entered the plea. She stated that she had come to the United States when she was an infant and had lived in this country ever since, and that her family, including her two young children, her parents and her five sisters, all live in the United States. The trial court rejected her motion on the grounds that she appeared to be on probation in another case, which it held would bar her motion under the terms of section 1473.7, and that in any event she failed to show there was a reasonable probability that she would not have entered her no contest plea if she had been fully informed of its adverse immigration consequences.

We review this case under the guidance recently provided by our Supreme Court in *People v. Vivar* (2021) 11 Cal.5th 510 (*Vivar*), which directs appellate courts to independently review lower court rulings on section 1473.7 motions that are based entirely on documentary evidence. We conclude the trial court erred in rejecting Rodriguez's motion. Rodriguez was no longer in custody in the underlying case, and her probation status in a wholly separate case did not bar her motion. Further, she showed it was reasonably probable that she would not have entered her no contest plea if she had known its adverse immigration consequences. That she was not advised of these consequences by her attorney and was not aware of them is corroborated by the supervising attorney's declaration based on his review of Rodriguez's 2005 case file. That this failure to advise was prejudicial is

apparent because of Rodriguez's undisputed, deep, lifelong connections to this country, the dire consequences of her plea and the likelihood that she would have fought harder to avoid these consequences if she had known of them. It is at least as probable that she would have not entered her no contest plea as that she would have. We therefore reverse.

BACKGROUND

Rodriguez filed her motion in Napa County Superior Court in January 2020 (2020 motion) with three supporting declarations. As we detail further in the Discussion section, Rodriguez was 22 years old in 2005 and had previously committed a few relatively minor offenses that did not involve drugs. In her 2020 declaration, she stated that her life and her family had been entirely in the United States since she was a year old; that she was not informed of, and did not know, the actual or potential adverse immigration consequences of her 2005 no contest plea to the possession for sale charge and that she would not have entered it if she had known them. A supervising attorney of the law office that represented Rodriguez in 2005 declared that Rodriguez's 2005 case file contained extensive notes by her attorney but did not indicate her attorney ever looked into, or advised Rodriguez about, the possible immigration consequences of Rodriguez's plea. Rodriguez's 2020 attorney declared that the adverse immigration consequences of her possession for sale conviction, which, as an "aggravated felony" under federal law, rendered her deportable from, and unable to gain readmission to, the United States.

The People opposed Rodriguez's motion, contending she did not establish that prejudicial error damaged her ability to understand the adverse immigration consequences of her no contest plea for multiple reasons.

After reviewing these briefs and hearing argument, the trial court denied Rodriguez's motion. The court ruled that Rodriguez's existing formal probation status in an unrelated case made her ineligible to move under section 1473.7. The court also concluded that Rodriguez did not show prejudicial error, since she failed to prove ineffective assistance of counsel and likely would have pleaded no contest no matter what her knowledge in light of the overwhelming evidence of her guilt.

Rodriguez subsequently filed a timely notice of appeal.[5]

DISCUSSION

I.

The Enactment and Amendment of Section 1473.7

The Legislature enacted section 1473.7 in 2016. We briefly lay out the historical circumstances giving rise to its enactment.

For many years, adverse immigration consequences of guilty pleas were considered indirect or collateral matters and, thus, trial courts were not required to advise defendants of them. (*People v. Mejia* (2019) 36 Cal.App.5th 859, 866-867 (*Mejia*).) In 1977, the Legislature enacted section 1016.5 (added by Stats. 1977, ch. 1088, § 1), which requires trial courts to advise criminal defendants, "If you are not a citizen, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission

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[5] The trial court denied Rodriguez's request for a certificate of probable cause, but Rodriguez does not need such a certificate to maintain her appeal. (§ 1473.7, subd. (f) ["An order granting or denying the motion is appealable under subdivision (b) of Section 1237 as an order after judgment affecting the substantial rights of the party"]; see also *People v. Arriaga* (2014) 58 Cal.4th 950, 960 [no certificate required for an appeal from a denial of a section 1016.5 motion to vacate a conviction].) The People do not contend otherwise.

to the United States, or denial of naturalization pursuant to the laws of the United States." (§ 1016.5, subd. (a).) Defense attorneys, however, were still under no particular duty to discuss these potential adverse immigration consequences with their clients, although an affirmative misrepresentation about them could constitute ineffective assistance. (*Mejia*, at p. 867.) Thus, unless a defendant actually inquired about immigration consequences, "counsel could generally rely on the court's immigration advisement." (*Ibid.*)

In 2010, the United States Supreme Court issued *Padilla v. Kentucky* (2010) 559 U.S. 356 (*Padilla*). It held that an attorney is constitutionally ineffective under the Sixth Amendment if he or she fails to advise a client-defendant of the actual or potential adverse immigration consequences of pleading guilty to a criminal charge. In 2015, the California Legislature enacted section 1016.3, which essentially codified the holding of *Padilla* by requiring defense counsel to "provide accurate and affirmative advice about the immigration consequences of a proposed disposition" and, when consistent with the defendant's informed consent and with professional standards, "defend against those consequences." (2015 Stats., ch. 705, § 2, eff. Jan. 1, 2016.)

In the meanwhile, however, the Supreme Court, in *Chaidez v. United States* (2013) 568 U.S. 342, had held *Padilla* is *not* retroactive. Thus, *Padilla* does not provide grounds for vacating a conviction that was final prior to 2010 by a defendant who was not properly advised by counsel of the actual or potential adverse immigration consequences of a guilty or no contest plea.

In 2016, the California Legislature adopted section 1473.7, effective January 1, 2017. Section 1473.7, subdivision (a) as originally written "creat[ed] a mechanism to allow individuals who are no longer imprisoned to move to vacate a conviction or sentence on the ground that '[t]he conviction or

sentence is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere.' " (*People v. Rodriguez* (2021) 60 Cal.App.5th 995, 1002 (*Rodriguez*), quoting former section 1473.7, subd. (a)(1); Stats. 2016, ch. 739, § 1.) Former section 1473.7, subdivision (e)(1) provided (and continues to provide), "The court shall grant the motion to vacate the conviction or sentence if the moving party establishes, by a preponderance of the evidence, the existence of any of the grounds for relief specified in subdivision (a)." (Stats. 2016, ch. 739, § 1; § 1473.7, subd. (e)(1).) Further, "If the court grants the motion to vacate a conviction or sentence obtained through a plea of guilty or nolo contendere, the court shall allow the moving party to withdraw the plea." (Stats. 2016, ch. 739, § 1; § 1473.7, subd. (e)(3).)

"As explained in the report of the Senate Committee on Public Safety when considering the bill that became former section 1473.7 (Sen. Com. on Pub. Safety, Rep. on Assem. Bill No. 813 (2015-2016 Reg. Sess.) June 22, 2015 (Pub. Safety, Rep. on Assem. Bill No. 813)), the purpose of the legislation was to 'fill a gap in California criminal procedure' (Pub. Safety, Rep. on Assem. Bill No. 813, at p. 5) by providing a means to challenge a conviction by a person facing possible deportation who is no longer in criminal custody and thus for whom a petition for a writ of habeas corpus is not available: 'California lags far behind the rest of the country in its failure to provide its residents with a means of challenging unlawful convictions after their criminal sentences have been served. . . . [¶] This omission has a particularly devastating impact on California's immigrant community . . . . Many immigrants suffer convictions without having any idea that their criminal record will, at some point in the future, result in

mandatory immigration imprisonment and deportation, permanently separating families. [¶] . . . Challenging the unlawful criminal conviction is often the only remedy available to allow immigrants an opportunity to remain with their families in the United States. Yet, in California, affected individuals have no way of challenging their unjust convictions once probation ends, because they no longer satisfy habeas corpus' strict custody requirements.' (Pub. Safety, Rep. on Assem. Bill No. 813 at pp. 4-5.) The Senate report continued, 'This bill creates a new mechanism for post-conviction relief for a person who is no longer in actual or constructive custody. Specifically, it allows a person to move to vacate a conviction due to error affecting his or her ability to meaningfully understand, defend against, or knowingly accept the actual or potential immigration consequences of the conviction.' (Public Safety, Rep. on Assem. Bill No. 813 at p. 6.)" (*People v. Fryhaat* (2019) 35 Cal.App.5th 969, 976-977.)

Unlike the *Padilla* rule, Section 1473.7 applies retroactively, allowing challenges to pleas entered into before it was adopted. (*People v. Perez* (2018) 19 Cal.App.5th 818, 824-829; *People v. Espinoza* (2018) 27 Cal.App.5th 908, 912-914; *People v. Tapia* (2018) 26 Cal.App.5th 942, 949; see *People v. Morales* (2018) 25 Cal.App.5th 502 (*Morales*) [granting section 1473.7 motion of party who pleaded and served time for a crime in 2002].)

California courts initially interpreted section 1473.7 to require defendants to prove ineffective assistance of counsel, following an analysis like that in *Padilla*. "California courts uniformly assumed . . . that moving parties who claim prejudicial error was caused by having received erroneous or inadequate information from counsel, must demonstrate that counsel's performance fell below an objective standard of reasonableness under prevailing norms, as well as a reasonable probability of a different outcome if

counsel had rendered ineffective assistance." (*People v. Camacho* (2019) 32 Cal.App.5th 998, 1005-1006 (*Camacho*).)

In 2018, the Legislature amended section 1473.7, effective January 1, 2019 (Stats. 2018, ch. 825, § 2), clarifying that the judicial interpretation of section 1473.7 to require a showing of ineffective assistance of counsel was not what it had intended. (See Stats. 2018, ch. 825, § 1, subd. (b); see *Camacho, supra*, 32 Cal.App.5th at p. 1007.) The Legislature added this sentence to the end of the 2018 version of section 1473.7, subdivision (a)(1): "A finding of legal invalidity may, but need not, include a finding of ineffective assistance of counsel." (Stats. 2018, ch. 825, § 2)

This amended version of section 1473.7 governed when the trial court considered Rodriguez's motion to vacate her conviction in 2020.[6] "[T]he Legislature's declarations included the following: '(c) This measure shall be interpreted in the interests of justice and consistent with the findings and declarations made in Section 1016.2 of the Penal Code'; and, '(d) The State of California has an interest in ensuring that a person prosecuted in state court does not suffer penalties or adverse consequences as a result of a legally invalid conviction.' (Stats. 2018, ch. 825, § 1(c) & (d).)" (*Camacho, supra*, 32 Cal.App.5th at p. 1007.)

The declarations in section 1016.2 that the Legislature reiterated as the underpinnings for interpretation of section 1473.7, include that:

"[In *Padilla*] the United States Supreme Court found that for noncitizens, deportation is an integral part of the penalty imposed for

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[6] The Legislature subsequently amended section 1473.7 again, as part of the California Racial Justice Act of 2020, to provide relief to persons who could show their conviction or sentence was based on race, ethnicity, or national origin in violation of section 745, subd. (a). (Stats. 2020, ch. 317, § 5.) That amendment is not relevant to this appeal.

criminal convictions" and "may be by far the most serious penalty flowing from the conviction" (§ 1016.2, subd. (c));

"With an accurate understanding of immigration consequences, many noncitizen defendants are able to plead to a conviction and sentence that satisfy the prosecution and court, but that have no, or fewer, adverse immigration consequences than the original charge" (§ 1016.2, subd. (d));

"Defendants who are misadvised or not advised at all of the immigration consequences of criminal charges often suffer irreparable damage to their current or potential lawful immigration status, resulting in penalties such as mandatory detention, deportation, and permanent separation from close family" (§ 1016.2, subd. (e));

"In immigration proceedings, there is no court-appointed right to counsel and as a result, the majority of detained immigrants go unrepresented. Immigration judges often lack the power to consider whether the person should remain in the United States in light of equitable factors such as serious hardship to United States citizen family members, length of time living in the United States, or rehabilitation" (§ 1016.2, subd. (f)); and

"The immigration consequences of criminal convictions have a particularly strong impact in California. One out of every four persons living in the state is foreign-born. One out of every two children lives in a household headed by at least one foreign-born person. The majority of these children are United States citizens. It is estimated that 50,000 parents of California United States citizen children were deported in a little over two years. Once a person is deported, especially after a criminal conviction, it is extremely unlikely that he or she ever is permitted to return." (§ 1016.2, subd. (g).)

The 2018 amendment of section 1473.7 "made it easier to retroactively challenge convictions" where the defendant was not properly advised of immigration consequences by removing judicially created "barriers" to relief. (*People v. Ruiz* (2020) 49 Cal.App.5th 1061, 1066-1067.) Since the 2018 amendment, courts have adopted a more expansive interpretation of section 1473.7, subdivision (a)(1). For example, several have held that, under the statute as amended, the error need not be one made by defense counsel or the court but may be one made by *the moving party herself* if supported by contemporaneous evidence. (*Mejia, supra*, 36 Cal.App.5th at pp. 870-871.)[7] Several have held the "prejudice component of the amended statute" does not require a showing that, if the moving party had rejected the plea and gone to trial, there is a reasonable probability he or she would have obtained a more favorable result. Rather, prejudice is established if the movant shows "there is a *reasonable probability* [he or she] would not have pleaded guilty–and would have risked going to trial (even if only to figuratively throw a 'Hail Mary')—had [he or she] known the guilty plea would result in mandatory and dire immigration consequences." (*Id.* at p. 871 [agreeing with *Camacho, supra*, 32 Cal.App.5th at pp. 1009-1011]; accord, *Ruiz, supra*, 49 Cal.App.5th at pp. 1066-1067.) The California Supreme Court recently interpreted section 1473.7 to adopt this prejudice standard. (*Vivar, supra*, 11 Cal.5th at pp. 529-530.)

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[7] See also *Camacho, supra*, 32 Cal.App.5th at pp. 1008-1009; *People v. Jung* (2020) 59 Cal.App.5th 842, 846, disapproved on other grounds in *Vivar, supra*, 11 Cal.5th at p. 526, fn. 4; *People v. Rodriguez, supra*, 60 Cal.App.5th at p. 1005.)

II.

We Independently Review the Trial Court's Denial of Rodriguez's Motion to Vacate Her Conviction.

The parties agree that we should independently review the trial court's denial of Rodriguez's motion, both relying on *People v. DeJesus* (2019) 37 Cal.App.5th 1124, 1132 [appellate court should "exercise our independent judgment to decide whether the facts demonstrate deficient performance and resulting prejudice"].) Since they submitted their briefs, the California Supreme Court held in *Vivar*, *supra*, 11 Cal.5th 510 that appellate courts should independently review section 1473.7 rulings on motions brought under subdivision (a) that rely entirely on documentary evidence (*Vivar*, at pp. 527-528), as is the case here. Specifically, the court held that, while we "may not simply second-guess factual findings that are based on the trial court's own observations . . . , [w]here . . . facts derive entirely from written declarations and other documents, . . . there is no reason to conclude the trial court has the same special purchase on the question at issue; as a practical matter, the '[t]rial court and [the appellate] court are in the same position in interpreting written declarations' when reviewing a cold record in a section 1473.7 proceeding. [Citation.] Ultimately it is for the appellate court to decide, based on its independent judgment, whether the facts establish prejudice under section 1473.7." (*Ibid.*) The court reasoned that "[a] standard of independent review . . . is most consistent with section 1473.7's purpose: to offer relief to those persons who suffered 'prejudicial error' but are 'no longer imprisoned or restrained' and for that reason alone are unable to pursue relief on habeas corpus. (Legis. Counsel's Dig., Assem. Bill No. 813 (2015-2016 Reg. Sess.).)" (*Id.* at p. 525.)

All the evidence submitted to the trial court regarding Rodriguez's motion was documentary in nature. Therefore, following *Vivar*, we conduct

an independent review of the motion and are not required to defer to the trial court's findings or rulings.

III.

The Trial Court Erred in Holding Rodriguez's Probation Status for an Unrelated Conviction Barred Her Section 1473.7 Motion.

Rodriguez and the People agree that the trial court erred in ruling that Rodriguez was barred under the terms of former section 1473.7 from moving to vacate her 2005 conviction when she was on probation for another, unrelated conviction. In this case of first impression, we agree that the trial court erred as a matter of law.

The People did not argue below that Rodriguez was barred from bringing her 2020 motion because she then was on probation for another, unrelated conviction. Nonetheless, the trial court so concluded as its first reason for denying Rodriguez's motion. It apparently relied on the opening provision of section 1473.7, subdivision (a), which states in relevant part, "A person *who is no longer in criminal custody* may file a motion to vacate a conviction" on the ground asserted by Rodriguez here. (Stats. 2018, ch. 825, § 2, italics added.)

As we wrote recently in interpreting section 1473.7, "Our interpretation of the statute begins with, but is not necessarily limited to, its words. [Citation.] 'Statutory interpretation is a question of law [citation] in which we ascertain the Legislature's intent " 'with a view to effectuating the purpose of the statute, and construe the words of the statute in the context of the statutory framework as a whole.' " ' [Citation.] 'We give the words of the statute "a plain and commonsense meaning" unless the statute specifically defines the words to give them a special meaning.' [Citation.]

" ' "If the statutory language is unambiguous, we presume the Legislature meant what it said, and the plain meaning of the statute

controls." ' [Citation.] Nonetheless, '[w]e may also look to a number of extrinsic aids, including the statute's legislative history, to assist us in our interpretation.' [Citation.] 'Courts seek to ascertain the intent of the Legislature for a reason—"to effectuate the purpose of the law." ' [Citation.] In the end, we should avoid interpreting a statute in a manner which would both frustrate its purpose and lead to absurd results. [Citation.]" (*Morales, supra*, 25 Cal.App.5th at p. 509.)

Section 1473.7's directive that "[a] person who is no longer in criminal custody may file a motion to vacate a conviction" does not on its face conclusively indicate whether a person may move to vacate a particular conviction at a time when that person is on probation for another, unrelated conviction (probation being a form of constructive custody (*People v. Cruz-Lopez* (2018) 27 Cal.App.5th 212, 220-221). Nonetheless, the language of this directive, when considered with the remainder of section 1473.7, the Legislature's purpose for the statute and the larger statutory framework, indicates the Legislature intended this clause to mean a person may file a motion to vacate a conviction provided the person is no longer in criminal custody *for that particular conviction*, and nothing more.

First, the language of the directive, i.e., "a person who is *no longer* in criminal custody" (italics added), presupposes the movant was once in criminal custody. The only reason for the Legislature to have presumed a movant will necessarily have served time is that the statute is providing potential relief from a plea agreement and resulting conviction in a criminal matter. The language regarding criminal custody is at minimum susceptible to the interpretation that "criminal custody" refers to custody resulting from the plea and conviction being challenged.

Second, to interpret the statute otherwise, as allowing those for whom a conviction is invalid to challenge it only if they are not in custody for an unrelated offense, would thwart the Legislature's purpose of providing a means for a person who cannot seek habeas corpus to challenge a conviction on an offense that had adverse immigration consequences. Habeas corpus provides a mechanism by which a person who is detained may challenge the legality or the conditions of that detention. As our Supreme Court stated in *People v. Villa* (2009) 45 Cal.4th 1063 (*Villa*), " 'once the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual "in custody" for the purposes of a habeas attack upon it.' " (*Id.* at p. 1071; see § 1473, subd. (a) ["A person unlawfully imprisoned or restrained of their liberty, under any pretense, may prosecute a writ of habeas corpus *to inquire into the cause of the imprisonment or restraint*"], italics added.)

The court in *Villa* held that an individual who was the subject of deportation proceedings by the federal government, which did not seek to deport him until 16 years after he was convicted and long after he had completed his probation, could not obtain relief on habeas corpus because he was "no longer in California custody as a result of his 1989 conviction." (*Villa, supra,* 45 Cal.4th at p. 1066.) As the court explained, "The key prerequisite to gaining relief on habeas corpus is a petitioner's custody. Thus, an individual in custody for a crime (or alleged crime) may—within limits—challenge the legality of that detention on habeas corpus." (*Id.* at p. 1069.) "While the continuing existence of the collateral consequences of a criminal conviction may be relevant to determining a mootness claim [citation], 'once the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to

render an individual "in custody" for the purposes of a habeas attack upon it' [Citation.]" (*Id.* at p. 1071.)

When the Legislature enacted section 1473.7, the initiating legislative committee expressed concern about the limitations described in *Villa* that make habeas corpus unavailable for immigrants no longer in custody on the deportable offense.[8] (*Morales*, *supra*, 25 Cal.App.5th at pp. 512-514 & fn. 8.) Under the trial court's interpretation of section 1473.7, movants completing sentences on nondeportable offenses would be deprived of any remedy where, as here, the federal government proceeds to deport them while they are under restraint on a nondeportable offense. Such an interpretation would leave open part of the " 'gap in California criminal procedure' " the Legislature sought to close and deny some immigrants of the opportunity the Legislature created for challenging invalid convictions that can no longer be challenged by habeas corpus.[9] To adopt that interpretation would contravene the Legislature's directive that section 1473.7 "shall be interpreted in the interests of justice and consistent with the findings made in Section 1016.2 of the Penal Code." (Stats. 2018, ch. 825, § 1, subd. (c).) This we will not do.

We conclude the Legislature did not intend to bar persons from moving under section 1473.7 to vacate a conviction at a time when they are in

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[8] In *Villa*, the petitioner was not in state custody but in federal custody only, while awaiting deportation. However, the court's discussion indicates there are two components to the "in custody" requirement for habeas, (1) that the petitioner be in actual or constructive custody of the state, and (2) that such custody be a result of the allegedly unlawful conviction or sentence.

[9] As the People acknowledge, the holding in *People v. Cruz-Lopez, supra,* 27 Cal.App.5th 212 (and likewise *People v. DeJesus, supra,* 37 Cal.App.5th at pp. 1131-1132) that a movant under section 1473.7 could not challenge his conviction on the deportable offense while still on probation (and thus in constructive state custody) *for that offense* has no bearing here. In such a circumstance, a movant may still avail himself of habeas corpus.

custody for another, unrelated conviction. The trial court erred as a matter of law in concluding otherwise to deny Rodriguez's motion.

IV.

Rodriguez Showed It Was Reasonably Probable She Would Not Have Pleaded No Contest but for Prejudicial Error.

The parties agree that possession of a controlled substance for sale is, and was at the time of Rodriguez's plea in 2005, an "aggravated felony" under federal law,[10] making deportation and exclusion from readmission mandatory.[11] It is also undisputed that in 2020, when she filed her motion to vacate her possession for sale conviction, Rodriguez had been taken into ICE custody and faced mandatory deportation and a bar from readmission as a result of that conviction. The People do not contest Rodriguez's showing (or defend the trial court's contrary finding) that Rodriguez entered her no contest plea to the possession for sale charge in 2005 based on an error that damaged her ability to understand the actual and potential adverse immigration consequences of that plea. In this appeal, the parties' dispute is narrowed to whether the error was prejudicial.

Rodriguez argues the trial court erred in ruling she failed to show it was reasonably probable she would not have entered her 2005 no contest plea

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[10] See 8 U.S.C. § 1101(a)(43)(B); *United States v. Andrino-Carillo* (9th Cir. 1995) 63 F.3d 922, 925 (Congress defined trafficking in controlled substance as aggravated felony in the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. No. 103-416, § 222(a), 108 Stat. 4305, 4320-22 (1994)); *Moncrieffe v. Holder* (2013) 569 U.S. 184, 188 (drug trafficking felony punishable by more than one year's imprisonment counts as "aggravated felony" for immigration purposes).

[11] See 8 U.S.C. § 1227(a)(2(A)(iii) (mandatory deportation for aggravated felonies); *United States v. Watson* (1st Cir. 2004) 386 F.3d 304, 305 (witness's "conviction for an aggravated felony exposed him to mandatory deportation" under 8 U.S.C. § 1227(a)(2)(A)(iii)).

to the possession for sale charge but for an error that prevented her from knowing it would lead to her mandatory deportation. We agree.

A. Relevant Proceedings Below

In January 2020, Rodriguez filed her section 1473.7 motion to vacate her 2005 possession for sale conviction. In her accompanying declaration, she stated, "I came to the United States when I was one year old. I grew up in Napa and have lived here all my life. I went to Westwood Elementary School (now NVLA), Silverado Middle School, and Napa High School. In 2005, as today, my family and my entire life are in the United States. In 2005 I was in a committed relationship and had two children here (then aged one and three) living with us in Napa, and I was pregnant with my third child. I now have four children here who are all U.S. citizens. My mother is a U.S. citizen, and my father is a lawful permanent resident who is pending naturalization as a citizen. I have five sisters who all live in the United States. I have never lived in Mexico, and I have no family ties or community in Mexico."

The declaration further stated, "At no time before entry of my [no contest] plea [in 2005] did my attorney or the Court explain to me that a conviction of [Health and Safety Code section] 11378 is an 'aggravated felony' for purposes of United States immigration law, a conviction which guarantees deportability, exclusion from the United States, a serious federal felony upon return, and denial of naturalization." According to Rodriguez, she pleaded no contest to the possession for sale charge the day after being jailed, apparently for failing to appear at a hearing after being released on her own recognizance. After noting she had a co-defendant in the case, she contended she was not guilty of the possession for sale offense, but "entered a no contest plea and accepted the plea deal because I had been taken into custody the day before and I was desperate to get out of jail and return to my family as

soon as possible." She declared that she "would never have entered the plea of no contest if I had been aware of the automatic immigration consequences of such a plea; that is, that the plea would separate me forever from my children, my parents, my entire family, and the only community I have ever known." After she was taken into ICE custody in September 2019 and consulted an immigration lawyer, she learned for the first time that her conviction of a violation of Health and Safety Code section 11378 "would be used by the government to deport and exclude me from readmission into the United States, and to prevent me from ever becoming a citizen." In January 2020, Rodriguez filed her motion. She was represented by counsel but was unable to attend the hearing because she was in ICE custody.

Rodriguez also submitted a declaration by Mervyn Lernhart, Jr., the supervising attorney of the conflict public defender office in 2005. Lernhart stated he had maintained custody and control of the closed case files from that year. Rodriguez's case had been handled by an attorney who "wrote extensive file notes during her representation of Ms. Rodriguez. There is no indication in any of the file notes that [the representing attorney] ever examined the immigration consequences that could or would result from the entry of a guilty or no contest plea to a violation of [Health and Safety Code] section 11378 in this case, nor that she ever advised Ms. Rodriguez of any such consequences." Lernhart added, "As a career defense attorney, I will state that prior to 2010 and the U.S. Supreme Court's opinion in Padilla v. Kentucky, 559 U.S. 356 (2010) [holding that a lawyer is constitutionally ineffective for Sixth Amendment purposes if he or she fails to advise a client of the potential immigration consequences of pleading guilty to a criminal charge], it was not the common practice of defense counsel to research or

advise clients regarding the specific immigration consequences of a particular plea."

Rodriguez also submitted a declaration by the attorney representing her in removal proceedings, Aaron M. Morrison. Morrison stated Ms. Rodriguez is currently married to a United States citizen; her mother and father are a U.S. citizen and a lawful permanent resident, respectively; her four siblings are U.S. citizens; and all of her immediate family members reside in the United States. This includes her four children, aged 8 to 18, who were born in the United States and are U.S. citizens. Morrison explained that Rodriguez's 2005 possession for sale conviction was "classified as an 'aggravated felony' under the Immigration and Naturalization Act ('INA')," which rendered Rodriguez, as a non-citizen, deportable and ineligible for virtually all forms of discretionary immigration relief and benefits and rendered her inadmissible to the United States even though she was married to a United States citizen. Also, in 2005 Rodriguez was eligible to adjust her immigration status without leaving the country as the beneficiary of a pending family-based visa petition filed by her mother on her behalf in 1995. Her conviction of possession for sale disqualified her from obtaining this relief.

The People opposed Rodriguez's motion, contending she did not establish prejudicial error based on 2005 police and probation reports, as well as Rodriguez's 2005 plea form, which they attached to their opposition. These documents indicate police initially pulled Rodriguez over in March 2005 for driving an unregistered car that displayed false registration tags. A male passenger with her consented to be searched, leading to the police discovery of a methamphetamine pipe in his pants pocket. Upon questioning, Rodriguez said a small amount of methamphetamine was in a

"zipper purse" near the driver's seat. Inside the purse, police found two Ziploc bags containing methamphetamine and coin-size Ziploc bags. In the car, they also found a gram scale and what appeared to be Rodriguez's backpack, which contained a Ziploc bag of methamphetamine and $500 in cash. A total of 4.8 grams of methamphetamine were found to be in Rodriguez's possession. Two Ziploc bags containing methamphetamine were also found in the passenger's pants coin pocket.

After being advised of her *Miranda* rights,[12] Rodriguez admitted to selling methamphetamine and to having a smoking pipe on her person. Police seized the pipe and her cell phone, which rang constantly during the stop and indicated 51 calls had been missed, and arrested Rodriguez. Upon further questioning, Rodriguez told police the methamphetamine found in her possession was for her own use and the $500 in cash was from her work cleaning houses and babysitting. She admitted having sold drugs to about five friends, to whom she delivered $20 bags of methamphetamine when they called her. She said she sold a $20 bag of methamphetamine to a friend in Napa that night, more that night in Vallejo, and about five bags the night before in Napa to close friends. She told police a friend gave her the coin-size Ziploc bags in case she needed them and that she was returning the gram scale to its owner, although she could not say where he lived.

In their opposition to Rodriguez's 2020 motion, the People also noted that, as part of the negotiated disposition of her case, Rodriguez initialed a statement on her plea form that states: "I understand that, if I am not a United States citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of

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[12] *Miranda v. Arizona* (1966) 384 U.S. 436.

naturalization." Further, the form contains a signed declaration by Rodriguez's attorney in 2005 stating that she explained the "consequences of the plea[s]" to Rodriguez.

The People further contended that in 2020, Rodriguez had five open criminal cases, including a charged strike offense for assault with a deadly weapon allegedly committed while she was on grants of probation for petty theft and driving with a suspended license. Further, she was on a grant of deferred entry of judgment for possession of a methamphetamine pipe, was convicted in 2005 of felony possession of forged checks and was convicted in 2016 of a misdemeanor offense.

Based on this information, the People argued Rodriguez failed to show that a prejudicial error damaged her ability to understand the actual or potential adverse immigration consequences of her 2005 no contest plea to possession for sale. First, her initialing of the 2005 plea form statement and her then-attorney's declaration established that she had been sufficiently informed that her plea could have possible adverse immigration consequences. Second, her 2020 declaration statement that she had not been advised of these adverse immigration consequences in 2005 was not credible because she also stated that she was not guilty of possession for sale despite having confessed to police in 2005 that she was selling methamphetamine to friends. Third, her contention that she would not have entered the no contest plea if she had known its adverse immigration consequences was belied by her criminal record after 2005, which showed her repeated willingness to act in ways that jeopardized her residency in the United States. Fourth, there was no reason to believe she would have rejected the 2005 plea deal because, given the overwhelming evidence of her guilt, it was a better result than a

conviction after a trial that would have exposed her to the same adverse immigration consequences.

At the hearing, in addition to his previous arguments, Rodriguez's counsel contended the court should believe Rodriguez's assertion that she would not have pleaded no contest to possession for sale if she had known it would cause her deportation because in 2005 she had honestly admitted to police, against her interest, that she sold a modest amount of methamphetamine to friends; a relatively small amount of methamphetamine was found in her possession, supporting her assertion that it was for her personal use; and she was unlikely to have gone to prison after a trial in light of her modest criminal record and the circumstances of the case. He argued Rodriguez had a "good case" for which she could have negotiated the same disposition on an "immigration safe" plea. Counsel further argued the "vague" plea advisement about possible immigration consequences contained in the 2005 plea form was insufficient to advise Rodriguez of the adverse immigration consequences of her plea. He acknowledged that, as of the 2020 hearing, Rodriguez was on probation for a petty theft.

In addition to his previous arguments, the prosecutor contended it was unclear that Rodriguez's deportation for her 2005 possession for sale conviction was "automatic," since she had not been detained for deportation until several months before the 2020 hearing. This suggested that "if she hadn't continued to tangle with the law she might not have become under federal custody now."

After hearing argument, the court denied Rodriguez's motion. It initially focused on her then-existing probation status, concluding it meant Rodriguez "may still be in custody for purposes of [section] 1473.7," which

would prohibit her motion. It also concluded for several reasons that Rodriguez failed to show it was reasonably probable that she would not have pleaded no contest to the possession for sale charge due to an error that damaged her understanding of the plea's adverse immigration consequences.

First, the court, construing Rodriguez's motion as probably arguing ineffective assistance of counsel, found no ineffective assistance because the United States Supreme Court did not establish a counsel's duty to inform a client about specific immigration consequences until five years later in *Padilla, supra,* 559 U.S. 356.[13]

Second, the court found Rodriguez did not show her 2005 attorney insufficiently advised her of the actual or potential adverse immigration consequences of her plea for two reasons: Rodriguez did not submit an affidavit from that attorney indicating a failure to advise, and a 2005 probation department sentencing report indicated Rodriguez misrepresented to the department that she was a United States citizen, suggesting that she "may have told" her lawyer the same thing. The court apparently concluded this misrepresentation eliminated any reason for her attorney to inform her of the adverse immigration consequences of her plea.

Third, the court found Rodriguez had little likelihood of success at a trial in 2005 in light of her "full confession to law enforcement about selling methamphetamine to friends" and the $500 and scale found in her possession. It doubted a prosecutor would have allowed her to plead to simple possession in light of her confession. The court concluded, "And so I

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[13] Finding no ineffective assistance of counsel, the court stated, "And I'm not certain if [Rodriguez's 2020 attorney] is alleging I.A.C. It sounds like maybe he is. And the court can consider whether the [2005 attorney], there is no way she could have known that the Sixth Amendment required a criminal defense attorney to advise of immigration consequences way back in 2005. The law didn't change regarding that requirement until 2010."

think the outcome that she got . . . is probably pretty consistent with the evidence that the People had at the time. And I think the break she got was that she was released [from jail] . . . . That's the benefit she got. That's the chance she was willing to take. But I don't see that she did that without any real understanding of the possible immigration consequences of this case because, A, I question whether she ever told her attorney at the time that she was not a U.S. citizen, and, B, I don't know that there was any I.A.C. by her attorney regarding her decision to or her lack of admonishment regarding any possible immigration consequence." The court continued, "And again given the nature of the charges in this case and the evidence that was stacked up against [Rodriguez], I don't see that this was a case that she was eager to defend against despite her affidavit to the contrary as part of this motion today." The court also agreed with the prosecutor that Rodriguez "kind of created her own bed" by continuing to engage in criminal activity after 2005 that could also cause her adverse immigration consequences. "So," the court continued, "I don't think that this is probably the case that's driving her concerns at this point. So I'm going to deny the motion."

B. Relevant Legal Standards

As we have already discussed, since the 2018 amendment of section 1473.7, "a person's own error in not understanding or knowingly accepting that a guilty plea will have certain and adverse immigration consequences may constitute prejudicial error entitling the person to relief under section 1473.7." (*People v. Jung*, *supra*, 59 Cal.App.5th at p. 846; *Mejia*, *supra*, 36 Cal.App.5th at p. 871 ["the focus of the inquiry in a section 1473.7 motion is on the '*defendant's own error* in . . . not knowing that his plea would subject him to mandatory deportation and permanent exclusion from the United States' "]; *Rodriguez*, *supra*, 60 Cal.App.5th at

p. 1005 [defendant's lack of awareness of a change in his sentence "constituted a prejudicial error"].)

Further, as our Supreme Court has explained, a person moving under section 1473.7 to vacate a conviction must also show that the error is prejudicial. (*Vivar*, *supra*, 11 Cal.5th at p. 528.) "Although the statute doesn't itself define what 'prejudicial' means, we can glean the meaning from its context." (*Ibid.*) Relying on other immigration-related statutes in which it had interpreted similar prejudice requirements, the court held that "showing prejudicial error under section 1473.7, subdivision (a)(1) means demonstrating a reasonable probability that the defendant would have rejected the plea if the defendant had correctly understood its actual or potential immigration consequences. When courts assess whether a [movant] has shown that reasonable probability, they consider the totality of the circumstances. [Citation.] Factors particularly relevant to this inquiry include the defendant's ties to the United States, the importance the defendant placed on avoiding deportation, the defendant's priorities in seeking a plea bargain, and whether the defendant had reason to believe an immigration-neutral negotiated disposition was possible." (*Id.* at pp. 529-530.)

Also, movants under section 1473.7 must provide evidence corroborating their assertions. " 'Courts should not upset a plea solely because of *post hoc* assertions from a defendant about how he would have pleaded but for his attorney's deficiencies. Judges should instead look to contemporaneous evidence to substantiate a defendant's expressed preferences.' " (*People v. Ogunmowo* (2018) 23 Cal.App.5th 67, 78, quoting *Jae Lee v. United States* (2017) 582 U.S. ___, 137 S.Ct. 1958, 1967 (*Lee*) [discussing how to evaluate the "reasonable probability" that a defendant

who would have rejected a plea deal but for counsel's erroneous advice about deportation in an ineffective assistance of counsel case].)

C. Analysis

The trial court's reasoning for concluding Rodriguez did not establish an error under section 1473.7 raises concerns that merit discussion even though the parties do not dispute that error was shown.

First, the court suggested Rodriguez's motion was based on ineffective assistance of counsel even though Rodriguez did *not* argue ineffective assistance in her motion or at the hearing. Instead, she asserted that her attorney did not inform her, and she did not know, the specific and dire consequences of her plea. Since the 2018 amendment, our courts have consistently held that prejudicial error may be based on the movant's own misunderstanding and that a movant need not prove ineffective assistance.

Second, the court relied on her purported misrepresentation to the probation department in 2005 that she was a United States citizen. The probation department's reference is contained in a social history summary that does not identify the source. The finding of misrepresentation was speculative.

Third, the court rejected Rodriguez's assertion that she was not informed of the adverse immigration consequences of her plea because the attorney who represented her in 2005 did not submit an affidavit. An affidavit of counsel is not required as long as there is some contemporary corroborating evidence, which there is in this case. Lernhart, the custodian of Rodriguez's file, declared it contains extensive notes but no indication that the attorney researched or discussed with Rodriguez the adverse immigration consequences of her plea. Further, at the time of Rodriguez's plea, Lernhart was the supervising attorney of the public defender's office where her counsel

was employed. He stated that prior to the *Padilla* decision in 2010, it was "not the common practice of defense counsel to research or advise clients regarding the specific immigration consequences of a particular plea."

Fourth, after commenting that Rodriguez had created "her own bed" since the conviction by her continued criminal behavior, the court concluded, "I don't think that this [2005 possession for sale case] is probably the case that's driving her concerns at this point." We understand the court's concern about Rodriguez's continued criminal behavior. Nevertheless, what might be her "driving concerns" in 2020 is irrelevant to whether she entered a plea in 2005 because of an error or would not have entered the plea but for that error.

Having addressed these concerns, we now turn to the primary issue in dispute, whether the trial court erred in holding Rodriguez did not show prejudice. We address this issue keeping in mind that, as we have discussed, under *Vivar*, we are not required to defer to the trial court's findings and conclusions, since they are based on a paper record. (See *Vivar*, *supra*, 11 Cal.5th at pp. 527-528.)

We cannot agree with the trial court's conclusion, based on the totality of the circumstances, that Rodriguez failed to show a reasonable probability that she would have rejected the plea and would have sought a different bargain with less drastic immigration consequences if she had known the consequences of the plea she entered. The trial court relied heavily on the potential outcome of Rodriguez's trial and gave short shrift to the evidence of her lifelong residence in and connection to the United States and the presence of her family here. It disregarded her assertion that she entered the plea because she had been taken into custody, was pregnant, and had young children at home.

As *Vivar* instructs, "Factors particularly relevant to this inquiry include the defendant's ties to the United States, the importance the defendant placed on avoiding deportation, the defendant's priorities in seeking a plea bargain, and whether the defendant had reason to believe an immigration-neutral negotiated disposition was possible." (*Vivar*, *supra*, 11 Cal.5th at pp. 529-530.) As one appellate court reviewing a section 1473.7 ruling observed, quoting the United States Supreme Court, " '[C]ommon sense . . . recognizes that there is more to consider than simply the likelihood of success at trial. The decision whether to plead guilty also involves assessing the respective consequences of a conviction after trial and by plea. [Citation.]' [Citation.] In *Lee*, the court found that the defendant had demonstrated a reasonable probability that he 'would have rejected any plea leading to deportation—even if it shaved off prison time—in favor of throwing a "Hail Mary" at trial.' " (*Camacho*, *supra*, 32 Cal.App.5th at pp. 1010-1011, quoting *Lee*, *supra*, 582 U.S. ___ [137 S.Ct. at pp. 1966, 1967].)

Our analysis rests on the meaning of "reasonably probable." It does not mean more likely than not. We have not found an opinion that discusses its meaning in evaluating a section 1473.7 ruling, but our Supreme Court and appellate courts have repeatedly explained it in other cases evaluating the impact of an error, including with regard to ineffective assistance of counsel claims. As we most recently observed in evaluating the impact of an evidentiary error under state law, "A 'reasonable probability' 'does not mean more likely than not, but merely a *reasonable chance*, more than an *abstract possibility*.' [Citation.] It 'does not mean "more likely than not," but merely "probability sufficient to undermine confidence in the outcome." ' [Citations.] Therefore, reversal is necessary when it cannot be determined whether or not the error affected the result, as in such a case there 'exists . . . at least such

an equal balance of reasonable probabilities' ' "that it is reasonably probable that a result more favorable to the appealing party would have been reached in the absence of error." ' [Citation.]" (*People v. Hardy* (2021) 65 Cal.App.5th 312, 329-330; see also *People v. Beck and Cruz* (2019) 8 Cal.5th 548, 668 [a reasonable probability of a different result is shown when the error " ' "undermines confidence in the outcome" ' "]; *People v. Mar* (2002) 28 Cal.4th 1201, 1225 [under the reasonable probability standard, "reversal is required when there exists 'at least such an equal balance of reasonable probabilities as to leave the court in serious doubt as to whether the error affected the result' "]; *People v. Mower* (2002) 28 Cal.4th 457, 484 [same].)

Rodriguez plainly met this "reasonable probability" standard. She presented evidence indicating it was at least equally and reasonably probable that in 2005, faced with certain deportation that would remove her from all that she knew and held dear if she pleaded no contest to possession for sale, she would have insisted on pleading no contest to a different, more immigration-neutral charge (whether it was realistic to insist on such a deal or not) or gambled on a "Hail Mary" trial.

We base this conclusion, first, on Rodriguez's deep, lifelong ties to the United States. Other courts have found such ties to be very persuasive. Rodriguez's ties to the United States are very similar to those considered by our Supreme Court in *Vivar*, such as: (1) Vivar, who as a lawful resident noncitizen of the United States, faced permanent deportation for a 2002 drug conviction under former Health and Safety Code section 11383 (*Vivar*, *supra*, 11 Cal.5th at pp. 516-517), and was brought to the United States at a very young age (*id.* at p. 516), just as Rodriguez was brought here as an infant; (2) Vivar's family was in the United States (*id.* at p. 517) just like Rodriguez's family, which as of 2005 included her mother, father and five sisters and her

own two children; (4) Vivar grew up in the United States and attended schools here (*id.* at pp. 517-518) just like Rodriguez, who attended primary, middle and high schools in Napa; (5) Vivar had been in the United States for decades (*id.* at p. 520) just like Rodriguez had been in California for virtually all of her 22 years; and (6) Vivar, like Rodriguez, indicated that he lacked meaningful ties to the country of his birth, Mexico (*id.* at p. 516). The Supreme Court summarized Vivar's extensive ties to the United States (and also cited correspondence Vivar wrote around the time he entered his plea) and concluded that the appellate court "neglected to explain why these facts at or near the time of Vivar's plea failed to provide adequate corroboration that he wouldn't have pleaded guilty had he known it would result in his deportation. Indeed, the court's analysis failed to mention these facts at all. This was error. In our view, these objective and contemporaneous facts corroborate, in a most convincing way, the statement in Vivar's declaration that he 'would never have plead[ed] [g]uilty' if his attorney had informed him of the plea's consequences. (See *Camacho*, [*supra*,] 32 Cal.App.5th at pp. 1101-1012 [finding prejudice where the defendant was brought to the United States as a child, had lived here for over 30 years, and his spouse and children were citizens]; accord, *Lee*, *supra*, [582] U.S. ___ [137 S.Ct. at p. 1968] [finding prejudice where the defendant was brought to the United States as a child, had lived here for nearly 30 years, and his parents were citizens].)" (*Id.* at p. 531; see also *People v. Espinoza*, *supra*, 27 Cal.App.5th at p. 917 ["Because defendant resided in the United States since he was four years old as a lawful permanent residence, his family resided in the United States, and he was employed as a maintenance supervisor at a Holiday Inn, it could be reasonably probable that defendant would have rejected any plea that would have mandated deportation"]; *People v. Ogunmowo, supra,*

23 Cal.App.5th at p. 73 [movant's declaration indicated he would have rejected plea deal, having moved across the globe and established his life in the United States].) Here, the trial court largely ignored the undisputed evidence of Rodriguez's deep, lifelong ties to the United States. This was error. It is compelling evidence that Rodriguez would not have pleaded no contest to a charge that led to her mandatory deportation to Mexico.

Further, while we agree with the trial court that there was ample evidence to support Rodriguez's possession for sale conviction, we disagree that she would neither have sought to obtain a more immigration-neutral plea deal nor risked going to trial if she had known of the dire immigration consequences of a possession for sale conviction, and instead would have pleaded no contest to that charge. The record does not indicate that in 2005 Rodriguez extensively trafficked in methamphetamine or had such a serious criminal record that the prosecution would necessarily have been unwilling to enter an immigration-neutral plea. Nor does it show Rodriguez was without any plausible defense. She could have claimed—as she implied in her declaration—that it was her companion, not Rodriguez, who intended to sell the methamphetamine found in her car, and she made admissions and pleaded no contest simply because she was desperate to get out of jail and return to her family as soon as possible. Also, she pleaded no contest not only to the charge of possession for sale, but also to the charge of transportation of methamphetamine (conviction of which no one argues would have led to her mandatory deportation). Under these circumstances, she may well have insisted that any plea deal involve her no contest plea to the transportation or another more immigration-neutral charge.

Second, the record indicates Rodriguez never tested the prosecution's resolve. Instead, she agreed to a plea deal the very next day after she was

jailed for apparently failing to appear at a hearing in her case because, she states in her 2020 declaration, she wanted "to return to her family as soon as possible," an assertion that is not disputed. In other words, she hardly negotiated, if at all, in order to return to her family, including her two small children, right away. Her desire to do so is a further indication that she would have done all she could to avoid pleading no contest to a charge that would lead to her mandatory deportation and separation from her family for the rest of her life.

Finally, in 2005 Rodriguez had only a modest criminal record that did not include any drug offenses. Therefore, she reasonably could have believed that even if she risked all on a "Hail Mary" trial she might in the end have received probation on similar terms to what she received by pleading no contest.

Given these circumstances, and in light of her deep, lifelong bonds in the United States, we fail to see how any court could confidently look back and conclude that if she had understood the consequences of her plea, Rodriguez would not have bargained for an immigration-neutral plea deal or risked going to trial in an effort to avoid certain deportation. We conclude it is reasonably probable that she would have. Therefore, we must reverse.

DISPOSITION

The trial court's denial of Rodriguez's section 1473.7 motion is reversed and the matter is remanded to the trial court with instructions to grant the motion and vacate Rodriguez's 2005 possession of a controlled substance for sale conviction. (See *Camacho*, *supra*, 32 Cal.App.5th at p. 1012 ["The appropriate remedy is to direct the trial court to grant the motion"].)

STEWART, J.

We concur.

RICHMAN, Acting P.J.

MILLER, J.

People v. Rodriguez (A159679)

Trial Court: Napa County Superior Court

Trial Judge: Hon. Elia Ortiz

Counsel:

L. Richard Braucher, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra and Rob Bonta, Attorneys General, Lance E. Winters, Chief Assistant Attorney General, Jeffrey M. Laurence, Assistant Attorney General, Eric D. Share and Katie L. Stowe, Deputy Attorneys General, for Plaintiff and Respondent.

From: Cadiz. Aaron Anthony (DA)
Sent: Thursday, August 19, 2021 3:48 PM
To: Sinclair. Casey (DA)
Subject: Thank You Notes to Presenters
Attachments: An and Dani - Thank You.pdf; Billy - Thank You.pdf; Casey Newton - Thank You.pdf; Colette Brown - Thank You.pdf; Donell - Thank You.pdf; Jeff Hightower- Thank You.pdf; Kristen - Thank You.pdf; Kristine and Chris - Thank You.pdf; Maria Wilson - Thank You.pdf; Rick Miller - Thank You.pdf

Hi Casey,

So I polled the LRAs, and we were hoping you could send out our Thank You letters for us. That way, the messages don't come from a single LRA, but rather, it would look more meaningful because it's coming from all of us (if that makes sense.) I've attached the Thank You letters in PDF form, however, I am still waiting on a couple more people to share their letters with me so I can send to you.

We are currently missing letters for:
Paul Martinson
Sheri Greco
Joyce Thorgrimson

Thanks,

Aaron Cadiz | Legal Research Assistant
Sacramento County District Attorney's Office
Intern Suite, 2nd Floor
901 G Street | Sacramento, CA 95814
916.874.4309 | CadizA@sacda.org
seek justice. serve justice. do justice.

Dear Rick,

On behalf of the Legal Research Assistant Class of 2021, we wanted to thank you for extending your time and educating us on cross examination and prior statements. As aspiring attorneys in this office, the knowledge that we gained from your presentation was insightful and extremely valuable.

More specifically, we appreciate you loading our prosecutor toolbox with power tools and hand tools that will last us our entire career. It was very helpful to be given practical advice as to what the purpose of cross examination actually is, and how we can use a part of the trial that historically isn't our strong suit to our advantage. Further, your advice on deferred compensation was appreciated and duly noted.

We promise, for the love of god, we will not let defense counsel lead!

Your dedication to the safety of our community is admirable, and we are grateful for all that you do for this office and beyond. We look forward to working with you in the future as colleagues, as we continue to *seek justice, serve justice, and do justice*.

Sincerely,
The LRA Class of 2021

Rawan Abuelreich
Megan Adame
Paige Arseneaux
Storm Brandenburg
Aaron Cadiz
Connor Dopeso
Miranda Drolet
Alexander Fay
Sydney Fields
Owen Fitzgerald
Vanessa Washington

Dear Mr. Hightower,

On behalf of the Legal Research Assistant Class of 2021, we wanted to thank you for extending your time and educating us on Brady Obligations as well as the recent Racial Justice Act changes. As aspiring attorneys in this office, the knowledge that we gained from your presentation was insightful and extremely valuable.

More specifically, we appreciated how much you talked about the importance of our ethical obligations and how we are held to a higher standard as prosecutors. It was very helpful when you underscored the importance of determining the relevance and admissibility of evidence in the courtroom rather than on our own, when we could potentially, or even accidentally, violate our obligations. Moreover, your message about being conscious of the language we use in the courtroom is certainly going to help us craft our arguments and cases more carefully. Your talks drove home the point that we need to be proactive in taking on our ethical responsibilities, and this will absolutely help us in becoming the best attorneys we can be.

Your dedication to the safety of our community is admirable, and we are grateful for all that you do for this office and beyond. We look forward to working with you in the future as colleagues, as we continue to *seek justice, serve justice, and do justice.*

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Alexander Fay

Sydney Fields
Owen Fitzgerald
Vanessa Washington

From: Sinclair. Casey (DA)
Sent: Friday, August 20, 2021 5:49 PM
To: Hightower. Jeffrey (DA)
Subject: Thank you letter
Attachments: Jeff Hightower- Thank You.pdf

I had the LRA's write thank you letters to everyone who presented to them during last week's training sessions. This is the letter they wrote for you – Hope you enjoy it. Have a great weekend and thanks so much for your willingness to help out the new folks. I greatly appreciate it!!

Casey Sinclair | Supervising Deputy District Attorney
Sacramento District Attorney's Office
Misdemeanor Jury Trial Unit
901 G Street | Sacramento, CA 95814
916.874.5322 | sinclairc@sacda.org
seek justice. serve justice. do justice.

Dear Mr. Hightower,

On behalf of the Legal Research Assistant Class of 2021, we wanted to thank you for extending your time and educating us on Brady Obligations as well as the recent Racial Justice Act changes. As aspiring attorneys in this office, the knowledge that we gained from your presentation was insightful and extremely valuable.

More specifically, we appreciated how much you talked about the importance of our ethical obligations and how we are held to a higher standard as prosecutors. It was very helpful when you underscored the importance of determining the relevance and admissibility of evidence in the courtroom rather than on our own, when we could potentially, or even accidentally, violate our obligations. Moreover, your message about being conscious of the language we use in the courtroom is certainly going to help us craft our arguments and cases more carefully. Your talks drove home the point that we need to be proactive in taking on our ethical responsibilities, and this will absolutely help us in becoming the best attorneys we can be.

Your dedication to the safety of our community is admirable, and we are grateful for all that you do for this office and beyond. We look forward to working with you in the future as colleagues, as we continue to *seek justice, serve justice, and do justice.*

Sincerely,
The LRA Class of 2021

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Megan Adame
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Connor Dopeso
Miranda Drolet
Alexander Fay

Sydney Fields
Owen Fitzgerald
Vanessa Washington

From: Miller. Richard (DA)
Sent: Monday, August 16, 2021 3:31 PM
To: praresponse@braunhagey.com
Subject: CPRA response attn. Ellen Leonida
Attachments: BraunHagey.ACLU.pdf; ACLU -- May 13 2019 Request -- Response.pdf

Good afternoon Ms. Leonida -

Attached, please find our response to your CPRA originally dated July 23, 2021, and a copy of the June 6, 2019, response referenced in our current response. Below is a link to the documents referenced in the response. Thank you.

Materials Provided.2021.BraunHagey

Rick Miller | Assistant Chief Deputy District Attorney
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916.874.6843 | millerri@sacda.org
seek justice. serve justice. do justice.

Sacramento County
District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

August 16, 2021

Ellen Leonida
351 California Street, 10th Floor
San Francisco, CA 94104

Re: Public Records Act Request

Dear Ms. Leonida:

We are in receipt of your request for records under the California Public Records Act (CPRA) dated July 23, 2021.

You attached two exhibits to your request. Exhibit 1 is a copy of a May 13, 2019, CPRA request, and Exhibit 2 is copy of a July 29, 2019, CPRA request; both of these were submitted to this office on behalf of the ACLU in 2019. Responses to both were timely issued and multiple documents were provided.

In your current request, you write:

> "This CPRA letter constitutes a renewal of the ACLU's two prior requests (as relevant, updated to the present day) and also a request for the additional following records in the possession or control of the Office of the District Attorney of Sacramento for the time-period 2015 to present."

You then set forth what we interpret to be your current request in items 1a-l, 2a-e, 3a-c, and 4a-d. As to this current request, I will address each item individually as follows:

1. "Any and all written policies, memoranda, or guidance documents regarding:

   a. Diversion eligibility and/or programming."

   This request seeks various information regarding diversion programs. We are interpreting your request for "diversion eligibility and/or programming" to apply to defendants charged with a crime, as the Sacramento County District Attorney's Office does not itself utilize pre-filing diversion programs.

   We do not have an index that identifies all documents relevant to this response. The CPRA applies to existing records and does not require a public agency to create a record that does not exist. (Gov't Code section 6252(e) and (f).) Further, such a request is unduly burdensome, as it would require us to hand search tens of thousands of files and

over 400 employees offices to locate potentially responsive documents. This is unduly burdensome, something not required under the CPRA. However, we have been able to locate several items that we are providing to you, as explained below.

Your request does not clarify what you consider "diversion." California Penal Code section 1000 et seq. provides several statutory diversion programs. As for the documents you seek regarding eligibility for such programs, the various criteria are set forth by statute and thus this information is already available to you publicly. Multiple diversion eligibility and programming information is available to you publicly and can be found at https://www.saccourt.ca.gov/criminal/collaborative-courts.aspx, which is the Sacramento Superior Court's website.

In 2018, AB 1810 added Penal Code sections 1001.35 and 1001.36, which created the mental health diversion program. Similarly, the requirements for this diversion are set forth by statute. We possess documents responsive to this request which we are providing to you. See attachments titled "Mental Health Diversion Process for Felony Cases Only," "Memorandum – Mental Health Diversion Nov 6 2018," and "MHDiversion – AB1810 7-13-18." We also possess documents responsive to this request and are providing them to you. See attachments titled "Felony MHD_Distributed 12-18-18_RevJan2019," MDP_Application and Instructions Complete," "MHC Stats 7-8-21," "MHD Cheat Sheet_FINAL_OCT_2018_Updated July 22, 2019," and "Misdemeanor MHD_Final_updated 7-26-19." We also possess a draft of an internal procedures guide prepared by court staff. Please note this version was at the time not final and subject to being changed. See attachment titled "10.29.18 MHC- Procedure Manual."

In Sacramento County, we have several collaborative courts, which involve partnerships between our office, the Superior Court, the Probation Department, the Public Defender's Office, and sometimes community-based organizations to provide services and avoid incarceration for certain offenders. These programs do not fall within the statutory definition of diversion as set forth in Penal Code section 1000 et seq. However, successful completion of some of these programs may result in a dismissal of charges, similar to the effect of a statutory diversion program. We are interpreting your request as including within your definition of "diversion" those programs where dismissal is available. Information regarding these, and other collaborative courts in Sacramento County, are provided on our website at www.sacda.org under the "Services" heading by clicking on the link "Collaborative Courts." Further documents we possess relating to those programs are being provided. See attachments titled "Sacramento County District Attorney's Office," "Community & Government Relations," "Citizen Academy-CollCourts2019," "Collaborative Courts Referral Quick Reference Guide," "How To Guide_Collaborative Courts_Rev_Feb 8_2019," Collaborative Court Advisory Board Orientation Packet," "How to Guide_Collaborative Courts_Rev_August 2021," "CA 2020 ScheduleofClassesBinder," "CGR Outreach Programs – Defined," and "Citizens Academy Brochure Update 01.20."

Other documents potentially responsive to this request are also being provided. See attachments titled "Sac County CSEC MOU-5.14.19," Sac Court Dedicated Cal 2.26.19," "AB 79 ALTA Diversion Summary," "Quarterly DUITC Stats 5-27-21," "Reentry)2nd-Quarter_Apr_Jun_2021," and "Veterans Treatment Court (Fiscal yr 20-21 Data)." Finally, general information related to diversion eligibility and/or programs can be found in our "Legal_and_Case_Prosecution_Policy_Manual_December_10_2019," which we are providing to you and is publicly available on our website, www.sacda.org.

Regarding additional documents identifying office policies or guidelines regarding diversion courts, it is our practice, pursuant to the law, not to disclose these types of policy documents because they are exempt from disclosure under the CPRA by the deliberative process privilege. (Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) In addition, the courts have ruled that written policies concerning how prosecutors exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k). Other notations regarding specific cases are also exempt as privileged attorney work product.

Given the broad scope of your request, to the extent that we may possess materials related to diversion that may be contained in any of our investigatory files, Government Code section 6254(f) exempts from CPRA disclosure records of complaints to or investigations conducted by any local police agency, investigatory files compiled by any local police agency, and investigatory files compiled by any other local agency for law enforcement or licensing purposes. Under the California Constitution and by statute, the District Attorney is vested with broad authority to investigate violations of the law, and prosecute such matters in criminal, civil, or administrative actions, as may be appropriate. The District Attorney's employees include peace officers, attorneys, and other staff who perform such investigations. There can be no question that the District Attorney's Office is a local agency that conducts police or law enforcement investigations and has complaints and investigatory files within the meaning of section 6254(f). Case law supports this conclusion. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Rackaucas v. Superior Court* (2012) 104 Cal.App.4th 169; Fagan v. Superior Court (2003) 111 Cal.App.4th 607; *County of Los Angeles v. Superior Court* (2005) 130 Cal.App.4th 1099.) This exemption applies not only to documents generated by the agency, but also to records gathered from victims, witnesses, and others. (See *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.) This exemption continues to apply even if the case is complete, and the investigation closed. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.) To the extent that we may be in possession of some of the materials you seek, such materials are part of our investigatory files and are thus exempt from production under the CPRA.

Further, we would not necessarily be able to identify documents related to diversion programs simply from searching outcomes in our computerized case management

system. We would have to examine the case event history or our physical files for notations. Given the time frame you have identified and the number of cases that would be involved, this would require a hand search of voluminous materials and would be unduly burdensome, something not required under the CPRA. (See Gov't Code section 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588, 600-60; see also *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440, 452-454.)

b. "Custody and/or bail recommendations."

We do not have an index that identifies documents relevant to this response. The CPRA applies to existing records and does not require a public agency to create a record that does not exist. (Gov't Code section 6252(e) and (f).) Further, to locate all materials relevant to this request would require us to examine all of our investigatory files for the time period you specify. As noted above, those files are exempt from production under the CPRA. Further, such a request is unduly burdensome, as it would require us to hand search tens of thousands of files, something not required under the CPRA. Depending on the content of any such materials, other exemptions could apply such as the deliberative process privilege, attorney work product, or other exemption.

In addition, these types of policy documents are exempted from disclosure under the CPRA by the deliberative process privilege. Government Code § 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136. The courts have ruled that written policies concerning how prosecutors will exercise their discretion in charging and sentencing are not subject to discovery. *Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478. Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k).

That said, some information related to this request can be found in our Legal and Case Prosecution Policy Manual which we are providing to you as noted above.

c. "Charging recommendations and/or decisions, including, but not limited to:
   i. Charging recommendations and/or decisions regarding enhancements;
   ii. Charging recommendations and/or decisions regarding special circumstances; or
   iii. Charging recommendations and/or decisions regarding wobblers."

Given the broad scope of this request (including all sub-requests), to the extent that we may possess relevant materials in our investigatory files, such materials are exempt from production under Government Code section 6254(f). Further, it is our practice, pursuant to the law, not to disclose these types of policy documents because they are exempt from disclosure under the CPRA by the deliberative process privilege. (Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) In addition, the courts have ruled that written policies concerning

how prosecutors exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k).

However, information relevant to this request can be found our Legal and Case Prosecution Policy Manual which we are providing to you as noted above.

d. "Compliance with *Brady v. Maryland*, 373 U.S. 83 (1963)."

The Sacramento County District Attorney's Office trains its attorneys on federal and California cases regarding ethical discovery practices, including those set forth in *Brady v. Maryland*. It has been our practice not to disclose specific training materials. The documents you seek are exempt from disclosure by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code section 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to interpret the law and train our attorneys on the ethical administration of justice. Disclosure would expose the decision-making process in such a way as to discourage candid discussion and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice.

Furthermore, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*) Our *Brady* and discovery policies in general are stated in our Legal and Case Prosecution Policy Manual and are encompassed in that document's statement that "It is the policy of the Sacramento County District Attorney's Office to promptly provide all discoverable materials in criminal cases in accordance with the law. Prosecutors shall follow all constitutional, statutory, and ethical discovery obligations." As noted, we are providing that manual to you.

Finally, we do not have in index identifying all the materials specified in this request, to conduct a search for them would be unduly burdensome, and any such materials contained within our investigatory files are exempt from CPRA production as detailed in the response to 1.a., above.

e. "Jury selection."

The Sacramento County District Attorney's Office trains its attorneys on federal and California cases regarding the ethical selection of jurors. It has been our practice not to

disclose specific training materials. The documents you seek are exempt from disclosure by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code section 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to interpret the law and train our attorneys on the ethical administration of justice. Training discussions include tactical and strategic information. Disclosure would expose the decision-making process in such a way as to discourage candid discussion and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice.

Furthermore, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*) Our policy regarding jury selection is stated in our Legal and Case Prosecution Policy Manual and is encompassed in that document's statement that "The prosecutor serves the public interest and should act with integrity and balanced judgment to increase public safety both by pursuing appropriate criminal charges of appropriate severity, and by exercising discretion not to pursue criminal charges in appropriate circumstances. The prosecutor should seek to protect the innocent and convict the guilty, consider the interests of victims and witnesses, and respect the constitutional and legal rights of all persons, including suspects and defendants." As noted, we are providing that manual to you.

Finally, we do not have an index identifying all the materials specified in this request, to conduct a search for them would be unduly burdensome, and any such materials contained within our investigatory files are exempt from CPRA production as detailed in the response to 1.a., above.

f. "Sentencing recommendations."

Please see response to 1.b., above.

g. "Prosecution of minors."

Our policy regarding this topic can be found in our Legal and Case Prosecution Policy Manual, which we are providing to you. Your request for records on this topic is broad and could encompass a wide variety of materials that are not required to be produced due to the deliberative process and work product privileges, the investigatory file exemption, and other exemptions depending on the content of such materials. I also note that because of the privacy and confidentiality concerns that makes juvenile case records exempt from disclosure under the CPRA. (See Gov't Code §§ 6542(c), 6254(k), 6255(a).) Dissemination of information from juvenile case files is limited by Welfare

and Institutions Code section 827. Records may be sealed pursuant to Welfare and Institutions Code sections 781 and 786.

h. "Parole recommendations."

Any written policies, memoranda, or guidance documents we may possess regarding parole recommendations would be exempt under the deliberative process privilege, attorney work product privilege, and Gov. Code section 6255 as detailed above. To the extent we may possess any such materials within our investigatory files, such materials are exempt from production pursuant to Gov. Code section 6254(f) as detailed above. We have publicly released some of our parole recommendations, which are available on our website at https://www.sacda.org/early-prison-releases/early-prison-releases-opposition-letters/ within the four links that appear on that page.

i. "Pardon and commutation recommendations."

See response to 1.h., above

j. "Reports to the State Bar relating to discipline and/or prosecutorial misconduct."

Our Legal and Case Prosecution Policy Manual includes information responsive to this request. We are providing that to you.

k. "Data collection of relating to all criminal matters, including demographic data of defendants and victims."

This language is vague. You do not define what you mean by "data collection." If you seek statistical information from our prosecution files, demographic data of defendants and victims would come from our investigatory files, which are exempt from disclosure under Government Code section 6254(f), as noted above. If you wish to further clarify this request, please do so.

l. "Referral of cases for federal prosecution."

Any cases we have referred for federal prosecution would be part of our investigatory files exempt from disclosure under Government Code section 6254(f), as noted above. Otherwise, we have no responsive documents.

2. "Any and all policies regarding training as well as any training materials, recorded trainings, or related materials:"

a. "Which are mandatory for prosecutors."

These types of documents are exempted from disclosure under the CPRA by the

deliberative process privilege. Government Code section 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.

In addition, this office employs over 170 attorneys and possesses a large amount of material in the form of books, treatises, memoranda, publications, and other documents that could be considered within the scope of your request for "all training materials." A large amount of these materials has been purchased or received by this office, and a large number of materials have been purchased or received by individual members of this office. Given the nature of criminal case litigation, the materials or portions of materials could be located in individual offices, online, in criminal case files, and elsewhere. To locate all such materials would be unduly burdensome, as it would require us to hand search hundreds of employees' offices, computers, and tens of thousands of files, something not required under the CPRA.

Further, a significant amount of such documents is subject to United States Copyright law. Legal publications and treatises – all within the scope of your request - and other non-agency publications used in the education and training of our staff are controlled by federal copyright law. (See, e.g., 17 U.S.C. sections 102, 103.) Release of such copyrighted materials would similarly violate Government Code section 6254(k). We believe that copyrighted materials produced by an outside source which this office has are not the type of public records contemplated for release within the meaning of the CPRA.

Further, under Government Code section 6254(k), the release of records is restricted if doing so would violate any federal or state law, including laws relating to privileges. Code of Civil Procedure section 2018.030(a) provides a work product privilege for any "writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories." This privilege provides an absolute protection against disclosure. Such a writing is not discoverable under any circumstances. (*Id.*)

b. "Which are optional for prosecutors."

See response to 2.a., above.

c. "Which relate to jury selection."

See response to 2.a., above.

d. "Which relate to bias, implicit bias, unconscious bias, and/or racism."

See response to 2.a., above.

e. "Which relate to presentation and/or use of evidence from social media platforms (including but not limited to YouTube, Snapchat, Instagram, TikTok, Twitter, Facebook,

Reddit and Tumblr) and other media (including but not limited to movies, song lyrics, and videos)."

See response to 2.a., above.

3. "Records concerning the Racial Justice Act:"[1]

   a. "Implementation of and compliance with the RJA."

   To the extent that our investigatory files potentially contain materials related to the implementation of, compliance with, or communications concerning Penal Code section 745, such materials are exempt from production pursuant to Gov. Code section 6254(f).

   As with any new law, "records concerning" the implementation of, compliance with, or communications concerning the new law could potentially be located in the office of any attorney and could be in various form. We do not have an index that identifies the records you seek and are not required under the CPRA to create one. To search over 170 attorneys' offices and potentially over 170 computers and thousands of criminal case files is unduly burdensome and not required under the CPRA.

   Further, depending on the content of any such materials, multiple exemptions and/or privileges could apply including the deliberative process privilege, attorney work product privilege, exemptions pursuant to Gov. Code section 6254(k), and others.

   b. "Communications concerning the RJA:"

   See response to 3.a., above.

   c. "Trainings related to the RJA."

   See response to 3.a. and 2.a., above.

4. "All investigations into *Batson-Wheeler* motions, including, but not limited to:
   a. Motions filed;
   b. Motions granted;
   c. Internal training and/or discipline; or
   d. Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted."

   This request seeks records of "all investigations into *Batson-Wheeler* motions" that includes but is not limited to "Motions filed, "Motions granted," "Internal training and/or discipline," and "Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted."

   We do not track such motions in our computerized case management system, nor do we

[1] I assume by "Racial Justice Act" you mean Penal Code section 745. If I am mistaken, please advise me.

have an index that identifies them. The only means to identify documents relative to motions being filed and/or granted would be to hand search tens of thousands of files, which again is unduly burdensome. Further, except for motions filed in court by this office, any other documents relevant to this request would come from our investigatory files, which are exempt from production pursuant to Gov. Code section 6254(f).

Regarding internal training, please see response to 2.a., above.

I now turn to your "renewal" of two prior CPRA requests submitted on behalf of the ACLU on May 13, 2019, and July 29, 2019. You write that "This CPRA letter constitutes a renewal of the ACLU's two prior requests (as relevant, updated to the present day)." I do not understand what you mean by "renewal … as relevant, updated to the present day" in this context. We issued written responses to those requests in 2019 and also provided materials in 2019. You seem to contend that with regard to both prior CPRA requests, we provided nothing and simply asserted the records were not subject to disclosure. That is not accurate. I have retrieved our response to the May 13, 2019, request in which we provided over 20 separate documents totaling over 100 pages in response. Attached is a copy of our June 6, 2019, response to the May 13, 2019, request. In that response, we identified the materials provided.

I cannot tell if you were not aware that we provided those materials, or if the intent of your statement regarding our responses to the prior CPRA requests was not meant to be interpretated as asserting that we provided nothing, but rather whether you were referring to certain items not provided that you believe should have been provided. I ask you to please clarify exactly what you are asking for at this time.

As I am providing the responsive documents electronically, there is no charge.

Sincerely,

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

Richard Miller
Assistant Chief Deputy District Attorney

Sacramento County
District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Michael A. Neves
Assistant District Attorney

June 6, 2019

Yoel Haile
American Civil Liberties Union of Northern California
39 Drumm Street
San Francisco, CA 94111

Via U.S. Mail and Email

Re: Public Records Act Request

Dear Mr. Haile—

The following is in response to your request pursuant to the California Public Records Act (CPRA) dated May 13, 2019.

1. Records of prosecution data within your possession for calendar year 2017 and 2018.

Request #1 begins with the language that you are seeking "Records of prosecution data within your possession for calendar year 2017 and 2018." It follows with "including but not limited to," and then sets forth more specific sub-requests. The initial language "Records of prosecution data within your possession for calendar year 2017 and 2018" could be interpreted as a standalone request. We believe you instead meant this language to qualify the various sub-requests that follow. Please advise if this is not what you intended.

This language is vague. You do not define what you mean by "prosecution data." It is not clear whether you are seeking strictly statistical information, or whether you are seeking the entirety of our prosecution file. Government Code section 6254(f) exempts from CPRA disclosure records of investigations conducted by any local police agency, investigatory files compiled by any local police agency, and investigatory files compiled by any other local agency for law enforcement or licensing purposes. Under the California Constitution and by statute, the District Attorney is vested with broad authority to investigate violations of the law, and prosecute such matters in criminal, civil, or administrative actions, as may be appropriate. The District Attorney's employees include peace officers, attorneys, and other staff who perform such investigations. There can be no question that the District Attorney's Office is a local agency that conducts police or law enforcement investigations and has complaints and investigatory files within the meaning of section 6254(f). Case law supports this conclusion. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Rackaucas v. Superior Court* (2012) 104 Cal.App.4th 169; *Fagan v. Superior Court* (2003) 111 Cal.App.4th 607; *County of Los Angeles v. Superior Court* (2005) 130 Cal.App.4th 1099.) This exemption applies not only to documents generated by the agency, but also to records gathered from victims, witnesses, and others. (See *Haynie v. Superior Court*

(2001) 26 Cal.4th 1061.) This exemption continues to apply even if the case is complete and the investigation closed. (See *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337.) Thus, for the requests below, we are interpreting "prosecution data" as seeking records that we have otherwise made public, such as information included on our charging documents filed in adult court. Otherwise, records from our prosecution files are part of our investigatory files, exempt from disclosure under Government Code section 6254(f).

Furthermore, when you reference the period consisting of the calendar years of 2017 and 2018, it is not clear whether you mean cases filed in 2017 and 2018, or cases in which any activity occurred in 2017 and 2018. An electronic search of our computerized case management system would not include all cases in which some activity occurred in 2017 and 2018. Computerized case event histories and/or physical files would need to be individually examined. This would require having to hand search through tens of thousands of files, an unduly burdensome task not required by the CPRA. (See Gov't Code § 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588, 600-60; see also *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440, 452-454.) On the other hand, cases filed in adult court in 2017 and 2018 can be easily identified by reference to the docket number (which would begin with either "17" or "18"). For the requests below which use this time reference, we are proceeding with the understanding that you are seeking information regarding cases *filed* in 2017 and 2018.

1(a). Unique identifiers for each person, charges, and outcomes for all minors (any person under the age of 18) prosecuted directly in adult court in Sacramento County (adult court is defined as a court of criminal jurisdiction) (otherwise known as "pipeline" or "direct file" cases) under Welfare and Institutions Code section 707.

i. Unique identifiers for each person, charges, and outcomes for all minors prosecuted in adult court in Sacramento County after any one of the following:

1. a judicial certification to adult court following a juvenile transfer hearing under the newly amended Welfare and Institutions Code section 707(a);
2. a juvenile defendant's waiver of transfer hearing or stipulation to adult court following the District Attorney's motion to transfer to adult court.

Request #1(a) seeks information regarding minors charged in adult court, either directly filed in adult court or cases that were initially filed in juvenile court but later transferred to adult court. With the passage of Proposition 57 in 2016, we have no "direct" file cases for 2017 and 2018. We cannot recall any case in 2017 or 2018 in which a juvenile waived a transfer hearing or stipulated to prosecution in adult court.

Your request specifically seeks "Unique identifiers for each person, charges, and outcomes." You do not define what you mean by "unique identifiers" or outcomes. We have tracked cases of minors charged in Juvenile Court who were thereafter transferred to adult court pursuant to a motion granted under Welfare and Institutions Code section 707. Because this group is narrow, we can identify not only cases filed in 2017 and 2018, but also cases that were filed before 2017 in which court activity occurred in 2017 and 2018. We are providing information regarding

these cases that would be part of the public record in adult court, in particular the defendant's name, county cross-reference number, docket number, DA case number (primary law enforcement report number), charges, and disposition. See the attachment titled "Juvenile Transfers 2017-2018." Other information from these cases that are part of our investigatory files, are privileged attorney work product, or are otherwise not responsive to your request are not being provided. It is possible the list we are providing is not exhaustive. Because we do not otherwise normally track cases by age of defendant, we would have to hand search tens of thousands of case files to identify if there are any other minors who were charged as adults during this time period, an unduly burdensome task not required by the CPRA.

Please note there were additional minors who were under the age of 16 at the time of their offenses for which 707 motions were granted and they were prosecuted in adult court. However, their cases were transferred back to Juvenile Court pursuant to SB 1391. Because of the privacy protections afforded to minors in Juvenile Court (see further explanation in response to Request #1(b), below), we are not providing the identity or case information regarding these minors at this time.

1(b). Unique case identifiers, charges, and outcomes for all minors prosecuted in juvenile court in Sacramento county, including, but not limited to demographic data, charges filed, and case outcomes during the calendar year of 2017 and 2018.

Request #1(b) seeks information regarding minors prosecuted in juvenile court in Sacramento County. We are not able to provide you the information you seek because of the privacy and confidentiality concerns that makes juvenile case records exempt from disclosure under the CPRA. (See Gov't Code §§ 6542(c), 6254(k), 6255(a).) Dissemination of information from juvenile case files is limited by Welfare and Institutions Code section 827. Records may be sealed pursuant to Welfare and Institutions Code sections 781 and 786. Furthermore, the information you seek regarding juvenile cases comes from our investigatory files, which are exempt from disclosure as previously noted, and is not part of a charging document filed in a court accessible to the general public.

1(c). Unique case identifiers, charges, and outcomes (including diversion) of all misdemeanor charges for minors and adults in Sacramento county.
1(d). Unique case identifiers, charges, enhancements and outcomes (including diversion) of all felony charges for minors and adults in Sacramento county.

Requests #1(c) and #1(d) seek unique case identifiers, charges, and outcomes of all misdemeanor and felony charges for minors and adults in Sacramento County. As previously noted in response to Request #1(b), we cannot provide you information regarding cases involving minors filed in Sacramento County Juvenile Court. As for adult defendants, your request does not clarify what you mean by "unique case identifiers." We understand that language to mean docket number and DA case number. Furthermore, as previously noted, we understand your request to be narrowed to the time frame of cases filed in 2017 and 2018. With those understandings, we can provide you the requested information regarding adult cases.

However, we do not already possess a report with the specific information you are seeking. Our IT department could run a report listing all adult cases filed in 2017 and 2018, which would include the defendant's name, the defendant's county cross-reference number, docket number, DA case number (the primary law enforcement report number), and the charges. Although our computer case management system does not store outcome information, and instead pulls that information from other agencies' electronic sources, we could request that IT include that information when running this report. This would result in the report taking additional time to prepare.

However, outcome information would not necessarily identify diversion cases on this type of search. We can provide ultimate case disposition, indicating which charges the defendant was convicted of, the level of each charge (felony or misdemeanor), and the sentence imposed (e.g., if a prison commitment was ordered, then the length of that commitment, or if probation was ordered, then the length of probation and any jail term), or whether the case was dismissed. Typically, with diversion, if the defendant successfully completes the conditions of diversion, the charges are dismissed. If the defendant fails to complete the conditions of diversion, a sentence is imposed. The report we can compile would only show the ultimate outcome of the case (i.e., charges dismissed or sentence imposed). To determine whether a case involved diversion would require a hand search of the case's event history, which would be unduly burdensome given the tens of thousands of cases involved.

Because the report you are seeking is not information that we produce on a regular basis, under Government Code section 6253.9, you would be responsible for paying the costs associated with preparing the computer inquiry to retrieve the data. It is estimated it will take our IT Manager two hours of his time to extract, compile, and verify the data, for a total cost of $199.86. If you wish to proceed, please remit a check for that amount payable to the Sacramento County District Attorney's Office. After the data is assembled, if it took less computer programming time than had been estimated, you would receive a refund; if it took more time, then you would be required to pay the balance before receiving the data.

2. All documents and records related to all diversion programs offered or used by the DA's office, how many people utilized those programs, demographics of those people, the charges they were facing, outcomes of those cases, requirements for completing diversion, and any charges or costs associated with those diversion programs for calendar year 2017 and 2018.

Request #2 seeks various information regarding diversion programs. We are interpreting your request for diversion programs "offered or used by the DA's office" to mean programs available through the Sacramento Superior Court to defendants charged with a crime, as the Sacramento County District Attorney's Office does not itself utilize pre-filing diversion programs.

Your request does not clarify what you consider "diversion." California Penal Code section 1000 *et seq.* provides several statutory diversion programs. As for the documents you seek regarding requirements for completing diversion, the various criteria are set forth by statute and thus this information is already available to you publicly. Additionally, we have documents regarding Pacific Educational Services (PES), which is the Deferred Entry of Judgment (DEJ) provider for Sacramento County. Those documents are being provided. See attachments titled "DEJ Form," "PES Class Description 2017," and "PES Class Descriptions."

In 2018, AB 1810 added Penal Code sections 1001.35 and 1001.36, which created the mental health diversion program. Similarly, the requirements for this diversion are set forth by statute. Additionally, we possess a document we received from the Sacramento Superior Court and two versions of a memorandum authored by Judge Richard Couzens (ret.), which we are providing to you. See attachments titled "Mental Health Diversion Process for Felony Cases Only," "Memorandum – Mental Health Diversion Nov 6 2018," and "MHDiversion – AB1810 7-13-18."

In Sacramento County, we have several collaborative courts, which involve partnerships between our office, the Superior Court, the Probation Department, the Public Defender's Office, and sometimes community-based organizations to provide services and avoid incarceration for certain offenders. These programs do not fall within the statutory definition of diversion as set forth in Penal Code section 1000 *et seq*. However, successful completion of some of these programs may result in a dismissal of charges, similar to the effect of a statutory diversion program. We are interpreting your request as including within your definition of "diversion" those programs where dismissal is available. Information regarding these, and other collaborative courts in Sacramento County, are provided on our website at www.sacda.org under the "Services" heading by clicking on the link "Collaborative Courts." Further documents we possess relating to those programs are being provided. See attachments titled "Sacramento County District Attorney's Office," "Community & Government Relations," "Citizen Academy-CollCourts2019," "Collaborative Courts Referral Quick Reference Guide," and "How To Guide_Collaborative Courts_Rev_Feb 8_2019."

As to the Mental Health Treatment Court, we have a draft of an internal procedures guide prepared by court staff. Please note this version is not final and is subject to being changed. See attachment titled "10.29.18 MHC- Procedure Manual."

With regards to additional documents identifying office policies or guidelines regarding diversion and collaborative courts, it is our practice, pursuant to the law, not to disclose these types of policy documents because they are exempt from disclosure under the CPRA by the deliberative process privilege. (Government Code § 6255. *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) In addition, the courts have ruled that written policies concerning how prosecutors exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k). Other notations regarding specific cases are also exempt as privileged attorney work product.

With regards to the information you seek regarding the number of individuals who have utilized these programs, the demographics of those individuals, the charges they were facing, and the outcomes of those cases, we can advise you of the following.

Mental Health Diversion – In July of 2018, we began a list of defendants referred to Mental Health Diversion. This list was then divided into two parts: (1) active cases, and (2) closed, failed to appear, or withdrawn cases. We are providing the portions of this list that contain

publicly accessible information. See attachments titled "Mental Health Diversion Chart – Open Cases" and "Mental Health Diversion Chart – Closed Cases."

CSEC – The court has provided us with a table showing demographic information that includes the time period covered by your request. We also have two documents outlining the criteria for the program. We are providing these documents. See attachments titled "CSEC Demographics," "Sac Court Dedicated Cal 2.26.19," and "Sac County CSEC MOU-5.4.19."

Otherwise, we do not regularly track the type of information you are seeking. To determine racial or ethnic background, gender, age, or other demographic data would require us to obtain that information from our investigatory files, which, as previously noted, are exempt from disclosure. Furthermore, as explained in response to Requests #1(c) and #1(d), we would not necessarily be able to identify diversion programs and collaborative courts just from searching outcomes in the computerized case management system. We would have to examine the case event history or our physical files for notations, and given the time frame you have identified and the number of cases that would be involved, this would require a hand search of voluminous materials and would be unduly burdensome, something not required under the CPRA. (See Gov't Code § 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588, 600-60; see also *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440, 452-454.)

3. All records relating to how many parole hearings the office attended, how many hearings your office opposed, and how many parole hearings your office opposed when the next of kin took no position in the calendar years of 2017 and 2018.

For inmates convicted by this office, in 2017 there were 139 parole hearings, and in 2018 there were 151 parole hearings. To the best of our knowledge, someone from our office attended each of these hearings, either in person or via video connection. We are aware that we did not oppose release at two hearings in 2018. It is possible we did not oppose additional releases; however, we do not have this information available. We are aware of one hearing in 2017 in which the next of kin supported release of the offender on parole, but our office opposed. A spreadsheet with data regarding parole hearings from 2016-2018 is attached, as well as documents we obtained from the California Department of Corrections and Rehabilitation. See attachments titled "LIFERGrantStatisticsTablefor2016-2018 (updated)" and "LIFER-BPHStatistics2016thru2018." Additional records we possess relating to the parole hearings our office attended are part of our investigatory files and are privileged attorney work product, which, as previously noted, are exempt from disclosure.

4. Copies of all office policies, including but not limited to Brady compliance policy, charging and plea deal offer policies, pardons and commutations, etc. Request #3 [sic] is not limited to calendar year 2017 and 2018.

5. Copies of all office policies that relate to immigration including but not limited to:
   a. Records that refer to office efforts to implement its obligations under Penal Code 1016.3(b).
   b. Records that refer to office efforts to implement its obligations under Penal Code 1473.7.
   c. Records, memoranda, and emails that relate to the creation and development of an immigration policy for the office.

d. Request #5 is not limited to calendar year 2017 and 2018.

6. All records concerning implementation of SB 1421, including copies of any new policies, training manuals or procedures regarding SB 1421, including any policies, procedures or training manuals for making SB 1421 requests, maintaining SB 1421 records, disclosures of SB 1421 requests to criminal defendants, revisions of any *Brady* policies in light of SB 1421, and all policies and procedures for reviewing all criminal convictions, arrests and charging decisions, in view of SB 1421. Request #4 [sic] is not limited to calendar year 2017 and 2018.

Requests #4, #5, and #6 seek various policies, training manuals, and internal procedures. You have requested copies of all of our policies and positions, including, but not limited to, office policies on *Brady* compliance, charging decisions, dispositions, and disclosure of records. At the Sacramento County District Attorney's Office, our mission is to "Seek Justice, Serve Justice, Do Justice." The interest of our prosecutors is not that we shall win convictions, but that justice shall be done. This means not only holding the guilty accountable, but also protecting the rights of the innocent and all participants in the criminal justice system. It is our policy that we maintain the highest standards of ethics, civility, and professionalism. It is our practice, and we train our deputy district attorneys accordingly, to promptly provide all discoverable materials in criminal cases in accordance with the law. Deputy district attorneys must provide all materials subject to California's criminal discovery statutes (see Penal Code section 1054 *et seq.*). Further, pursuant to *Brady v. Maryland* (1963) 373 U.S. 83, material evidence favorable to the accused must be disclosed.

To achieve these standards, we have a variety of policies and procedures in place for the proper handling of cases. In addition, we have a unit dedicated to promoting these standards within our office. The Justice, Training, and Integrity (JTI) Unit is comprised of experienced management and trial attorneys, well respected in the legal community. The JTI Unit oversees the development of guidelines for the ethical handling of cases during all stages, from investigation to post-conviction. The JTI Unit also provides training on professional standards and assists prosecutors with ethical issues. This unit enhances our commitment to ensure not only that justice prevails, but that we achieve it with integrity.

As for our internal policies or positions, we are unable to provide you copies of these specific documents. It is our practice, pursuant to the law, not to release these types of internal policy documents, which are exempted from disclosure under the CPRA by the deliberative process privilege, work product privilege, and also on the ground that the public interest served by not disclosing these outweighs the public interest served by disclosing them. (Gov't Code § 6255; *Times Mirror Co. v Superior Court* (1991) 53 Cal.3d 1325; *Rogers v Superior Court* (1993) 19 Cal.App.4th 469; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.) These records reflect the thought processes of those whose responsibility it is to decide whether or not particular evidence must be discovered, how prosecutors will handle their cases, and how prosecutors should proceed given various circumstances. Disclosure would expose the decision-making process in such a way as to discourage candid discussion, and thereby undermines the ability of the District Attorney's Office to perform its function of ensuring the fair administration of justice. In addition, the courts have ruled that written policies concerning how prosecutors will exercise their discretion in charging and sentencing are not subject to discovery. (*Keenan v. Superior Court* (1981) 126 Cal.App.3d 576; *People v. Keenan* (1988) 46 Cal.3d 478.) Thus, these documents are exempted from disclosure not only by the deliberative process privilege but also by Government Code section 6254(k).

Because we were able to provide copies of the attached documents to you electronically, there is no charge.

If you have any questions regarding our response or the documents being provided, please let me know.

Sincerely,

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

Michael Blazina
Assistant Chief Deputy District Attorney

Attachments provided electronically

From: Truong. An (DA)
Sent: Tuesday, August 10, 2021 1:18 PM
To: Sinclair. Casey (DA)
Subject: Re: LRA training tomorrow

Hi Casey,

We are in front of the Jan Scully training center.

-An

Get Outlook for iOS

From: Sinclair. Casey (DA) <SinclairC@sacda.org>
Sent: Tuesday, August 10, 2021 11:19:44 AM
To: Truong. An (DA) <TruongA@sacda.org>
Subject: Re: LRA training tomorrow

Perfect!! Thanks!

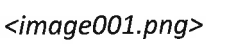
Sent from my iPhone

> On Aug 10, 2021, at 11:19 AM, Truong. An (DA) <TruongA@sacda.org> wrote:
>
> Hi Casey,
>
> No problem! I'll bring it on two thumb drives and it's uploaded onto my one drive.
>
> So hopefully one of those will work!
>
> Thank you,
>
> An
>
> **From:** Sinclair. Casey (DA) <SinclairC@sacda.org>
> **Sent:** Tuesday, August 10, 2021 11:18 AM
> **To:** Truong. An (DA) <TruongA@sacda.org>
> **Subject:** Re: LRA training tomorrow
>
> Can you bring your power point presentation on a thumb drive so I can assure that we have a copy for the presentation? Thanks so much!!
>
> Sent from my iPhone
>
> > On Aug 10, 2021, at 11:06 AM, Sinclair. Casey (DA) <SinclairC@sacda.org> wrote:

I'm over at training and only have my phone here so I can't check it. No worries - if I get back to my office at lunch and can't print it, I will get it to the new attorneys later. No problem at all.

Sent from my iPhone

> On Aug 10, 2021, at 10:59 AM, Truong. An (DA) <TruongA@sacda.org> wrote:
>
> Hi Casey,
>
> Please let me know if you can access this powerpoint through the link below.
>
> Thank you,
>
> An
>
> C:\Users\truonga\OneDrive - Sacramento County District Attorney's Office\Controlled Substance Power Point 2021.pptx
>
> **From:** Sinclair. Casey (DA) <SinclairC@sacda.org>
> **Sent:** Monday, August 9, 2021 10:36 AM
> **To:** Gray. Danielle (DA) <GrayD@sacda.org>; Truong. An (DA) <TruongA@sacda.org>
> **Subject:** RE: LRA training tomorrow
>
> 100 sounds great. See you then. Just email me or text me when you are here and I'll come grab you. My cell is 530-340-9975.
>
> Casey
>
> **From:** Gray. Danielle (DA) <GrayD@sacda.org>
> **Sent:** Monday, August 9, 2021 10:35 AM
> **To:** Sinclair. Casey (DA) <SinclairC@sacda.org>; Truong. An (DA) <TruongA@sacda.org>
> **Subject:** RE: LRA training tomorrow
>
> Thank you Casey for the updated info. If you need anything else, let us know. We will see you tomorrow, we aim to be there at 1pm (unless you need us earlier)
>
> **Dani Gray**
> Criminalist II – Chemistry Section
> **Sacramento County District Attorney's Office**
> **Laboratory of Forensic Services**
> 4800 Broadway, Suite 200 | Sacramento, CA 95820
> 916.874.1766 | 916.716.7857 grayd@sacda.org
> *seek justice. serve justice. do justice.*



From: Sinclair. Casey (DA)
Sent: Monday, August 9, 2021 10:31 AM
To: Truong. An (DA)
Cc: Gray. Danielle (DA)
Subject: RE: LRA training tomorrow

Sure! No problem at all. As long as I have time to print it before tomorrow's presentation it doesn't matter to me when I get it. Thank you for letting me know.

Casey

From: Truong. An (DA) <TruongA@sacda.org>
Sent: Monday, August 9, 2021 10:31 AM
To: Sinclair. Casey (DA) <SinclairC@sacda.org>
Cc: Gray. Danielle (DA) <GrayD@sacda.org>
Subject: RE: LRA training tomorrow

Hi Casey,

I am currently in the process of updating our presentation for the attorneys. May I send the revised version later today?

Thank you,

An

From: Sinclair. Casey (DA) <SinclairC@sacda.org>
Sent: Monday, August 9, 2021 10:26 AM
To: Satchell. William (DA) <SatchellW@sacda.org>; Porter. Greg (DA) <PorterG@sacda.org>; Hightower. Jeffrey (DA) <HightowerJ@sacda.org>; Thorgrimson. Joyce (DA) <ThorgrimsonJ@sacda.org>; Truong. An (DA) <TruongA@sacda.org>; Gray. Danielle (DA) <GrayD@sacda.org>
Subject: LRA training tomorrow

Hi everybody! I have each of you scheduled to teach the new attorneys tomorrow 8/10 in the Jan Scully Training Center located at 906 G Street. The schedule is below. If you are using a power point presentation or other materials please provide it electronically to me so I can print copies for the attorneys (I have Billy's materials and Greg/Jeff's Ethics materials) and bring your presentation on a thumb drive. Thanks so much for your help! I REALLY appreciate it and I know the attorneys do too!

900-1000 Jeff Hightower – California Racial Justice Act
1000-1100 Joyce Thorgrimson – Investigations
1100-1200 William Satchell – Direct Examination
130-230 An Truong and Dani Gray – Controlled Substances

Casey Sinclair | Supervising Deputy District Attorney
Sacramento District Attorney's Office
Misdemeanor Jury Trial Unit
901 G Street | Sacramento, CA 95814
916.874.5322 | sinclairc@sacda.org
seek justice. serve justice. do justice.

From: Senator Nielsen <Senator.Nielsen@senate.ca.gov>
Sent: Friday, June 25, 2021 11:10 AM
To: Senator Nielsen
Subject: Your Opportunity to Stay Connected-A Look Ahead for the week of June 28, 2021
Attachments: A Look Ahead-Week of June 28, 2021.pdf

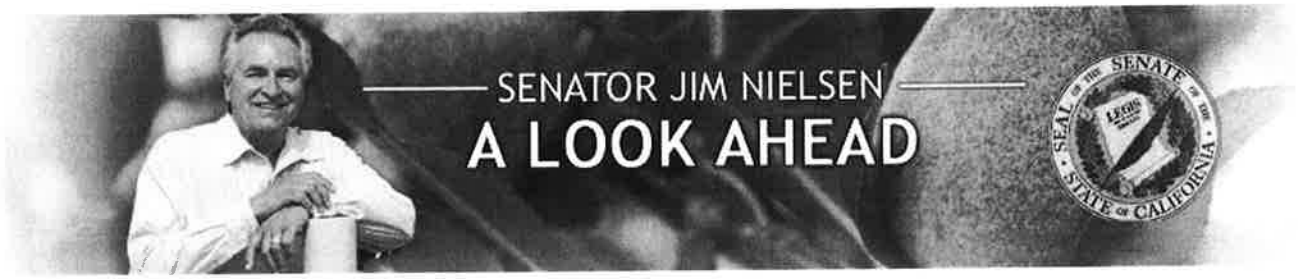
Dear Community Leaders-

I have included my weekly write-up, "A Look Ahead" to give you an overview of legislation coming up for consideration during the 2021-2022 legislative session. I hope this legislative update helps in your work. Please contact my staff anytime if you have any questions or would like more information about anything you read here.

As our state recovers from the COVID-19 pandemic, and the economy rebounds, I am grateful to all of you for doing your part to help promote and protect your communities.

All the Best,

JIM NIELSEN
Senator, Fourth District



For the Week of JUNE 28, 2021

This report details selected significant Senate legislative activity anticipated next week. It includes information current as of June 25, 2021.

Agriculture

Thursday, July 1
Upon adjournment of Session, Room 3191

AB 45 (Aguiar-Curry) Amends Proposition 64 by changing the definition of "industrial hemp" to include cannabis plants and any part of that plant, with a THC concentration of no more than 0.3 percent. Requires hemp to be regulated by the Department of Food and Agriculture (CDFA). Prohibits health related statements in hemp infused products, and using hemp in dietary supplements unless requirements are met. Clarifies products using hemp are not adulterated provided conditions are met. Imposes an unspecified fee on the hemp industry. *(Note, this is pending passage by a prior committee.)*

AB 350 (Villapudua) Requires the California Department of Food and Agriculture (CDFA) to fund technical assistance providers to assist landowners in critically overdrafted basins under the Sustainable Groundwater Management Act (SGMA) to design and implement on-farm conservation plans for agricultural lands that are at risk of fallowing.

AB 535 (Aguiar-Curry) Requires olive oil labeled as "California Olive Oil" to be produced from 100% California grown olives. Requires olive oil produced with olives outside of California to disclose on the label the minimum percentage of olives grown in California. Requires that olive oil labeled as grown in a specific region of California consist of oil that is 85% from that region.

AB 778 (E. Garcia) Requires all state owned or operated institutions that purchase agricultural products to purchase California-grown products - except when out-of-season, not grown in the state or sold as a canned, dried, frozen or juice product. *(Note, this is pending passage by a prior committee.)*

AB 888 (Levine) Expands an existing allowance for mobile slaughter operators to harvest beef for the sole use of the customer to also include sheep, goats and swine.

AB 1282 (Bloom) Authorizes the Veterinary Medical Board to register community blood banks for animals allowing blood collection from pets whose owners voluntarily consent to the donation. Requires the California Department of Food and Agriculture (CDFA) to discontinue its licensing program for closed-colony blood banks for animals within 12 months of CDFA determining that community blood banks sold an annual amount of canine blood in California that equals or exceeds the average

Floor Session

Monday, June 28, 2:00 p.m.

Tuesday, June 29, Check-In

Wednesday, June 30, Check-In

Thursday, July 1, 9:00 a.m.

Friday, July 2, **INDEPENDENCE DAY OBSERVED**

Contact Me

Capitol Office
California State Capitol
Room 5064
Sacramento, CA 95814
(916) 651-4004 Phone
(916) 651-4904 Fax

Roseville District Office
2200A Douglas Boulevard
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(916) 772-0571 Phone
(916) 772-0589 Fax

Chico District Office
2635 Forest Avenue
Suite 110
Chico, CA 95928
(530) 879-7424 Phone
(530) 879-7437 Fax

Yuba City District Office
1110 Civic Center Boulevard
Suite 202-A
Yuba City, CA 95993
(530) 751-8657 Phone
(530) 751-8865 Fax

annual amount closed colony blood banks sold in the state in 2018, 2019, and 2020.

Business, Professions & Economic Development

Wednesday, June 30
9:00 am, Senate Chamber

AB 107 (Salas) Expands an existing requirement for certain boards under the Department of Consumer Affairs (DCA) to issue temporary licenses to qualified military spouses to instead, require all boards under the DCA to issue temporary licenses within 30 days of receiving documentation that the applicant has met specified requirements, except for those boards that already have an equivalent process. Authorizes a psychologist certified or licensed in another state or Canadian province who is a military spouse and has applied to the Board of Psychology for licensure to practice without a valid license for a period not to exceed 12 months or from the commencement of residency in this state, whichever occurs first.

AB 562 (Low) Requires the Director of the Department of Consumer Affairs to establish a mental health resiliency program to provide mental health services to licensed health care providers who have provided consistent in-person health care services to COVID-19 patients. Requires the relevant licensing boards to notify licensees and solicit applications for access to the program immediately upon availability of services.

AB 691 (Chau) Authorizes an optometrist to conduct specified tests for COVID-19 screening, and expands the authority granted to qualified optometrists to administer immunizations to include the administration of COVID-19 vaccines.

AB 710 (E. Garcia) Prohibits a vendor from selling a listed agricultural product produced in the state or outside of the state to a retailer unless the product was produced in compliance with specified California health and environmental protection laws. Also, prohibits a vendor from selling a listed agricultural product produced in the state or outside of the country to a retailer unless the product was produced in compliance with specified California labor laws.

AB 1084 (Low) Requires a retail department store with 500 or more employees that sells childcare items or toys to maintain a gender neutral section or area, to be labeled at the discretion of the retailer, in which a reasonable selection of the items and toys for children shall be displayed regardless of whether they have been traditionally marketed for either girls or boys. Beginning on January 1, 2024, makes a retail department store that fails to comply with these provisions liable for a civil penalty not to exceed $250 for a first violation or $500 for a subsequent violation, as provided.

Education

Wednesday, June 30
9:00 am, Room 4203

AB 22 (McCarty) Phases in Transitional Kindergarten (TK) eligibility for all four-year olds by 2032-33 and requires that a pupil admitted to a TK program generate average daily attendance funding and be included in the enrollment and unduplicated pupil count for the local education agency.

AB 388 (Medina) Repeals personnel flexibility for small school districts (fewer than 250 pupils) and county offices of education, thereby requiring that they grant permanent status (commonly referred to as "tenure") to teachers after two consecutive years of employment; deletes related flexibility with regard to dismissal of probationary employees in small school districts; extends tenure to employees in non-teaching positions; and requires instruction in classes in a regional occupational center or program to count toward classification as a permanent employee.

AB 1113 (Medina) Creates a tuition exemption for any student who attends a public postsecondary institution if his or her parent or spouse died of COVID-19 during the state of emergency and the deceased was a licensed physician, nurse, or first responder (i.e., peace officer, paramedic, or emergency medical technician). Requires, as a condition of free tuition, any support received by the student to not exceed the maximum household income to qualify for CalGrant A award. Limits the program to January 1, 2033, for a surviving spouse, and until the dependent child reaches 30 years of age.

Elections and Constitutional Amendments

Monday, June 28
9:00 am, Room 3191

SCA 1 (Hertzberg) Reverses the current referendum process to require that a "Yes" vote is counted in favor of overturning a statute while a "No" vote is counted in favor of retaining the statute.

SCA 2 (Allen) Repeals Article 34 of the California Constitution, which requires any "low-rent housing project" put forward by a government entity must be placed on the ballot and receive the support of the majority of the voters prior to moving forward.

AB 319 (Valladares) Prohibits candidates for state or local office from soliciting or accepting campaign contributions from foreign governments or entities.

AB 759 (McCarty) Moves the election for county officers (Sheriff, District Attorney, etc.) from the gubernatorial primary election (March 2022), to the presidential primary election (March 2024).

AB 796 (Berman) Implements the terms of a settlement agreement between the Secretary of State and the League of Women Voters to facilitate the operation of California's New Motor Voter Program, which automatically registers persons to vote at the Department of Motor Vehicles unless they affirmatively opt-out of registration.

Energy, Utilities & Communications

Monday, June 28
Upon adjournment of Session, Senate Chamber

AB 641 (Holden) Requires each local publicly owned electric utility to develop and adopt a transportation electrification plan and to facilitate and ensure the availability of electric vehicle charging infrastructure within its service territory.

AB 1250 (Calderon) Establishes a timeframe by which the California Public Utilities Commission must act on a request for a water or sewer system consolidation.

AB 1257 (Patterson) Makes procedural changes to the rate case proceedings for small independent telephone corporations in an attempt to streamline the process.

Environmental Quality

Monday, June 28
9:00 am, Room 4203

AB 363 (Medina) Requires the California Air Resources Board (ARB), upon appropriation by the Legislature, to develop project grant criteria and guidelines for a new On-Road Heavy-Duty Vehicle Incentive Program (VIP2) to fund the replacement of diesel trucks with cleaner alternatives. This program would have less restrictions on truck and fleet owners than the existing voucher program which ultimately limits their eligibility.

AB 480 (Carrillo) Allows a Certified Unified Program Agency (CUPA) to temporarily shut down a facility that has released or has a threatened release of a hazardous substance if conditions at the facility pose an imminent or substantial endangerment to public health and safety. Provides a process for a facility to appeal the shutdown order issued by the CUPA.

AB 753 (Grayson) Extends from 2026 to 2036 the $.02 per gallon Underground Storage Tank (UST) tax that is currently assessed on drivers to help finance the replacement and remediation of underground storage tanks that hold petroleum. Creates a task force to study, and make recommendations to the Legislature, on the possibility of using UST funds to remediate brownfields for infill housing.

AB 762 (Lee) Extends to charter schools and private schools siting requirements that public schools follow to evaluate a school site for potential hazardous substances, hazardous emissions, or hazardous waste.

AB 1260 (Chen) Provides an exemption under the California Environmental Quality Act (CEQA) to construct or maintain infrastructure to charge or refuel zero-emission trains.

Environmental Quality

Thursday, July 1
Upon adjournment of session, Room 4203

AB 478 (Ting) Mandates that by 2030, plastic thermoforms must contain on average 30% recycled plastic. Imposes mandates of 10% recycled content in thermoforms by 2024, and 20% by 2027. Assesses financial penalties on manufacturers who fail to achieve the mandates.

AB 1147 (Friedman) Requires each Metropolitan Planning Organization to submit a 2035 target action plan by July 1, 2023, to identify barriers in meeting their regional greenhouse gas emissions reduction targets, and establishes the Sustainable Communities Strategy Block Grant Program.

AB 1276 (Carrillo) Bans restaurants, or third-party food delivery platforms, from providing single-use condiments or single-use silverware unless it was requested by the consumer. Requires local governments to enforce the provisions of this bill, and imposes infractions which shall not exceed $300 a year.

AB 1524 (O'Donnell) Requires the Air Resources Board (ARB) to expand an incentive program for the purchase of zero-emission drayage trucks, and states legislative intent to provide future funding. Continues a program to help drayage truck operators comply with a mandate to convert their fleets to zero-emission by 2035.

Governance & Finance

Thursday, July 1
Upon adjournment of Agriculture Committee, Room 3191

AB 339 (Lee) Requires, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option.

AB 361 (R. Rivas) In limited circumstances, allows a local agency to use teleconferencing without complying with the Ralph M. Brown Act's (Brown Act) physical access and quorum requirements for teleconferenced meetings.

AB 602 (Grayson) Adds new requirements to impact fee nexus studies. Requires cities and counties to request certain information from development proponents and requires the Department of Housing and Community Development to develop a nexus study template.

AB 803 (Boerner Horvath) Provides communities and developers another tool for the development of workforce housing by permitting the development of single-family small lot housing in areas zoned for multi-family housing.

AB 850 (Gallagher) Extends the authorization for the cities of El Monte, Montebello and Willows to sell their public water utilities without voter approval for purposes of consolidating with another system from January 1, 2022 to January 1, 2024.

AB 1219 (Berman) Reinstates the Natural Heritage Preservation tax credit for a contribution made on or after January 1, 2021, and before June 30, 2026.

Health

Wednesday, June 30
1:00 pm, Senate Chamber

AB 226 (Ramos) Reclassifies children's crisis residential programs as children's crisis psychiatric residential treatment facilities, and would transfer responsibility for licensing these facilities to the State Department of Health Care Services, contingent upon an appropriation in the annual Budget Act for these purposes.

AB 323 (Kalra) Redefines a class "AA" violation for a long-term care health facility as a class "A" violation that the State Department of Public Health determines to have been a substantial factor in the death of a resident of such a facility.

AB 342 (Gipson) Requires a health care service plan contract or a health insurance policy, except as specified, that is issued, amended, or renewed on or after January 1, 2022, to provide coverage for a colorectal cancer screening test.

AB 347 (Arambula) Clarifies that a health care service plan that provides coverage for prescription drugs may require step therapy if there is more than one drug that is appropriate for the treatment of a medical condition.

AB 1094 (Arambula) Requires the State Department of Public Health to establish a 3-year pilot program in up to 6 counties that agree to participate, for the identification and collection by coroners and medical examiners of gender identity and sexual orientation in cases of violent death.

AB 1158 (Petrie-Norris) Requires a licensee operating an alcoholism or drug abuse recovery or treatment facility to maintain specified insurance coverages, including commercial general liability insurance and employer's liability insurance.

AB 1020 (Friedman) Requires uninsured patients or patients with high medical costs who are at or below 400% of the federal poverty level to be eligible for charity care or discount payments from a hospital, and authorizes a hospital to grant eligibility for charity care or discount payments to patients with incomes over 400% of the federal poverty level.

AB 1207 (Akilah Weber) Establishes, in the California Health and Human Services Agency, the Pathways Through Pandemics Task Force to study lessons learned from the COVID-19 pandemic and to develop strategies to navigate future pandemics.

AB 1331 (Irwin) Requires the Director of the State Department of Health Care Services to appoint a full-time Statewide Director of Crisis Services.

Housing

Thursday, July 1
10:30 am or upon adjournment of Session, Senate Chamber

AB 687 (Seyarto) Authorizes the County of Riverside and specified cities to create the Western Riverside County Housing Finance Trust to fund housing to assist the homeless population and persons and families of extremely low-, low-, very low- and low-income.

AB 1398 (Bloom) Requires cities and counties that fail to adopt a legally compliant housing element within 120 days of the statutory deadline, to complete a rezone program within one year instead of the current three-year requirement.

Judiciary

Tuesday, June 29
1:30 pm, Senate Chamber

AB 245 (Chiu) Requires a California public university to update a former student's records to include the updated legal name or gender of the student.

AB 746 (Cervantes) Clarifies that in stepparent adoptions, the parties are not required to have been married for a minimum period of time.

AB 1101 (Irwin) Provides that charitable fundraising platforms and platform charities are under the Supervision of Trustees and Fundraisers for Charitable Purposes Act, and subject to supervision by the Attorney General.

AB 1466 (McCarty) Requires a title insurance company involved in any transfer of real property that provides a copy of a deed or other written instrument relating to title to real property, to identify whether any of the documents contain an unlawfully restrictive covenant. If the title insurance company identifies unlawfully restrictive language, the bill requires the title insurance company to record a modification document.

Labor, Public Employment & Retirement

Monday, June 28
Upon adjournment of Session, Room 4203

AB 7 (Rodriguez) Requires private ambulance companies to provide multithreat body protective gear (e.g., body armor that is bullet, strike, slash, and stab resistant) to employees upon request, to make that gear readily available for use, to provide training on its proper fit and use, and to notify employees upon hiring and annually thereafter of its availability.

AB 275 (Medina) Reduces the maximum probationary period for classified employees at a community college that does not use a merit based system from one year to either 6 months or 130 days.

AB 364 (Rodriguez) Eliminates a provision in current law that exempts licensed farm labor contractors (and agricultural workers) from the foreign labor contractor registration program established in SB 477 (Steinberg, 2014), which will make them subject to new additional licensure mandates.

AB 401 (Chiu) Requires the Employment Development Department (EDD) to translate key documents, publications, and website content for the Unemployment and State Disability Insurance programs into any written language that is or becomes a Medi-Cal threshold language in any county. Requires EDD to identify a claimant's language needs at the earliest point of contact

and provide translation by a qualified human translator, provide a claimant with a document in their written language within two business days upon request, and establish a translation efforts community review process.

AB 615 (Rodriguez) Creates a process for medical interns and medical and dental residents at the University of California and California State University to challenge disciplinary actions. States that a student must exhaust any academic or administrative grievances before using this new process. Requires the challenge to be heard before a hearing panel that includes labor, medical education program, and an impartial hearing officer or arbitrator. Provides an exemption for those covered by a union contract.

AB 628 (E. Garcia) Makes changes to the Breaking Barriers to Employment Initiative that generally allow/require grant recipients to focus on racial and economic justice; expand eligible populations to include domestic violence victims, those at risk of committing violence, and populations living in areas of concentrated poverty or that are disproportionately impacted by occupational segregation; and expand eligible uses of grand funding. Requires the California Workforce Development Board to convene an advisory group with specified tasks. Amends the framework of an existing grant program to focus on equity, improve program effectiveness, and allows more flexible use of funding.

AB 643 (Ramos) Requires a school district or school, including public, charter, and alternative schools, that is planning to hold a college or career fair, to notify each apprenticeship program in the same county of the planned date, time, and location of the college or career fair.

AB 680 (Burke) Requires that applicants for Greenhouse Gas Reduction Fund (GGRF) grant programs show compliance with certain labor laws; prioritize bids from entities that create high-quality jobs and/or jobs in disadvantaged, tribal, and low-income communities; pay prevailing wage for construction work; and use a project labor agreement (PLA) for construction projects over $1 million.

AB 1031 (Villapudua) Requires state agencies to provide hiring preference to victims of human trafficking when hiring for internships and student assistant positions.

AB 1105 (Rodriguez) Requires hospitals to test all patients for COVID-19 prior to admission, to offer COVID-19 testing weekly (or upon exposure) to health care personnel at no cost, and to develop and implement specified screening testing guidelines. Sunsets those requirements on January 1, 2025. Specifies that the existing requirement for hospitals to provide employees with personal protective equipment (PPE) continues to apply regardless of whether they have received a COVID-19 vaccine.

Military and Veterans Affairs

Wednesday, June 30
Upon adjournment of Education Committee, Room 4203

AB 1002 (Choi) Requires the Chancellor of the California State University and requests the President of the University of California, to develop a policy to award military personnel and veterans course credit for American Council on Education evaluated courses that appear on a student's Joint Services Transcript.

AB 1352 (Chau) Authorizes the California Military Department, upon the request of a local educational agency (LEA), to perform an independent security assessment of the LEA or of an individual school site under the jurisdiction of the LEA for the purpose of strengthening the LEA's information technology system security against cyberattacks.

AJR 10 (Choi) Petitions the Congress and the President of the United States to extend burial and memorial benefits in California and National cemeteries to Republic of Korea veterans who served in the Vietnam War and, who subsequently became United States citizens.

Natural Resources & Water

Tuesday, June 29
9:00 am, Room 4203

AB 78 (O'Donnell) Expands the jurisdiction of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy by adding the Dominguez Channel watershed and Catalina Island into the boundaries of the Conservancy.

AB 223 (Ward) Establishes a new crime, and associated penalties, for uprooting dudleya, a succulent knows as the "live-forevers," on public and private property without landowner's permission and also for possession of dudleya obtained by those means with the intent to sell.

AB 431 (Patterson) Extends the sunset date, until January 1, 2026, of a pilot program allowing homeowners to sell the timber that is cut down as part of defensible space (between 150 and 300 feet) maintenance of a habitable structure.

AB 579 (Flora) Authorizes CalFire to purchase protective equipment from either the California Prison Industry Authority or private entities based on the department's needs and assessment of quality and value.

AB 585 (L. Rivas) Establishes the Extreme Heat and Community Resilience Program and the Extreme Heat and Community Resilience Fund to coordinate the state's efforts to address extreme heat.

AB 642 (Friedman) Makes a multitude of changes with regards to wildfires including: requiring the identification of moderate and high fire hazard severity zones; the adoption of building standards for high fire hazard severity zones; the development of a proposal for a prescribed training center; recommendations on how to model wildfire risk for a community and specific parcels; and other changes designed to increase the use of prescribed burns.

AB 804 (M. Dahle) Requires the Director of the Department of Fish

and Wildlife (DFW) to establish two free hunting days per year.

AB 1384 (Gabriel) Requires the Strategic Growth Council to provide more statewide planning for climate change adaptation and authorizes the Treasurer to assist state agencies in leveraging public and private capital investment.

Public Safety

Tuesday, June 29
1:30 pm, Room 4203

AB 26 (Holden) Provides that a policy must include the requirement that an officer who has received all required training on the requirement to intercede and fails to act, be disciplined in the same manner as the officer that committed the excessive force.

AB 256 (Kalra) Makes the provisions of the California Racial Justice Act of 2020 retroactive, allowing a criminal conviction or sentence to be overturned if, at any time, the judge, an attorney in the case, a law enforcement officer involved in the case, expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful, or if there were statistical disparities in charging or sentencing of people that share the defendant's race, ethnicity, or national origin. Expands racial and ethnic sentencing quotas.

AB 481 (Chiu) Prohibits the acquisition or use of "military equipment" by law enforcement unless their local governing body approves use of those items by adoption of a military equipment use policy at a public hearing. Requires law enforcement to provide annual reports on use and corresponding annual approval by local bodies including the consideration of alternatives to such equipment. Defines "military equipment" as weapons, arms, military supplies, and equipment that may be readily used for military purposes including, but not limited to, radar systems or military-grade transport vehicles

AB 1356 (Bauer-Kahan) Increases criminal penalties for an individual that knowingly and with the intent to cause imminent great bodily harm, publicly posts, without consent, the personal information or image of personnel or patients of a reproductive health center, punishable by imprisonment for up to one year or a fine up to $10,000. Makes it an alternate felony/misdemeanor to videotape, photograph or record, within 100 feet of the entrance, a patient, employee, or assistant of a reproductive health care facility with the intent to dissuade the person from going or remaining there. Provides increased criminal penalties for acts which might intimidate abortion clinic patients or employees

AB 1474 (Gabriel) Requires a finding on the record of the average cost of incarceration or supervision for any criminal sentence imposed by the court. Requires the Legislative Analyst's Office and the Board of State and Community Corrections to make these calculations on or before July 1, 2022 and annually thereafter. Requires the court to explicitly consider the cost of incarceration and supervision when imposing a criminal sentence, but not the cost of crime to victims or society generally or the need to impose just sentences.

Transportation

Tuesday, June 29
9:00 am, Senate Chamber

AB 122 (Boerner Horvath) Eliminates the requirement for bicycles and electric bicycles to stop at stop signs, and instead provides that stop signs may be treated as yield signs. Allows bicyclists to roll through stop signs whenever they believe it is reasonably safe to proceed into an intersection without stopping.

AB 917 (Bloom) Expands a program that currently allows the City and County of San Francisco and the Alameda-Contra Costa Transit District (AC Transit) to use automated camera enforcement for parked vehicles blocking transit-only lanes (i.e. the Transit-Only Lane Enforcement, or TOLE program).

From: Miller. Richard (DA)
Sent: Thursday, May 27, 2021 8:43 AM
To: Barlow. Chasity (DA)
Subject: ppt
Attachments: 2021 New Law Citizen's Academy.ppt

Here you go. Changes incorporated.

Rick Miller | Assistant Chief Deputy District Attorney
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6843 | millerri@sacda.org
seek justice. serve justice. do justice.

New Laws in CA for 2020

Anne Marie Schubert
District Attorney

1

2

2 ways to make a law in CA

1. Legislation passed by Assemly and Senate and signed by Governor

2. Voter Initiative – 50%

   - Can the Legislature override or undo an initiative?
   - Yes, but only upon a 2/3 vote in both Assembly and Senate

3

AB 3234 – Misdemeanor Diversion

- Diversion = a pre-plea program where the accused takes classes and complies with other requirements such as making court appearances, drug testing, or anything the court requires as it relates to the charged crime
- Prior to 2020, diversion has been available in almost all first-time drug offenses
- AB 3234 expanded diversion to almost all misdemeanor offenses, including DUI, assault, and grand theft
  - It's up to the judge whether to grant
  - No automatic disqualification for repeat offenders
  - The period of diversion is up to the judge but cannot exceed two years
  - If the person fails, the case is reinstated and proceeds
  - The only disqualifying crimes are PC 290, and DV offenses

4

AB 3234 Changed Elderly Parole Rules

Prior to AB 3234, if someone reached age 60 and had been in custody for 25 years, they were automatically eligible for parole hearings

- Their actual release on parole was still not guaranteed, but they got a chance
- Even if their sentence was 100-life. (Example: murdered 4 people and received 25-life for each murder)

AB 3234 reduced the age to 50, and the required time in custody to 20 years

- Not uncommon for a bill to address one "advertised" issue but also make a major change to another unrelated issue

5

AB 1196 – Bans Choke Holds and Carotid Restraints

- Mandates that no CA law enforcement agency may authorize the use of a choke hold or carotid restraint under any circumstance
  - Even where an officer's life (or a civilian bystander's) is in imminent danger during a struggle with a suspect of any crime
- Choke holds and carotid restraints had been phased out by P.O.S.T. several years ago and by many large agencies but there was no law specifically banning them; now there is
- There is no criminal penalty set forth – it is an administrative mandate

6

Proposition 17

* Unlike a legislative bill which takes a majority vote in both houses, a Proposition is a law passed by the voters. It cannot be changed by the Legislature without a 2/3 vote in both houses.

- Since 1972, any felon serving a term in state prison or on parole was ineligible to vote
- Prop 17 changed the California Constitution to permit those on parole to vote
  - Those still in prison are still ineligible to vote

7

AB 1775 – False 911 call can be a hate crime

- In general, a false 911 call made to harass someone (for example your neighbor you don't like) has a sliding scale of potential consequences:
  - First violation: an infraction or misdemeanor (if misd. up to 6 months in jail)
  - Second: misdemeanor, up to 6 months in jail
- Under AB 1775, someone who makes a false 911 call to harass a person due to their race, religion, or other protected class can be charged with a misdemeanor and receive up to one year in county jail

8

AB 2524 – Racial Justice Act

- Established a procedure for a convicted person to challenge the prosecution, conviction, or sentence by raising one of several challenges:
  1. The judge, the prosecutor, the defense attorney, a juror, any police officer, or any expert witness
     a) Exhibited bias
     b) Used discriminatory language whether or not purposeful
     c) Either attorney used peremptory challenges due to bias (already illegal)
     d) The person got a longer sentence due to bias, or those with similar backgrounds to the person's get charged more often or more severely than others

9

AB 2524 – Racial Justice Act – con't.

2. If any of a) - d) are raised:
   a) The person is entitled to "discovery"
   b) Expert witnesses may be utilized, and statistical evidence and sworn witnesses can also be used
   c) There is no limit to how far back the discovery can go
   d) If a person has multiple group membership then he/she can aggregate the statistics and use all applicable groups
3. If person proves a violation by preponderance of the evidence, judge can
   a) Lower the sentence
   b) Dismiss one or more charges
   c) Invalidate the conviction

10

Seek Justice. Serve Justice. Do Justice

11

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Sent: Tuesday, April 13, 2021 2:16 PM
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Sent by info@cnoa.org

From: Bay Area Morning Report <e-news@email.bayareanewsgroup.com>
Sent: Wednesday, March 31, 2021 7:02 AM
To: King. Tiffany (DA)
Subject: Will California see another coronavirus wave? The answer may surprise you.

Wednesday, March 31, 2021

Good morning readers! Hope your day is off to a sunny start.

Will California see another coronavirus wave? The answer may surprise you.

COVID-19 cases are starting to climb again across much of the U.S. But infectious disease experts in the Bay Area say **the Golden State may be well positioned to avoid another surge**. ••• Will California's expanded vaccine eligibility **crowd out the people who need shots most**? ••• A San Jose vaccination clinic is **getting musical accompaniment**.

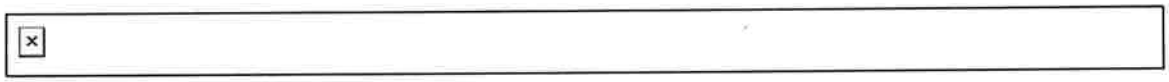
Reopening: Two more Bay Area counties reached the orange tier, **and one was held back**. ••• **Map of California COVID tiers**: Alameda and Santa Cruz are among the 13 improved counties. ••• California will **allow in-person graduation ceremonies this year**.

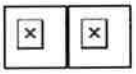
Recall effort: A new poll finds Gavin Newsom would **survive a recall vote — comfortably — if an election were held today**.

Schools: A parents group is **seeking to recall all five Mount Diablo school board members over slow school reopening**. ••• In Palo Alto, the Castilleja School's **expansion plan could see major changes yet**.

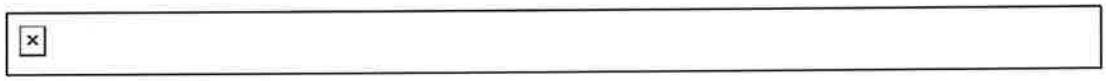
The promise of a cure: University of California scientists are launching a first-ever human study of a powerful new gene-editing technique to **fix the bad gene that causes sickle cell disease**.

- The Oakland City Council is **taking steps to tame weekend chaos around Lake Merritt**.
- An early **attempt to invoke the Racial Justice Act** was denied by a South Bay judge.
- A Berkeley cop was **fired for use of force after shooting at a car**.
- **San Jose's Al Fresco dining program is here to stay** — at least until the end of 2021.
- **Roadshow:** Is anything being done about **the crowded I-80 carpool lane**?





Good news



Otter-ly exciting: The Monterey Bay Aquarium **announced its reopening date**. ••• San Jose's **Children's Discovery Museum is also set to welcome visitors**.

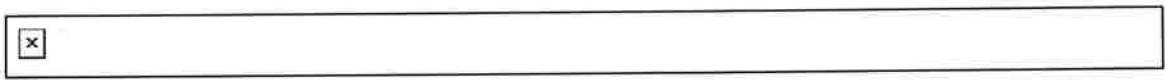
Free lunch — and free crypto? Chipotle will **give away $100,000 in burritos and $100,000 in Bitcoin** to celebrate National Burrito Day.

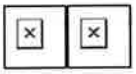
Business

Openings & closings: Silicon Valley is poised to get **its first new hotel since COVID-19 hit**. ••• **Target will close two Bay Area stores**, including one in the South Bay.

Housing: A former student dorm in Oakland could **become a shelter for homeless residents**. ••• Fremont is making roughly $7 million in federal relief funds available for **people struggling to pay their rent and utilities**. ••• How did **$2.7 billion in California housing bonds disappear**?

- **Editorial:** Should California **step in to help the state's "unbanked"**?



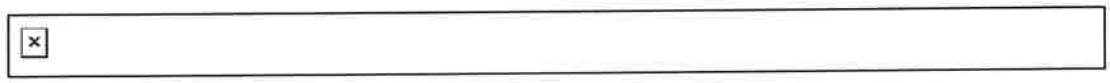


Sports

Stanford women's basketball: The team's big rally over Louisville **leads to the program's 14th Final Four appearance**.
Prep sports: California is **expanding attendance at prep football games** and other outdoor events. ••• Basketball season is beginning around the Bay Area: **your questions, answered ••• Week 4 high school football rankings ••• High school baseball rankings**
MLB: National League West Division preview: **How the Giants stack up** ••• Can the **Oakland A's repeat as division champions**? ••• The Oakland A's **expanded tickets in the orange tier,** but can't go past 26 percent capacity.

- **Kurtenbach:** Lebron and Steph teaming up? **The recruitment shouldn't surprise you.**

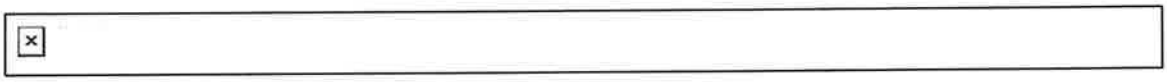
Things to do

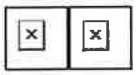


Eat well: Walnut Creek's Brioche de Paris owner on **pastries, generous customers and his new cafe ••• Pasta with Michelin cred** is coming to the Pruneyard. ••• **Brenda's Cajun-Creole restaurant empire is expanding** to San Jose. ••• Off the Grid food truck events will **benefit the "Stop Asian Hate" campaign**.
Cheers: Anderson Valley Brewing's **new Beer Park opens this spring**.
What to watch: The new Ken Burns documentary "Hemingway" separates the man from the myth. ••• **April's TV calendar** ••• "Godzilla vs. Kong" is **the dopey blockbuster we need right now**.

Take care today. I'll see you tomorrow.

—Kate Lucky





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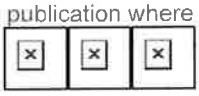


From: Your PM Report <e-news@email.bayareanewsgroup.com>
Sent: Tuesday, March 30, 2021 5:01 PM
To: King. Tiffany (DA)
Subject: COVID: Will California see another wave?

COVID: Will California see another wave?

The U.S. is seeing an overall rise in COVID-19 cases, but the numbers in California look more promising.

Read more →

Bay Area COVID reopening: Two more counties reach orange tier, one held back

Alameda and Santa Cruz counties will advance, but an uptick of cases in Napa County means it must stay in the red.

Read more →

Map of California COVID tiers: Alameda, Santa Cruz among 13 improved counties

Seventeen counties, accounting for half the state's population, are now in the orange tier ("moderate" risk).

Read more →

Want to understand the Gavin Newsom recall? Look to Wisconsin, not California

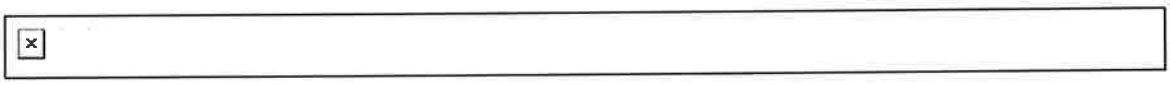
Wisconsin Democrats' attempt to recall Republican Gov. Scott Walker in 2012 looks like a photo-negative of the current push to oust Gavin Newsom.

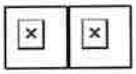
Read more →

Parents group seeks to recall all five Mount Diablo school board members

The Mount Diablo Unified School District board recall effort is led by a group of families who are upset the district didn't reopen schools quickly enough.

Read more →





Early attempt to invoke Racial Justice Act denied by South Bay judge

New law seeks to empower challenges to convictions on claims that racial bias tainted fairness of court proceedings.

Read more →

Target will close two Bay Area stores

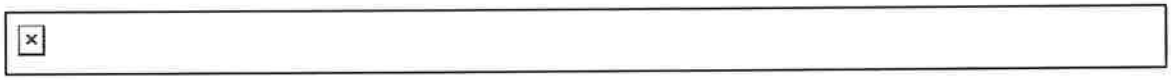
An estimated 75 people work at the Target stores that are closing in the Bay Area — although eligible workers have the opportunity to transfer their jobs to another company store.

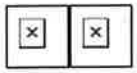
Read more →

California expands attendance at prep football, other outdoor events

New rules take effect Thursday that will permit most Bay Area high schools to host as much as 33% of their stadium's normal capacity at football games and other outdoor sporting events. But that doesn't mean the gates will swing open this weekend.

Read more →





Kurtenbach: LeBron recruiting Steph to L.A.? It shouldn't be a surprise

This is how the NBA does business.

Read more →

Monterey Bay Aquarium announces reopening date

The aquarium, which lost $55 million and laid off 40% of its staff during the pandemic, will open its doors at up to 25% capacity.

Read more →

New movies: 'Godzilla vs. Kong' is the dopey blockbuster we need right now

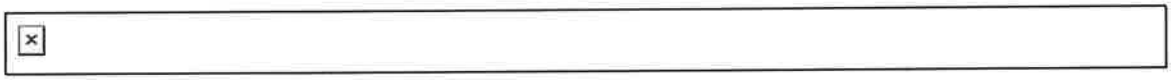
Other standouts include an Idris Elba Netflix movie, a "Promising Young Woman"-like Irish psychological thriller and what could turn out to be one of the best films of 2021.

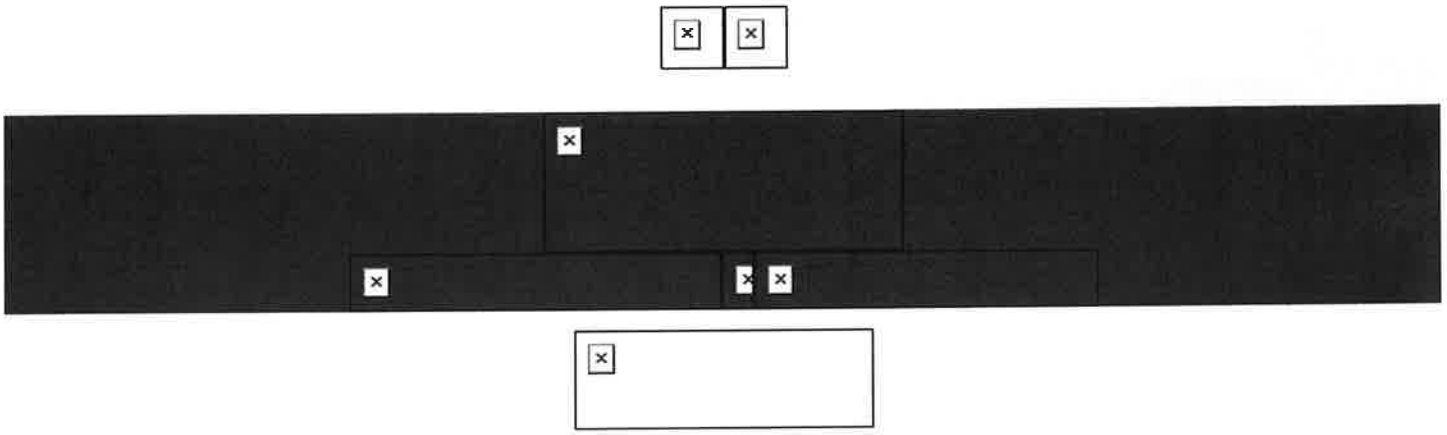
Read more →

Walnut Creek's Brioche de Paris owner on crepes, customers and new Concord cafe

Amid pandemic, family-owned bakery and cafe's French vibe and buttery croissants have carved a path to expansion, starting in The Veranda. Owner Sam Kheriji explains how.

Read more →





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Unsubscribe

From: Max Kennedy <max.kennedy.jr@gmail.com>
Sent: Wednesday, March 10, 2021 1:28 PM
To: Orio. Shelly (DA)
Subject: Re: FW: Media Inquiry Regarding 2020 Racial Justice Act

Thank you! This is very helpful and I appreciate you providing the statement.

Take care and I hope you enjoy the rest of your week.

Best,
Max

On Wed, Mar 10, 2021 at 12:10 PM Orio. Shelly (DA) <OrioS@sacda.org> wrote:

Hi, Max – Here's a statement from Assistant Chief Deputy District Attorney Thienvu Ho.

"The Sacramento County District Attorney's Office has always strived for the fair and equal administration of justice to all members of our community. We welcome constructive efforts to ensure equality in our criminal justice system for those accused of crimes and those affected by it. As the law recently became effective on January 1, 2021, we are still in the process of developing training materials and procedures related to the Racial Justice Act. As with many other new laws, we will continue to collaboratively work with our criminal justice partners to ensure the goal of the Racial Justice Act is met." – Assistant Chief Deputy District Attorney Thienvu Ho

From: Max Kennedy <max.kennedy.jr@gmail.com>
Sent: Friday, March 5, 2021 2:58 PM
To: Orio. Shelly (DA) <OrioS@sacda.org>
Subject: Re: FW: Media Inquiry Regarding 2020 Racial Justice Act

Thank you for the update. Sounds good.

Best,

Max

On Fri, Mar 5, 2021 at 2:40 PM Orio. Shelly (DA) <OrioS@sacda.org> wrote:

Hi, Max – Our bureau chief, who has the information you are requesting, will not be able to get back to you until Tuesday or Wednesday next week. Thanks,

From: Max Kennedy <max.kennedy.jr@gmail.com>
Sent: Tuesday, March 2, 2021 11:12 AM
To: Orio. Shelly (DA) <OrioS@sacda.org>
Subject: Re: FW: Media Inquiry Regarding 2020 Racial Justice Act

Sounds great - thank you!

On Tue, Mar 2, 2021 at 11:11 AM Orio. Shelly (DA) <OrioS@sacda.org> wrote:

Hi, Max – You gave your timeframe as 1-2 weeks, so the end of this week. I should have some information to you by then. Thank you.

From: Max Kennedy <max.kennedy.jr@gmail.com>
Sent: Tuesday, March 2, 2021 11:10 AM
To: Orio. Shelly (DA) <OrioS@sacda.org>
Subject: Re: FW: Media Inquiry Regarding 2020 Racial Justice Act

Hi Shelly,

I wanted to follow up here to see if there are any updates on your side. If helpful, I can share a list of questions that could be answered in writing or over the phone at a future interview?

Thanks,

Max

On Tue, Feb 23, 2021 at 5:29 PM Orio. Shelly (DA) <OrioS@sacda.org> wrote:

Hi Max, I'm looking into it. Thank you,

From: Max Kennedy <max.kennedy.jr@gmail.com>
Sent: Friday, February 19, 2021 2:54 PM
To: Orio. Shelly (DA) <OrioS@sacda.org>
Subject: Re: FW: Media Inquiry Regarding 2020 Racial Justice Act

Hi Shelly,

Thank you for your quick response. Transparently there is not a specific date as we realize DA offices are quite busy and want to ensure we provide adequate time to you all. If it would be possible to receive materials within the next 1-2 weeks, I believe that would work well. Would that timeline work on your side?

Best,

Max

310.968.8046

On Fri, Feb 19, 2021 at 2:42 PM Orio. Shelly (DA) <OrioS@sacda.org> wrote:

> Hello Max – Your email was forwarded to me. Please provide your deadline. Thanks,

> **From:** Max Kennedy <max.kennedy.jr@gmail.com>
> **Sent:** Friday, February 19, 2021 1:11 PM
> **To:** DA Office <daoffice@sacda.org>
> **Subject:** Media Inquiry Regarding 2020 Racial Justice Act
>
> Sacramento District Attorney's Office,
>
> I trust this finds you well. My name is Max and I am currently researching an article for the Davis Vanguard covering how district attorneys are handling the 2020 Racial Justice Act. I was hoping to speak with someone at the Sacramento DA's office and/or request some relevant materials for our research. We

expect the article will cover changes in policy, philosophy, training, etc. made with respect to this new law. Our goal is to highlight the ways DA offices have adapted and show our readers some of the tangible impacts of this new law. You can read some of our past articles here: https://www.davisvanguard.org/

I realize this is a relatively broad mandate, and would be grateful for any information or materials you might be able to provide. I would also be happy to speak over the phone, if helpful. I've included an illustrative list of potential materials below, but would be happy to accept any and all materials or statements related to this subject that you can provide.

Illustrative List of Materials

- Directives / communications to prosecutors regarding the Racial Justice Act
- Training materials related to the Racial Justice Act
- Interview(s) with any employee of your office
- Statement(s) from your office related to the Racial Justice Act
- Description of how the Racial Justice Act has impacted cases, or is expected to impact future cases

Best,
Max

310.968.8046

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From: Erin Martinelli <emartinelli@cdaa.org>
Sent: Wednesday, February 10, 2021 12:27 PM
To: Lazzaretto. Shelly (DA)
Subject: RE: CDAA Event Confirmation - AB 3070 Juries: Peremptory Challenges
Attachments: AB 3070 training bulletin.pdf; 2020 Legislative Digest pp 18-25.pdf; AB3070 Handout.pdf; TRANSCRIPT OF A CCP 237.1 HEARING MARCH 2022.pdf

Erin J. Martinelli
Director of Training Project Development
California District Attorneys Association
2495 Natomas Park Drive, Suite 575| Sacramento, CA 95833
emartinelli@cdaa.org | https://www.cdaa.org
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CDAA CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION CDAA FOUNDATION CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION CALIFORNIA CLINICAL FORENSIC MEDICAL TRAINING CENTER

From: Lazzaretto. Shelly (DA) <LazzarettoS@sacda.org>
Sent: Wednesday, February 10, 2021 12:21 PM
To: Erin Martinelli <emartinelli@cdaa.org>
Subject: Re: CDAA Event Confirmation - AB 3070 Juries: Peremptory Challenges

Thank you. Where can I find the Power Point so I can keep it for future reference?

From: Erin Martinelli <emartinelli@cdaa.org>
Sent: Monday, February 8, 2021 9:30 PM
To: Lazzaretto. Shelly (DA) <LazzarettoS@sacda.org>
Subject: Re: CDAA Event Confirmation - AB 3070 Juries: Peremptory Challenges

https://vimeo.com/cdaa/review/510032059/1720dcf766

Attached you will find the training link for AB3070 last week.

This link should not be shared, and is good for 10 business days. You can receive self study MCLE.

Thank you.

Erin Martinelli
Director of Training Project Development

Get Outlook for Android

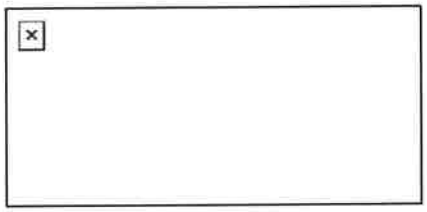
From: Lazzaretto. Shelly (DA) <LazzarettoS@sacda.org>
Sent: Friday, February 5, 2021 6:58:38 AM
To: Erin Martinelli <emartinelli@cdaa.org>
Subject: Fwd: CDAA Event Confirmation - AB 3070 Juries: Peremptory Challenges

Hi. All paid up. Will you send me the link? Thanks!

Sent from my iPhone

Begin forwarded message:

> **From:** CDAA Events <events@cdaa.org>
> **Date:** February 4, 2021 at 11:46:13 PM PST
> **To:** "Lazzaretto. Shelly (DA)" <LazzarettoS@sacda.org>
> **Subject: CDAA Event Confirmation - AB 3070 Juries: Peremptory Challenges**



EVENT CONFIRMATION
AB 3070 Juries: Peremptory Challenges

Shelly Lazzaretto
LazzarettoS@sacda.org

Thank you for registering for: AB 3070 Juries: Peremptory Challenges

Event Date: 02/03/2021 - 02/03/2021

It is important that we have complete information on all our registrants. Please confirm your information below and reply to this email if any information is incorrect or missing:

Full Name: Shelly Lazzaretto
Title: Deputy District Attorney V
Company/Organization: Sacramento County District Attorney's Office
Bar ID: (if applicable): 247770
POST ID: (if applicable):
BRN ID: (if applicable)
Physician License Number: (if applicable)
Email: LazzarettoS@sacda.org
Designation (if applicable, e.g. PhD, RN, CPA):

Location:
Zoom Meeting,

Total Charges: $25

Total Payments: $0
Balance: $25

Your invoice is attached.

If you have any questions, please contact CDAA at (916) 443-2017.

Attendee ID: 13319
Event Code: MA211716
Order Number: 51770

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From: Santa Clara Law Alumni Office <lawalumni@scu.edu>
Sent: Friday, February 5, 2021 8:00 AM
To: Filippini. Rona (DA)
Subject: Santa Clara Law Magazine - February 2021

30px !important; } } -->

SANTA CLARA UNIVERSITY SCHOOL OF LAW

SANTA CLARA LAW
Magazine

Dear Alumni and Friends,

The recent inauguration has brought me hope that we can heal from the many devastating crises and divisions that we face. I believe our most important work at Santa Clara Law is to educate lawyers who have the skills, confidence, and courage to be a light for others.

Read more.

Feature

Tried and True

Zoom's new general counsel **Jeff True JD '97** urges Santa Clara Law students to embrace the school's hands-on practical courses and clinics. Read more.

Spotlight

Scholarship Spotlight: Marco Segura

At age 14, **Marco Segura JD '21** came to the US from Lima, Peru, speaking no English. He now holds a Master's degree and will graduate with his Juris Doctor this May. During his time at Santa Clara Law, he was awarded the B.T. Collins Scholarship and Faculty Scholarship, as well as the 2020 Pat Tillman Scholarship. Read more.

Evangeline Abriel co-authored a new edition of the VAWA manual

In addition to her work actively filing asylum applications and co-authoring this new edition, Abriel serves as clinical professor of law and director of the Center for Social Justice and Public Service at Santa Clara Law. Read more.

The Necessity of Expanding the Federal Judiciary

Santa Clara Law Adjunct Professor Michael Vargas argues that "Courts simply do not have the personnel to keep up with the tens of thousands of petitions they receive each year. The result is that reviewers err on the side of rejecting appeals simply to keep the process moving." Read more.

Law Briefs

Celebrating Diversity and Inclusion

At our 16th annual event, Santa Clara Law honored **Judge Iravani-Sani JD '93**, the National Black Law Students Association, and awarded the Thurgood Marshall Civil Rights Scholarship. This event would not have been possible without the support of our sponsors: Iron Mountain, McManis Faulkner, Schwegman Lundberg & Woessner, Duane Morris, and many others. Read more.

Faculty and Students Collaborate on Amicus Brief

Santa Clara Law Professors Catherine Sandoval and Al Hammond filed an amicus brief with the US Supreme Court in the *FCC v. Prometheus Radio Broadcasters* case, with the help of students **Robert Murillo JD '21** and **Rosa Rico JD '22**. Read more.

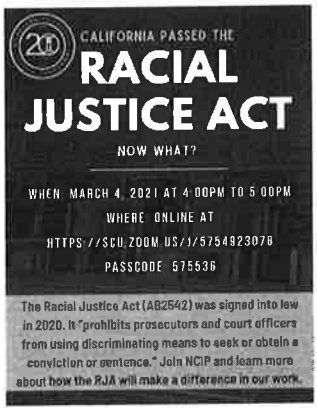
Faculty Represent Santa Clara at National Law School Meeting

Association of American Law Schools

Several Santa Clara Law faculty were speakers and moderators at this year's Association of American Law Schools (AALS) virtual gathering, which had the theme: "The Power of Words." Read more.

NCIP Hosts Racial Justice Act Event

This past legislative season, Governor Newsom signed AB 2542 (The Racial Justice Act) into law. During this next phase of implementation, NCIP wants to ensure their broader communities understand this new law, what it does and doesn't do, and how it can be used to fight racial discrimination in criminal court cases. Learn more.



"The stakes associated with Section 230 reform are enormous....That's why it's mind-boggling when Washington, D.C., politicians treat Section 230 like a political football to be tossed around casually."

– Santa Clara Law Professor Eric Goldman

External Relations Update

Law Schools: Incubators for Democracy and Champions of the Rule of Law by Steve O'Brien, Senior Assistant Dean, External Relations, Santa Clara. Read more.

Class Action

82 Hon. Sheila Venable has been named by New Jersey's chief justice to lead the Essex County vicinage, which is the state's largest vicinage effective February 1, 2021.

01 Wallace Wu is partner at Arnold & Porter. He is a member of the intellectual property and technology practice in the Los Angeles Office.

11 Missy Cornejo BS '07 is now shareholder at Rossi, Hamerslough, Reischl & Chuck.

11 Chandra Shih BA '08 is now partner at Lowenstein Sandler.

IN MEMORIAM

1961 Thomas E. Weisenburger, December 31, 2020. Born in Toledo, Ohio, Tom attended college at the University of Detroit, graduated from Santa Clara Law, and was admitted to the Ohio Bar in 1961. In addition to his law practice Tom served on many charitable and religious organizations including Past-President of Toledo Council of Catholic Youth, Serra Club of Toledo, and the Old News Boys. Tom's many interests included travel, bird watching, skiing, and fishing, but he mostly relished the time that he spent with both his children and grandchildren. He is survived by his wife, Sandy, four sons, two daughters, 21 grandchildren, and many nieces, nephews, and cousins.

1964 Gabriel "Gabe" Gutierrez, January 13, 2021. Honorable Gabriel A. Gutiérrez passed away peacefully surrounded by family at home in South

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Docket

FEB

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Santa Clara, California 95053-0445
Phone: (408) 551-1748
lawalumni@scu.edu

Be sure to add lawalumni@scu.edu to your address book or safe senders list to avoid missing any of our updates.

From: Santa Clara Law Alumni Office <lawalumni@scu.edu>
Sent: Friday, February 5, 2021 8:00 AM
To: Alexander. Samuel (DA)
Subject: Santa Clara Law Magazine - February 2021

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SANTA CLARA UNIVERSITY SCHOOL OF LAW

SANTA CLARA LAW
Magazine

Dear Alumni and Friends,

The recent inauguration has brought me hope that we can heal from the many devastating crises and divisions that we face. I believe our most important work at Santa Clara Law is to educate lawyers who have the skills, confidence, and courage to be a light for others.

Read more.

Feature

Tried and True

Zoom's new general counsel **Jeff True JD '97** urges Santa Clara Law students to embrace the school's hands-on practical courses and clinics. Read more.

Spotlight

Scholarship Spotlight: Marco Segura

At age 14, **Marco Segura JD '21** came to the US from Lima, Peru, speaking no English. He now holds a Master's degree and will graduate with his Juris Doctor this May. During his time at Santa Clara Law, he was awarded the B.T. Collins Scholarship and Faculty Scholarship, as well as the 2020 Pat Tillman Scholarship. Read more.

Evangeline Abriel co-authored a new edition of the VAWA manual

In addition to her work actively filing asylum applications and co-authoring this new edition, Abriel serves as clinical professor of law and director of the Center for Social Justice and Public Service at Santa Clara Law. Read more.

The Necessity of Expanding the Federal Judiciary

Santa Clara Law Adjunct Professor Michael Vargas argues that "Courts simply do not have the personnel to keep up with the tens of thousands of petitions they receive each year. The result is that reviewers err on the side of rejecting appeals simply to keep the process moving." Read more.

Law Briefs

Celebrating Diversity and Inclusion

At our 16th annual event, Santa Clara Law honored **Judge Iravani-Sani JD '93**, the National Black Law Students Association, and awarded the Thurgood Marshall Civil Rights Scholarship. This event would not have been possible without the support of our sponsors: Iron Mountain, McManis Faulkner, Schwegman Lundberg & Woessner, Duane Morris, and many others. Read more.

Faculty and Students Collaborate on Amicus Brief

Santa Clara Law Professors Catherine Sandoval and Al Hammond filed an amicus brief with the US Supreme Court in the *FCC v. Prometheus Radio Broadcasters* case, with the help of students **Robert Murillo JD '21** and **Rosa Rico JD '22**. Read more.

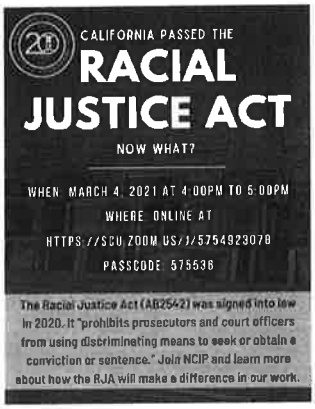
Faculty Represent Santa Clara at National Law School Meeting

Association of American Law Schools

Several Santa Clara Law faculty were speakers and moderators at this year's Association of American Law Schools (AALS) virtual gathering, which had the theme: "The Power of Words." Read more.

NCIP Hosts Racial Justice Act Event

This past legislative season, Governor Newsom signed AB 2542 (The Racial Justice Act) into law. During this next phase of implementation, NCIP wants to ensure their broader communities understand this new law, what it does and doesn't do, and how it can be used to fight racial discrimination in criminal court cases. Learn more.



"The stakes associated with Section 230 reform are enormous....That's why it's mind-boggling when Washington, D.C., politicians treat Section 230 like a political football to be tossed around casually."

– Santa Clara Law Professor Eric Goldman

External Relations Update

Law Schools: Incubators for Democracy and Champions of the Rule of Law by Steve O'Brien, Senior Assistant Dean, External Relations, Santa Clara. Read more.

Class Action

82 Hon. Sheila Venable has been named by New Jersey's chief justice to lead the Essex County vicinage, which is the state's largest vicinage effective February 1, 2021.

01 Wallace Wu is partner at Arnold & Porter. He is a member of the intellectual property and technology practice in the Los Angeles Office.

11 Missy Cornejo BS '07 is now shareholder at Rossi, Hamerslough, Reischl & Chuck.

11 Chandra Shih BA '08 is now partner at Lowenstein Sandler.

IN MEMORIAM

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Santa Clara University School of Law
500 El Camino Real
Santa Clara, California 95053-0445
Phone: (408) 551-1748
lawalumni@scu.edu

Be sure to add lawalumni@scu.edu to your address book or safe senders list to avoid missing any of our updates.

From: Erin Martinelli <emartinelli@cdaa.org>
Sent: Wednesday, February 3, 2021 1:18 PM
To: Baylis. Mercy (DA);Jaynes. Justin (DA);Harry. Jeff (DA)
Subject: FW: Today's Distance Learning Training @ 2pm:: AB3070 Peremptory Challenges
Attachments: 2020 Legislative Digest pp 18-25.pdf; AB 3070 training bulletin.pdf; AB3070 Handout.pdf; TRANSCRIPT OF A CCP 237.1 HEARING MARCH 2022.pdf

My apologies if you already received this, I have had almost 50 registrations just today, I promise this is the last time I am sending this. Just want to be sure everyone has the log in information we have almost 500 people!

Please plan to zoom in about 10 minutes prior to the session starting, we have a large group of people for today's training. After the training please be sure to complete the evaluation, the link is provided to you below.

Thank you very much for participating in CDAA's Distance Learning today, we hope you enjoy the training!

Topic: AB 3070 Juries: Peremptory Challenges
Time: Feb 3, 2021 02:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
https://zoom.us/j/97533781941?pwd=NTlGUHkyai9WVGlpNTZadk44YXk1Zz09

ONE MORE REMINDER: When you sign into zoom, **please use your first name and last name as it is listed for the state bar/CDAA membership**.
No silly names, no initials, no made up names please. If we cannot figure out who you are, you will not receive your specialized MCLE credit!

Evaluation:
https://survey.alchemer.com/s3/6179003/AB3070-Peremptory-Challenges

Meeting ID: 975 3378 1941
Passcode: 935234
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+13462487799,,97533781941#,,,,*935234# US (Houston)

Dial by your location
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+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
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Passcode: 935234
Find your local number: https://zoom.us/u/abklavlsq9

Erin J. Martinelli
Director of Training Project Development
California District Attorneys Association
2495 Natomas Park Drive, Suite 575| Sacramento, CA 95833
emartinelli@cdaa.org | https://www.cdaa.org
Like CDAA on Facebook and follow us on Twitter

From: Erin Martinelli <emartinelli@cdaa.org>
Sent: Wednesday, February 3, 2021 10:02 AM
To: Zdobnikow. Kim (DA)
Subject: RE: Today's Distance Learning Training :: AB3070 Peremptory Challenges
Attachments: TRANSCRIPT OF A CCP 237.1 HEARING MARCH 2022.pdf; AB3070 Handout.pdf; AB 3070 training bulletin.pdf; 2020 Legislative Digest pp 18-25.pdf

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From: Zdobnikow. Kim (DA) <ZdobnikowK@sacda.org>
Sent: Wednesday, February 3, 2021 9:46 AM
To: Erin Martinelli <emartinelli@cdaa.org>
Subject: RE: Today's Distance Learning Training :: AB3070 Peremptory Challenges

Hi Erin,

I don't think I got Monday's email with the handouts. Can you please send it to me again? Thanks!

Kim

From: Erin Martinelli <emartinelli@cdaa.org>
Sent: Wednesday, February 3, 2021 8:14 AM
To: Erin Martinelli <emartinelli@cdaa.org>
Subject: Today's Distance Learning Training :: AB3070 Peremptory Challenges

Good Morning!

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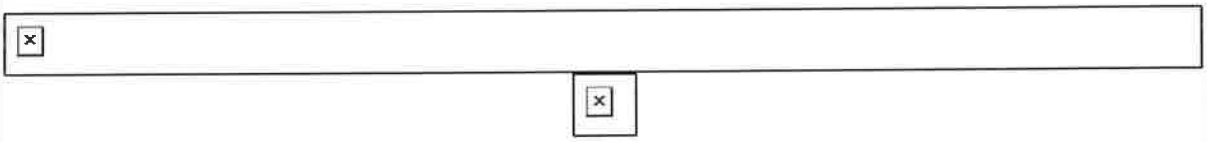
From: Los Angeles Association of Deputy District Attorneys <newswatch@laadda.com>
Sent: Monday, January 25, 2021 5:02 AM
To: Trieu. Mai (DA)
Subject: Monday Morning Memo for January 25, 2021

Having trouble viewing this email? Click here



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If you have friends and family who would like to receive our weekly Monday Morning Memos and Statements from the Board by email, they can sign up for FREE and confidentially and unsubscribe at any time. Please check out our new section on the ADDA website, "In the News."

Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow
A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track
A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee
A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the

employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.
Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
KGET

LA County DA Gascón gets backing from 65 current and former elected prosecutors
Sixty-five current and former elected prosecutors from across the nation filed a legal brief on Friday, Jan. 15, in support of Los Angeles County District Attorney George Gascón and his authority to enact new legal policies. The district attorneys and attorneys general - including former Los Angeles County

DAs Gil Garcetti and Ira Reiner - are listed in the friend-of-the-court brief for a civil case.
San Gabriel Valley Tribune

Prosecutors from all over U.S. support District Attorney Gascón against attempt to shut down LA DA's promised justice reforms
On November 3, 2020, long time cop, and former San Francisco District Attorney George Gascón, challenged incumbent Los Angeles County District Attorney Jackie Lacey, who was going for a third term, for the job of running the nation's largest DA's office. During the race, Gascón positioned himself clearly as a strong reformer, and made a string of campaign promises outlining what reforms he would make first if he won.
Witness LA

D.A. Gascón disclaims duty, under statutes, to allege priors
Los Angeles County District Attorney George Gascón, battling to stave off the humiliation of a court decision proclaiming unlawful his edict on Day One of his administration that no prior convictions are to be alleged under the Three Strikes Law, has contended in opposition to the Association of Deputy District Attorneys' application for a preliminary injunction that the word "shall" in the relevant statutes does not create a mandatory duty.
Metropolitan News-Enterprise

LA District Attorney's Office

LA County Supervisor Kathryn Barger wants parole denied for convicted child rapist
Hours after FOX 11 spoke with two siblings who are rape survivors, Los Angeles County Supervisor Kathryn Barger is taking action to make sure the suspect who attacked the two victims won't be eligible for parole. On Wednesday, FOX 11 spoke with a woman who was raped and assaulted when she was six years old and her adult-aged brother, who was targeted by the same suspect when he was eight.
Fox11

LA District Attorney criticized by Fresno County DA over new directives
Fresno County's top prosecutor has penned a letter to her counterpart in Los Angeles County, telling him that a series of controversial directives he issued upon taking office last month are "extreme" and "already wreaking havoc on crime victims." The letter, dated Monday, is the second that George Gascon has been sent in recent weeks in which a district attorney from another county has refused to grant him jurisdiction in cases involving defendants accused of committing crimes in the counties they represent.
Spectrum News1

Under new DA, alleged child decapitator, deputy ambusher would be eligible for parole in 20 years
Under reforms from new Los Angeles County District Attorney George Gascón, the suspects in two cases involving the decapitation of two kids, and the shooting ambush of two deputies, will both be eligible for parole after serving 20 years in prison, if convicted. In December 2020, 34-year-old Maurice Taylor

was charged with the murder and decapitation of two of his children, ages 13 and 12, inside the family's Lancaster home.
Fox11

Families of victims say Gascon's rollback of initial policies aren't enough (Video)
Crime victims and many in the police community have criticized new LA County District Attorney George Gascon's changes, which eliminated certain sentencing enhancements that add years to prison terms. Lolita Lopez reports for the NBC4 News on Friday, Jan. 15, 2021.
NBC4

George Gascón's new policy creates County rift
LA County District Attorney George Gascón is facing more legal pushback over his controversial policies. This time, a judge is allowing the San Diego County DA to reclaim jurisdiction from Gascón over several charges in a deadly crime spree in 2019. Two people were killed including an L.A. County Sheriff's Deputy. LA Times Reporter James Queally joined us with the story.
Los Angeles Times

Los Angeles County's new controversial D.A. says 'the justice reform movement gains an ally in' the 'White House'
Minutes before Joe Biden was sworn in as the 46th President of the United States on Wednesday, Los Angeles County's new controversial progressive district attorney expressed solidarity with the new administration on social media. "Today, the justice reform movement gains an ally in [the] White House," tweeted L.A. County District Attorney George Gascón.
The Daily Wire

Blacknell is not to become a Gascón advisor; Trujillo gets post she was expected to fill
The expected switch-over of Los Angeles Deputy Public Defender Tiffiny Townend Blacknell to the District Attorney's Office as community relations director is not occurring, with Deputy District Attorney Mario Trujillo, instead assuming the role of "community and government affairs liaison."
Metropolitan News-Enterprise

Prosecutors

Proud Boys organizer Joseph Biggs charged in deadly Capitol riots
A self-described organizer for the Proud Boys, an extremist group with ties to white nationalism, was charged Wednesday in connection with the deadly Capitol riots, where federal authorities said Joseph Biggs allegedly encouraged fellow extremists. In court documents, federal prosecutors claimed that Biggs, 37, began urging fellow members in December to join the Jan. 6 demonstration in Washington.
USA Today

9 San Diego inmates charged in unemployment benefits fraud scheme
Nine men in San Diego County are facing felony charges stemming from a statewide unemployment fraud scandal among California prison and jail

inmates, the District Attorney's Office announced Thursday. The defendants, who allegedly committed the fraud between June and September of last year, were assigned to a program in San Diego allowing qualified state prison inmates to serve the final months of their sentences in a halfway house setting.
City News Service

Man charged after allegedly dragging and raping homeless woman who later died in Pomona
A homeless man has been charged after allegedly dragging and raping a homeless woman who appeared to be sick and later died in Pomona, officials announced Tuesday. Jerome Perrin, 42, was charged with one count each of kidnapping to commit rape, rape of an unconscious or asleep person, oral copulation of an unconscious or asleep person and sexual penetration of an unconscious or asleep person, according to the Los Angeles County District Attorney's Office.
KTLA5

Policy/Legal Issues

LAPD may soon remove most officers from regional intelligence center (Video)
The LAPD may soon be removing most of its officers from a regional intelligence center designed to help detect terrorism and other violent acts before they happen. The NBC4 I-Team's Eric Leonard reports for the NBC4 News at 5 p.m. on Monday Jan. 18, 2021.
NBC4

Bakersfield ICE critic who alleges retaliation for free speech allowed to sue over detention
An undocumented immigrant activist who was jailed after publicly reading a poem critical of Trump administration policies can sue the government for retaliation, a federal appeals court ruled Thursday. Jose Bello, now 23, was brought to the United States by his family from Mexico at age 3 and is now a college student and farmworker in Bakersfield.
San Francisco Chronicle

Battle over progressive prosecuting is just beginning
In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four-time DA Jeff Reisig or, if he does not seek a fifth term, one of his many surrogates.
The Davis Vanguard

Attorneys argue over scope of police records law before appellate court panel
Attorneys on Thursday made their final arguments to the appellate court tasked with deciding whether a landmark police records law applies to incidents before the law went into effect. Senate Bill 1421, the law in debate, made certain police misconduct records open to the public as of Jan. 1, 2019.

The legislation was passed amid an ongoing discussion about transparency in law enforcement and holding officers accountable.
Ventura County Star

Los Angeles County/City

Pursuit driver suspected of having gun, Molotov cocktails in custody following standoff in Paramount
A pursuit driver suspected of being armed with a gun and Molotov cocktails was taken into custody following a standoff with authorities in the Paramount area Thursday morning. The pursuit started about 7:45 a.m. in the Bellflower area near Lakewood Boulevard and Walnut Street, Los Angeles County Sheriff's Department Sgt. Salles said.
KTLA5

Coroner's inquest upholds homicide death of 18-year-old Andres Guardado by deputy
A coroner's office inquest into the death of 18-year-old Andres Guardado, who was fatally shot by a sheriff's deputy in Gardena, upheld a previous conclusion by the office that his death was a homicide, officials announced Friday. The inquest - the first conducted in Los Angeles County in more than 30 years - found that Guardado's "manner of death was by the hands of another person other than by accident," wrote retired California Court of Appeals Justice Candace D. Cooper, who oversaw the probe.
City News Service

What could L.A.'s dramatic budget shortfall mean for Angelenos?
City leaders struggling with a projected pandemic-fueled budget shortfall of $675 million this week took steps to bridge the gap by reaching agreements with a pair of public employee unions. On Tuesday, a deal was announced to defer two different 2 percent raises - one slated for this month, the other for June - with the Coalition of L.A. City Unions.
Los Angeles Magazine

Solving LAPD budget woes get trickier after officer pay raises kick in
Pay raises for Los Angeles police officers went into effect Sunday, despite threats from city officials that refusal to delay the pay spike could result in hundreds more layoffs for a department that already was downsized in 2020. Rank-and-file LAPD officers will see a 3.25% pay increase starting with their next paychecks, according to their union, the Los Angeles Police Protective League.
Los Angeles Daily News

Public Safety/Crime

Los Angeles' relaxed approach to crime; police budget cuts, explained - Steve Cooley (Video)
Los Angeles' new District Attorney George Gascon is changing the county's criminal justice system. Gascon plans on excusing minor misdemeanors, dismissing past offenses, reducing incarceration rates, halting sentence enhancements, and more. My guest today is Steve Cooley. He is the former

D.A. of Los Angeles. Today he discusses L.A.'s new approach to crime, police budget cuts, and the ideology behind defunding the police.
California Insider - The Epoch Times

Pacoima mom's suspected killer had been deported 10 times, ICE says
The family of 35-year-old Karen Ruiz, who authorities say was killed by her ex-boyfriend in front of her 3-year-old daughter in Pacoima, is heartbroken and outraged by the woman's death. They say that the tragedy that occurred on Jan. 6 could have been prevented if Herbert Nixon Flores, who allegedly committed the slaying, had not been released after being arrested for domestic abuse.
NBC4

LAPD reports a sharp increase in violent crime. So what's behind it?
The new year is off to a deadly start, according to the Los Angeles Police Department. South Los Angeles suffered 59 shootings in the first 14 days of 2021, says LAPD Chief Michel Moore. "59 shooting victims compared to 7 last year," he announced in a tweet calling out the violence. The 24 homicides and 68 shootings the city of Los Angeles saw in the first half of January were more than double the number from the same time last year.
Los Angeles Magazine

Capitol Riots

Lawyer is arrested in Capitol assault after Facebook bragging
A Georgia lawyer who was arrested Friday for alleged participation in the U.S. Capitol riot Jan. 6 had bragged on Facebook about taking control of the Capitol "in a hand to hand hostile takeover," prosecutors say. Lawyer William McCall Calhoun Jr., identified as McCall Calhoun in previous coverage, said he was among the first couple hundred people to rush inside the Capitol, according to an affidavit posted by WUSA 9.
ABA Journal

A reporter's video from inside the Capitol siege (Video)
On January 6th, 2021, Luke Mogelson followed Trump supporters as they forced their way into the U.S. Capitol, using his phone's camera as a notebook.
The New Yorker

Rioter accused of plotting to sell stolen Pelosi laptop to Russia turns herself in
Federal authorities arrested a woman whose former romantic partner says she took a laptop from House Speaker Nancy Pelosi's office during the riot at the U.S. Capitol earlier this month. Riley June Williams was arrested Monday, according to a Justice Department official. It's not yet known when her initial court appearance will be.
AP/NBC

Meet three D.C. police officers who fought for the U.S. Capitol
He had been pushed, shoved and even tased multiple times. He was alone and exhausted. Lying dazed on the marble steps leading out of the west side of the U.S. Capitol on the afternoon of Jan. 6, D.C. Police Officer Mike Fanone heard

bone-chilling words coming from some of President Trump's supporters who were surrounding him.
NPR

US Capitol rioters ask for pardons after facing federal charges
Two supporters of President Donald Trump who rioted in the U.S. Capitol have publicly pleaded with the outgoing president for pardons as they face federal charges, arguing they were merely following his instructions. Realtor Jenna Ryan, 50, of Carrollton, Texas, turned herself in to the FBI in Dallas on Friday.
Courthouse News Service

Records show Trump allies behind rally that ignited Capitol riot
Members of President Donald Trump's failed presidential campaign played key roles in orchestrating the Washington rally that spawned a deadly assault on the U.S. Capitol, according to an Associated Press review of records, undercutting claims the event was the brainchild of the president's grassroots supporters.
Courthouse News Service

California/National

Trump signs executive order expanding prosecutors' access to concealed carry permits
President Trump signed an executive order on Monday expanding access to personal firearms for federal law enforcement officials. The order is one of the last of Trump's presidency, with Joe Biden set to be sworn into office on Wednesday. The purpose of the order is to remove "undue obstacles" for law enforcement officers and prosecutors to obtain concealed carry licenses, as well as to expand protections for prosecutors and judges.
Yahoo News

Questions raised over why suspect in Temple grad's killing was free on bail (Video)
The shooting and killing of recent Temple University graduate Milan Loncar while he was walking his dog just a block from his Brewerytown home has rocked Philadelphia. The decision to lower bail for Davis Josephus, the man accused of gunning down Loncar, in the weeks before the killing is being questioned. NBC10's Pamela Osborne reports.
NBC10

Cash bail reform: A lesson for Illinois? New York, California also got rid of it, but reforms didn't last
Legislators have taken a giant step toward reforming the criminal justice system in Illinois by approving a bill that would do away with cash bail, but the experiences of other states that tried similar reforms show it's not a sure thing. If Gov. J.B. Pritzker signs the measure into law, Illinois will become one of a handful of states that have enacted major changes regarding cash bail.
Chicago Sun-Times

New bill seeks to help defendants fight racial bias in convictions and sentences

On Sunday, four California lawmakers announced the introduction of the California Racial Justice Act for All, AB 256, a bill expanding efforts to reduce racial bias in the courtroom. Assemblymembers Ash Kalra (D-San Jose), Sydney Kamlager (D-Los Angeles), Robert Rivas (D-Hollister), and Miguel Santiago (D-Los Angeles) introduced AB 256 together.
Witness LA

Consumer

Amazon again on the US government's notorious markets blacklist
Amazon remains on the US "Notorious Market List" for a second year. The US Trade Representative's Notorious Markets List is reserved for the worst online markets and offenders that enable and facilitate the world's largest criminal enterprise; counterfeit product sales, copyright piracy, and trademark infringement. Amazon also has the distinction of being the first and only US company to be added to the list.
The Counterfeit Report

The public health crisis hidden in Amazon warehouses
We conducted a public health study in collaboration with Warehouse Worker Resource Center (WWRC) to examine how Amazon's pace of work policies and practices affect worker health, safety, and well-being. We interviewed and surveyed Amazon workers, including full-time and part-time workers at Amazon fulfillment and delivery centers, and Amazon subcontracted delivery drivers at facilities in Southern California.
Human Impact Partners

Home Chef to pay $450,000 to settle lawsuit claiming it overcharged subscribers
Home Chef will pay $450,000 to settle a civil lawsuit that accused the online home-cooked meal delivery company of charging customers for ongoing subscriptions without their express consent, the Los Angeles County District Attorney's Office said Friday, Jan. 15. The company's West Coast production facility is in San Bernardino where it employs some 300 people.
City News Service

Convictions/Sentences/Pleas

Man pleads guilty after drone hits LAPD helicopter, conviction 1st of its kind
A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.
NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his

vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators

into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021
After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home

on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.
Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress
While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.
USA Today

DoorDash can't duck restaurant's false advertising suit
Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.
Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out
In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.
San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life
The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.
New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO

Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic

San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

For more ADDA news and information, visit www.laadda.com.

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If you have friends and family who would like to receive our weekly Monday Morning Memos and Statements from the Board by email, they can sign up for FREE and confidentially and unsubscribe at any time. Please check out our new section on the ADDA website, "In the News."

Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow

A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track

A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee

A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the

employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.
Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
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NBC4

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LA County District Attorney George Gascón is facing more legal pushback over his controversial policies. This time, a judge is allowing the San Diego County DA to reclaim jurisdiction from Gascón over several charges in a deadly crime spree in 2019. Two people were killed including an L.A. County Sheriff's Deputy. LA Times Reporter James Queally joined us with the story.
Los Angeles Times

Los Angeles County's new controversial D.A. says 'the justice reform movement gains an ally in' the 'White House'
Minutes before Joe Biden was sworn in as the 46th President of the United States on Wednesday, Los Angeles County's new controversial progressive district attorney expressed solidarity with the new administration on social media. "Today, the justice reform movement gains an ally in [the] White House," tweeted L.A. County District Attorney George Gascón.
The Daily Wire

Blacknell is not to become a Gascón advisor; Trujillo gets post she was expected to fill
The expected switch-over of Los Angeles Deputy Public Defender Tiffiny Townend Blacknell to the District Attorney's Office as community relations director is not occurring, with Deputy District Attorney Mario Trujillo, instead assuming the role of "community and government affairs liaison."
Metropolitan News-Enterprise

Prosecutors

Proud Boys organizer Joseph Biggs charged in deadly Capitol riots
A self-described organizer for the Proud Boys, an extremist group with ties to white nationalism, was charged Wednesday in connection with the deadly Capitol riots, where federal authorities said Joseph Biggs allegedly encouraged fellow extremists. In court documents, federal prosecutors claimed that Biggs, 37, began urging fellow members in December to join the Jan. 6 demonstration in Washington.
USA Today

9 San Diego inmates charged in unemployment benefits fraud scheme
Nine men in San Diego County are facing felony charges stemming from a statewide unemployment fraud scandal among California prison and jail

inmates, the District Attorney's Office announced Thursday. The defendants, who allegedly committed the fraud between June and September of last year, were assigned to a program in San Diego allowing qualified state prison inmates to serve the final months of their sentences in a halfway house setting.
City News Service

Man charged after allegedly dragging and raping homeless woman who later died in Pomona
A homeless man has been charged after allegedly dragging and raping a homeless woman who appeared to be sick and later died in Pomona, officials announced Tuesday. Jerome Perrin, 42, was charged with one count each of kidnapping to commit rape, rape of an unconscious or asleep person, oral copulation of an unconscious or asleep person and sexual penetration of an unconscious or asleep person, according to the Los Angeles County District Attorney's Office.
KTLA5

Policy/Legal Issues

LAPD may soon remove most officers from regional intelligence center (Video)
The LAPD may soon be removing most of its officers from a regional intelligence center designed to help detect terrorism and other violent acts before they happen. The NBC4 I-Team's Eric Leonard reports for the NBC4 News at 5 p.m. on Monday Jan. 18, 2021.
NBC4

Bakersfield ICE critic who alleges retaliation for free speech allowed to sue over detention
An undocumented immigrant activist who was jailed after publicly reading a poem critical of Trump administration policies can sue the government for retaliation, a federal appeals court ruled Thursday. Jose Bello, now 23, was brought to the United States by his family from Mexico at age 3 and is now a college student and farmworker in Bakersfield.
San Francisco Chronicle

Battle over progressive prosecuting is just beginning
In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four-time DA Jeff Reisig or, if he does not seek a fifth term, one of his many surrogates.
The Davis Vanguard

Attorneys argue over scope of police records law before appellate court panel
Attorneys on Thursday made their final arguments to the appellate court tasked with deciding whether a landmark police records law applies to incidents before the law went into effect. Senate Bill 1421, the law in debate, made certain police misconduct records open to the public as of Jan. 1, 2019.

The legislation was passed amid an ongoing discussion about transparency in law enforcement and holding officers accountable.
Ventura County Star

Los Angeles County/City

Pursuit driver suspected of having gun, Molotov cocktails in custody following standoff in Paramount
A pursuit driver suspected of being armed with a gun and Molotov cocktails was taken into custody following a standoff with authorities in the Paramount area Thursday morning. The pursuit started about 7:45 a.m. in the Bellflower area near Lakewood Boulevard and Walnut Street, Los Angeles County Sheriff's Department Sgt. Salles said.
KTLA5

Coroner's inquest upholds homicide death of 18-year-old Andres Guardado by deputy
A coroner's office inquest into the death of 18-year-old Andres Guardado, who was fatally shot by a sheriff's deputy in Gardena, upheld a previous conclusion by the office that his death was a homicide, officials announced Friday. The inquest - the first conducted in Los Angeles County in more than 30 years - found that Guardado's "manner of death was by the hands of another person other than by accident," wrote retired California Court of Appeals Justice Candace D. Cooper, who oversaw the probe.
City News Service

What could L.A.'s dramatic budget shortfall mean for Angelenos?
City leaders struggling with a projected pandemic-fueled budget shortfall of $675 million this week took steps to bridge the gap by reaching agreements with a pair of public employee unions. On Tuesday, a deal was announced to defer two different 2 percent raises - one slated for this month, the other for June - with the Coalition of L.A. City Unions.
Los Angeles Magazine

Solving LAPD budget woes get trickier after officer pay raises kick in
Pay raises for Los Angeles police officers went into effect Sunday, despite threats from city officials that refusal to delay the pay spike could result in hundreds more layoffs for a department that already was downsized in 2020. Rank-and-file LAPD officers will see a 3.25% pay increase starting with their next paychecks, according to their union, the Los Angeles Police Protective League.
Los Angeles Daily News

Public Safety/Crime

Los Angeles' relaxed approach to crime; police budget cuts, explained - Steve Cooley (Video)
Los Angeles' new District Attorney George Gascon is changing the county's criminal justice system. Gascon plans on excusing minor misdemeanors, dismissing past offenses, reducing incarceration rates, halting sentence enhancements, and more. My guest today is Steve Cooley. He is the former

D.A. of Los Angeles. Today he discusses L.A.'s new approach to crime, police budget cuts, and the ideology behind defunding the police.
California Insider - The Epoch Times

Pacoima mom's suspected killer had been deported 10 times, ICE says
The family of 35-year-old Karen Ruiz, who authorities say was killed by her ex-boyfriend in front of her 3-year-old daughter in Pacoima, is heartbroken and outraged by the woman's death. They say that the tragedy that occurred on Jan. 6 could have been prevented if Herbert Nixon Flores, who allegedly committed the slaying, had not been released after being arrested for domestic abuse.
NBC4

LAPD reports a sharp increase in violent crime. So what's behind it?
The new year is off to a deadly start, according to the Los Angeles Police Department. South Los Angeles suffered 59 shootings in the first 14 days of 2021, says LAPD Chief Michel Moore. "59 shooting victims compared to 7 last year," he announced in a tweet calling out the violence. The 24 homicides and 68 shootings the city of Los Angeles saw in the first half of January were more than double the number from the same time last year.
Los Angeles Magazine

Capitol Riots

Lawyer is arrested in Capitol assault after Facebook bragging
A Georgia lawyer who was arrested Friday for alleged participation in the U.S. Capitol riot Jan. 6 had bragged on Facebook about taking control of the Capitol "in a hand to hand hostile takeover," prosecutors say. Lawyer William McCall Calhoun Jr., identified as McCall Calhoun in previous coverage, said he was among the first couple hundred people to rush inside the Capitol, according to an affidavit posted by WUSA 9.
ABA Journal

A reporter's video from inside the Capitol siege (Video)
On January 6th, 2021, Luke Mogelson followed Trump supporters as they forced their way into the U.S. Capitol, using his phone's camera as a notebook.
The New Yorker

Rioter accused of plotting to sell stolen Pelosi laptop to Russia turns herself in
Federal authorities arrested a woman whose former romantic partner says she took a laptop from House Speaker Nancy Pelosi's office during the riot at the U.S. Capitol earlier this month. Riley June Williams was arrested Monday, according to a Justice Department official. It's not yet known when her initial court appearance will be.
AP/NBC

Meet three D.C. police officers who fought for the U.S. Capitol
He had been pushed, shoved and even tased multiple times. He was alone and exhausted. Lying dazed on the marble steps leading out of the west side of the U.S. Capitol on the afternoon of Jan. 6, D.C. Police Officer Mike Fanone heard

bone-chilling words coming from some of President Trump's supporters who were surrounding him.
NPR

US Capitol rioters ask for pardons after facing federal charges
Two supporters of President Donald Trump who rioted in the U.S. Capitol have publicly pleaded with the outgoing president for pardons as they face federal charges, arguing they were merely following his instructions. Realtor Jenna Ryan, 50, of Carrollton, Texas, turned herself in to the FBI in Dallas on Friday.
Courthouse News Service

Records show Trump allies behind rally that ignited Capitol riot
Members of President Donald Trump's failed presidential campaign played key roles in orchestrating the Washington rally that spawned a deadly assault on the U.S. Capitol, according to an Associated Press review of records, undercutting claims the event was the brainchild of the president's grassroots supporters.
Courthouse News Service

California/National

Trump signs executive order expanding prosecutors' access to concealed carry permits
President Trump signed an executive order on Monday expanding access to personal firearms for federal law enforcement officials. The order is one of the last of Trump's presidency, with Joe Biden set to be sworn into office on Wednesday. The purpose of the order is to remove "undue obstacles" for law enforcement officers and prosecutors to obtain concealed carry licenses, as well as to expand protections for prosecutors and judges.
Yahoo News

Questions raised over why suspect in Temple grad's killing was free on bail (Video)
The shooting and killing of recent Temple University graduate Milan Loncar while he was walking his dog just a block from his Brewerytown home has rocked Philadelphia. The decision to lower bail for Davis Josephus, the man accused of gunning down Loncar, in the weeks before the killing is being questioned. NBC10's Pamela Osborne reports.
NBC10

Cash bail reform: A lesson for Illinois? New York, California also got rid of it, but reforms didn't last
Legislators have taken a giant step toward reforming the criminal justice system in Illinois by approving a bill that would do away with cash bail, but the experiences of other states that tried similar reforms show it's not a sure thing. If Gov. J.B. Pritzker signs the measure into law, Illinois will become one of a handful of states that have enacted major changes regarding cash bail.
Chicago Sun-Times

New bill seeks to help defendants fight racial bias in convictions and sentences

On Sunday, four California lawmakers announced the introduction of the California Racial Justice Act for All, AB 256, a bill expanding efforts to reduce racial bias in the courtroom. Assemblymembers Ash Kalra (D-San Jose), Sydney Kamlager (D-Los Angeles), Robert Rivas (D-Hollister), and Miguel Santiago (D-Los Angeles) introduced AB 256 together.
Witness LA

Consumer

Amazon again on the US government's notorious markets blacklist
Amazon remains on the US "Notorious Market List" for a second year. The US Trade Representative's Notorious Markets List is reserved for the worst online markets and offenders that enable and facilitate the world's largest criminal enterprise; counterfeit product sales, copyright piracy, and trademark infringement. Amazon also has the distinction of being the first and only US company to be added to the list.
The Counterfeit Report

The public health crisis hidden in Amazon warehouses
We conducted a public health study in collaboration with Warehouse Worker Resource Center (WWRC) to examine how Amazon's pace of work policies and practices affect worker health, safety, and well-being. We interviewed and surveyed Amazon workers, including full-time and part-time workers at Amazon fulfillment and delivery centers, and Amazon subcontracted delivery drivers at facilities in Southern California.
Human Impact Partners

Home Chef to pay $450,000 to settle lawsuit claiming it overcharged subscribers
Home Chef will pay $450,000 to settle a civil lawsuit that accused the online home-cooked meal delivery company of charging customers for ongoing subscriptions without their express consent, the Los Angeles County District Attorney's Office said Friday, Jan. 15. The company's West Coast production facility is in San Bernardino where it employs some 300 people.
City News Service

Convictions/Sentences/Pleas

Man pleads guilty after drone hits LAPD helicopter, conviction 1st of its kind
A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.
NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his

vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators

into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021
After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home

on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.
Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress
While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.
USA Today

DoorDash can't duck restaurant's false advertising suit
Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.
Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out
In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.
San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life
The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.
New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO

Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic

San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

For more ADDA news and information, visit www.laadda.com.

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If you have friends and family who would like to receive our weekly Monday Morning Memos and Statements from the Board by email, they can sign up for FREE and confidentially and unsubscribe at any time. Please check out our new section on the ADDA website, "In the News."

Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow

A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track

A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee

A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the

employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.
Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
KGET

LA County DA Gascón gets backing from 65 current and former elected prosecutors
Sixty-five current and former elected prosecutors from across the nation filed a legal brief on Friday, Jan. 15, in support of Los Angeles County District Attorney George Gascón and his authority to enact new legal policies. The district attorneys and attorneys general - including former Los Angeles County

DAs Gil Garcetti and Ira Reiner - are listed in the friend-of-the-court brief for a civil case.
San Gabriel Valley Tribune

Prosecutors from all over U.S. support District Attorney Gascón against attempt to shut down LA DA's promised justice reforms
On November 3, 2020, long time cop, and former San Francisco District Attorney George Gascón, challenged incumbent Los Angeles County District Attorney Jackie Lacey, who was going for a third term, for the job of running the nation's largest DA's office. During the race, Gascón positioned himself clearly as a strong reformer, and made a string of campaign promises outlining what reforms he would make first if he won.
Witness LA

D.A. Gascón disclaims duty, under statutes, to allege priors
Los Angeles County District Attorney George Gascón, battling to stave off the humiliation of a court decision proclaiming unlawful his edict on Day One of his administration that no prior convictions are to be alleged under the Three Strikes Law, has contended in opposition to the Association of Deputy District Attorneys' application for a preliminary injunction that the word "shall" in the relevant statutes does not create a mandatory duty.
Metropolitan News-Enterprise

LA District Attorney's Office

LA County Supervisor Kathryn Barger wants parole denied for convicted child rapist
Hours after FOX 11 spoke with two siblings who are rape survivors, Los Angeles County Supervisor Kathryn Barger is taking action to make sure the suspect who attacked the two victims won't be eligible for parole. On Wednesday, FOX 11 spoke with a woman who was raped and assaulted when she was six years old and her adult-aged brother, who was targeted by the same suspect when he was eight.
Fox11

LA District Attorney criticized by Fresno County DA over new directives
Fresno County's top prosecutor has penned a letter to her counterpart in Los Angeles County, telling him that a series of controversial directives he issued upon taking office last month are "extreme" and "already wreaking havoc on crime victims." The letter, dated Monday, is the second that George Gascon has been sent in recent weeks in which a district attorney from another county has refused to grant him jurisdiction in cases involving defendants accused of committing crimes in the counties they represent.
Spectrum News1

Under new DA, alleged child decapitator, deputy ambusher would be eligible for parole in 20 years
Under reforms from new Los Angeles County District Attorney George Gascón, the suspects in two cases involving the decapitation of two kids, and the shooting ambush of two deputies, will both be eligible for parole after serving 20 years in prison, if convicted. In December 2020, 34-year-old Maurice Taylor

was charged with the murder and decapitation of two of his children, ages 13 and 12, inside the family's Lancaster home.
Fox11

Families of victims say Gascon's rollback of initial policies aren't enough (Video)
Crime victims and many in the police community have criticized new LA County District Attorney George Gascon's changes, which eliminated certain sentencing enhancements that add years to prison terms. Lolita Lopez reports for the NBC4 News on Friday, Jan. 15, 2021.
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USA Today

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San Francisco Chronicle

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In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four-time DA Jeff Reisig or, if he does not seek a fifth term, one of his many surrogates.
The Davis Vanguard

Attorneys argue over scope of police records law before appellate court panel
Attorneys on Thursday made their final arguments to the appellate court tasked with deciding whether a landmark police records law applies to incidents before the law went into effect. Senate Bill 1421, the law in debate, made certain police misconduct records open to the public as of Jan. 1, 2019.

The legislation was passed amid an ongoing discussion about transparency in law enforcement and holding officers accountable.
Ventura County Star

Los Angeles County/City

Pursuit driver suspected of having gun, Molotov cocktails in custody following standoff in Paramount
A pursuit driver suspected of being armed with a gun and Molotov cocktails was taken into custody following a standoff with authorities in the Paramount area Thursday morning. The pursuit started about 7:45 a.m. in the Bellflower area near Lakewood Boulevard and Walnut Street, Los Angeles County Sheriff's Department Sgt. Salles said.
KTLA5

Coroner's inquest upholds homicide death of 18-year-old Andres Guardado by deputy
A coroner's office inquest into the death of 18-year-old Andres Guardado, who was fatally shot by a sheriff's deputy in Gardena, upheld a previous conclusion by the office that his death was a homicide, officials announced Friday. The inquest - the first conducted in Los Angeles County in more than 30 years - found that Guardado's "manner of death was by the hands of another person other than by accident," wrote retired California Court of Appeals Justice Candace D. Cooper, who oversaw the probe.
City News Service

What could L.A.'s dramatic budget shortfall mean for Angelenos?
City leaders struggling with a projected pandemic-fueled budget shortfall of $675 million this week took steps to bridge the gap by reaching agreements with a pair of public employee unions. On Tuesday, a deal was announced to defer two different 2 percent raises - one slated for this month, the other for June - with the Coalition of L.A. City Unions.
Los Angeles Magazine

Solving LAPD budget woes get trickier after officer pay raises kick in
Pay raises for Los Angeles police officers went into effect Sunday, despite threats from city officials that refusal to delay the pay spike could result in hundreds more layoffs for a department that already was downsized in 2020. Rank-and-file LAPD officers will see a 3.25% pay increase starting with their next paychecks, according to their union, the Los Angeles Police Protective League.
Los Angeles Daily News

Public Safety/Crime

Los Angeles' relaxed approach to crime; police budget cuts, explained - Steve Cooley (Video)
Los Angeles' new District Attorney George Gascon is changing the county's criminal justice system. Gascon plans on excusing minor misdemeanors, dismissing past offenses, reducing incarceration rates, halting sentence enhancements, and more. My guest today is Steve Cooley. He is the former

D.A. of Los Angeles. Today he discusses L.A.'s new approach to crime, police budget cuts, and the ideology behind defunding the police.
California Insider - The Epoch Times

Pacoima mom's suspected killer had been deported 10 times, ICE says
The family of 35-year-old Karen Ruiz, who authorities say was killed by her ex-boyfriend in front of her 3-year-old daughter in Pacoima, is heartbroken and outraged by the woman's death. They say that the tragedy that occurred on Jan. 6 could have been prevented if Herbert Nixon Flores, who allegedly committed the slaying, had not been released after being arrested for domestic abuse.
NBC4

LAPD reports a sharp increase in violent crime. So what's behind it?
The new year is off to a deadly start, according to the Los Angeles Police Department. South Los Angeles suffered 59 shootings in the first 14 days of 2021, says LAPD Chief Michel Moore. "59 shooting victims compared to 7 last year," he announced in a tweet calling out the violence. The 24 homicides and 68 shootings the city of Los Angeles saw in the first half of January were more than double the number from the same time last year.
Los Angeles Magazine

Capitol Riots

Lawyer is arrested in Capitol assault after Facebook bragging
A Georgia lawyer who was arrested Friday for alleged participation in the U.S. Capitol riot Jan. 6 had bragged on Facebook about taking control of the Capitol "in a hand to hand hostile takeover," prosecutors say. Lawyer William McCall Calhoun Jr., identified as McCall Calhoun in previous coverage, said he was among the first couple hundred people to rush inside the Capitol, according to an affidavit posted by WUSA 9.
ABA Journal

A reporter's video from inside the Capitol siege (Video)
On January 6th, 2021, Luke Mogelson followed Trump supporters as they forced their way into the U.S. Capitol, using his phone's camera as a notebook.
The New Yorker

Rioter accused of plotting to sell stolen Pelosi laptop to Russia turns herself in
Federal authorities arrested a woman whose former romantic partner says she took a laptop from House Speaker Nancy Pelosi's office during the riot at the U.S. Capitol earlier this month. Riley June Williams was arrested Monday, according to a Justice Department official. It's not yet known when her initial court appearance will be.
AP/NBC

Meet three D.C. police officers who fought for the U.S. Capitol
He had been pushed, shoved and even tased multiple times. He was alone and exhausted. Lying dazed on the marble steps leading out of the west side of the U.S. Capitol on the afternoon of Jan. 6, D.C. Police Officer Mike Fanone heard

bone-chilling words coming from some of President Trump's supporters who were surrounding him.
NPR

US Capitol rioters ask for pardons after facing federal charges
Two supporters of President Donald Trump who rioted in the U.S. Capitol have publicly pleaded with the outgoing president for pardons as they face federal charges, arguing they were merely following his instructions. Realtor Jenna Ryan, 50, of Carrollton, Texas, turned herself in to the FBI in Dallas on Friday.
Courthouse News Service

Records show Trump allies behind rally that ignited Capitol riot
Members of President Donald Trump's failed presidential campaign played key roles in orchestrating the Washington rally that spawned a deadly assault on the U.S. Capitol, according to an Associated Press review of records, undercutting claims the event was the brainchild of the president's grassroots supporters.
Courthouse News Service

California/National

Trump signs executive order expanding prosecutors' access to concealed carry permits
President Trump signed an executive order on Monday expanding access to personal firearms for federal law enforcement officials. The order is one of the last of Trump's presidency, with Joe Biden set to be sworn into office on Wednesday. The purpose of the order is to remove "undue obstacles" for law enforcement officers and prosecutors to obtain concealed carry licenses, as well as to expand protections for prosecutors and judges.
Yahoo News

Questions raised over why suspect in Temple grad's killing was free on bail (Video)
The shooting and killing of recent Temple University graduate Milan Loncar while he was walking his dog just a block from his Brewerytown home has rocked Philadelphia. The decision to lower bail for Davis Josephus, the man accused of gunning down Loncar, in the weeks before the killing is being questioned. NBC10's Pamela Osborne reports.
NBC10

Cash bail reform: A lesson for Illinois? New York, California also got rid of it, but reforms didn't last
Legislators have taken a giant step toward reforming the criminal justice system in Illinois by approving a bill that would do away with cash bail, but the experiences of other states that tried similar reforms show it's not a sure thing. If Gov. J.B. Pritzker signs the measure into law, Illinois will become one of a handful of states that have enacted major changes regarding cash bail.
Chicago Sun-Times

New bill seeks to help defendants fight racial bias in convictions and sentences

On Sunday, four California lawmakers announced the introduction of the California Racial Justice Act for All, AB 256, a bill expanding efforts to reduce racial bias in the courtroom. Assemblymembers Ash Kalra (D-San Jose), Sydney Kamlager (D-Los Angeles), Robert Rivas (D-Hollister), and Miguel Santiago (D-Los Angeles) introduced AB 256 together.
Witness LA

Consumer

Amazon again on the US government's notorious markets blacklist
Amazon remains on the US "Notorious Market List" for a second year. The US Trade Representative's Notorious Markets List is reserved for the worst online markets and offenders that enable and facilitate the world's largest criminal enterprise; counterfeit product sales, copyright piracy, and trademark infringement. Amazon also has the distinction of being the first and only US company to be added to the list.
The Counterfeit Report

The public health crisis hidden in Amazon warehouses
We conducted a public health study in collaboration with Warehouse Worker Resource Center (WWRC) to examine how Amazon's pace of work policies and practices affect worker health, safety, and well-being. We interviewed and surveyed Amazon workers, including full-time and part-time workers at Amazon fulfillment and delivery centers, and Amazon subcontracted delivery drivers at facilities in Southern California.
Human Impact Partners

Home Chef to pay $450,000 to settle lawsuit claiming it overcharged subscribers
Home Chef will pay $450,000 to settle a civil lawsuit that accused the online home-cooked meal delivery company of charging customers for ongoing subscriptions without their express consent, the Los Angeles County District Attorney's Office said Friday, Jan. 15. The company's West Coast production facility is in San Bernardino where it employs some 300 people.
City News Service

Convictions/Sentences/Pleas

Man pleads guilty after drone hits LAPD helicopter, conviction 1st of its kind
A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.
NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his

vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators

into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021
After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home

on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.
Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress
While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.
USA Today

DoorDash can't duck restaurant's false advertising suit
Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.
Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out
In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.
San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life
The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.
New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO

Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic

San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

For more ADDA news and information, visit www.laadda.com.

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Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow
A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track
A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee

A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.

Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
KGET

LA County DA Gascón gets backing from 65 current and former elected prosecutors
Sixty-five current and former elected prosecutors from across the nation filed a legal brief on Friday, Jan. 15, in support of Los Angeles County District Attorney George Gascón and his authority to enact new legal policies. The district attorneys and attorneys general - including former Los Angeles County DAs Gil Garcetti and Ira Reiner - are listed in the friend-of-the-court brief for a civil case.
San Gabriel Valley Tribune

Prosecutors from all over U.S. support District Attorney Gascón against attempt to shut down LA DA's promised justice reforms
On November 3, 2020, long time cop, and former San Francisco District Attorney George Gascón, challenged incumbent Los Angeles County District Attorney Jackie Lacey, who was going for a third term, for the job of running the nation's largest DA's office. During the race, Gascón positioned himself clearly as a strong reformer, and made a string of campaign promises outlining what reforms he would make first if he won.
Witness LA

D.A. Gascón disclaims duty, under statutes, to allege priors
Los Angeles County District Attorney George Gascón, battling to stave off the humiliation of a court decision proclaiming unlawful his edict on Day One of his administration that no prior convictions are to be alleged under the Three Strikes Law, has contended in opposition to the Association of Deputy District Attorneys' application for a preliminary injunction that the word "shall" in the relevant statutes does not create a mandatory duty.
Metropolitan News-Enterprise

LA District Attorney's Office

LA County Supervisor Kathryn Barger wants parole denied for convicted child rapist
Hours after FOX 11 spoke with two siblings who are rape survivors, Los Angeles County Supervisor Kathryn Barger is taking action to make sure the suspect who attacked the two victims won't be eligible for parole. On Wednesday, FOX 11 spoke with a woman who was raped and assaulted when she was six years old and her adult-aged brother, who was targeted by the same suspect when he was eight.
Fox11

LA District Attorney criticized by Fresno County DA over new directives
Fresno County's top prosecutor has penned a letter to her counterpart in Los Angeles County, telling him that a series of controversial directives he issued upon taking office last month are "extreme" and "already wreaking havoc on crime victims." The letter, dated Monday, is the second that George Gascon has been sent in recent weeks in which a district attorney from another county has refused to grant him jurisdiction in cases involving defendants accused of committing crimes in the counties they represent.
Spectrum News1

Under new DA, alleged child decapitator, deputy ambusher would be eligible for parole in 20 years
Under reforms from new Los Angeles County District Attorney George Gascón, the suspects in two cases involving the decapitation of two kids, and the shooting ambush of two deputies, will both be eligible for parole after serving 20 years in prison, if convicted. In December 2020, 34-year-old Maurice Taylor was charged with the murder and decapitation of two of his children, ages 13 and 12, inside the family's Lancaster home.
Fox11

Families of victims say Gascon's rollback of initial policies aren't enough (Video)
Crime victims and many in the police community have criticized new LA County District Attorney George Gascon's changes, which eliminated certain sentencing enhancements that add years to prison terms. Lolita Lopez reports for the NBC4 News on Friday, Jan. 15, 2021.
NBC4

George Gascón's new policy creates County rift
LA County District Attorney George Gascón is facing more legal pushback over his controversial policies. This time, a judge is allowing the San Diego County DA to reclaim jurisdiction from Gascón over several charges in a deadly crime spree in 2019. Two people were killed including an L.A. County Sheriff's Deputy. LA Times Reporter James Queally joined us with the story.
Los Angeles Times

Los Angeles County's new controversial D.A. says 'the justice reform movement gains an ally in' the 'White House'
Minutes before Joe Biden was sworn in as the 46th President of the United States on Wednesday, Los Angeles County's new controversial progressive district attorney expressed solidarity with the new administration on social media. "Today, the justice reform movement gains an ally in [the] White House," tweeted L.A. County District Attorney George Gascón.
The Daily Wire

Blacknell is not to become a Gascón advisor; Trujillo gets post she was expected to fill
The expected switch-over of Los Angeles Deputy Public Defender Tiffiny Townend Blacknell to the District Attorney's Office as community relations director is not occurring, with Deputy District Attorney Mario Trujillo, instead assuming the role of "community and government affairs liaison."
Metropolitan News-Enterprise

Prosecutors

Proud Boys organizer Joseph Biggs charged in deadly Capitol riots
A self-described organizer for the Proud Boys, an extremist group with ties to white nationalism, was charged Wednesday in connection with the deadly Capitol riots, where federal authorities said Joseph Biggs allegedly encouraged fellow extremists. In court documents, federal prosecutors claimed that Biggs,

37, began urging fellow members in December to join the Jan. 6 demonstration in Washington.
USA Today

9 San Diego inmates charged in unemployment benefits fraud scheme
Nine men in San Diego County are facing felony charges stemming from a statewide unemployment fraud scandal among California prison and jail inmates, the District Attorney's Office announced Thursday. The defendants, who allegedly committed the fraud between June and September of last year, were assigned to a program in San Diego allowing qualified state prison inmates to serve the final months of their sentences in a halfway house setting.
City News Service

Man charged after allegedly dragging and raping homeless woman who later died in Pomona
A homeless man has been charged after allegedly dragging and raping a homeless woman who appeared to be sick and later died in Pomona, officials announced Tuesday. Jerome Perrin, 42, was charged with one count each of kidnapping to commit rape, rape of an unconscious or asleep person, oral copulation of an unconscious or asleep person and sexual penetration of an unconscious or asleep person, according to the Los Angeles County District Attorney's Office.
KTLA5

Policy/Legal Issues

LAPD may soon remove most officers from regional intelligence center (Video)
The LAPD may soon be removing most of its officers from a regional intelligence center designed to help detect terrorism and other violent acts before they happen. The NBC4 I-Team's Eric Leonard reports for the NBC4 News at 5 p.m. on Monday Jan. 18, 2021.
NBC4

Bakersfield ICE critic who alleges retaliation for free speech allowed to sue over detention
An undocumented immigrant activist who was jailed after publicly reading a poem critical of Trump administration policies can sue the government for retaliation, a federal appeals court ruled Thursday. Jose Bello, now 23, was brought to the United States by his family from Mexico at age 3 and is now a college student and farmworker in Bakersfield.
San Francisco Chronicle

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Los Angeles County/City

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California Insider - The Epoch Times

Pacoima mom's suspected killer had been deported 10 times, ICE says
The family of 35-year-old Karen Ruiz, who authorities say was killed by her ex-boyfriend in front of her 3-year-old daughter in Pacoima, is heartbroken and outraged by the woman's death. They say that the tragedy that occurred on Jan. 6 could have been prevented if Herbert Nixon Flores, who allegedly committed the slaying, had not been released after being arrested for domestic abuse.
NBC4

LAPD reports a sharp increase in violent crime. So what's behind it?
The new year is off to a deadly start, according to the Los Angeles Police Department. South Los Angeles suffered 59 shootings in the first 14 days of 2021, says LAPD Chief Michel Moore. "59 shooting victims compared to 7 last year," he announced in a tweet calling out the violence. The 24 homicides and 68 shootings the city of Los Angeles saw in the first half of January were more than double the number from the same time last year.
Los Angeles Magazine

Capitol Riots

Lawyer is arrested in Capitol assault after Facebook bragging
A Georgia lawyer who was arrested Friday for alleged participation in the U.S. Capitol riot Jan. 6 had bragged on Facebook about taking control of the Capitol "in a hand to hand hostile takeover," prosecutors say. Lawyer William McCall Calhoun Jr., identified as McCall Calhoun in previous coverage, said he was among the first couple hundred people to rush inside the Capitol, according to an affidavit posted by WUSA 9.
ABA Journal

A reporter's video from inside the Capitol siege (Video)
On January 6th, 2021, Luke Mogelson followed Trump supporters as they forced their way into the U.S. Capitol, using his phone's camera as a notebook.
The New Yorker

Rioter accused of plotting to sell stolen Pelosi laptop to Russia turns herself in
Federal authorities arrested a woman whose former romantic partner says she took a laptop from House Speaker Nancy Pelosi's office during the riot at the U.S. Capitol earlier this month. Riley June Williams was arrested Monday, according to a Justice Department official. It's not yet known when her initial court appearance will be.

AP/NBC

Meet three D.C. police officers who fought for the U.S. Capitol
He had been pushed, shoved and even tased multiple times. He was alone and exhausted. Lying dazed on the marble steps leading out of the west side of the U.S. Capitol on the afternoon of Jan. 6, D.C. Police Officer Mike Fanone heard bone-chilling words coming from some of President Trump's supporters who were surrounding him.
NPR

US Capitol rioters ask for pardons after facing federal charges
Two supporters of President Donald Trump who rioted in the U.S. Capitol have publicly pleaded with the outgoing president for pardons as they face federal charges, arguing they were merely following his instructions. Realtor Jenna Ryan, 50, of Carrollton, Texas, turned herself in to the FBI in Dallas on Friday.
Courthouse News Service

Records show Trump allies behind rally that ignited Capitol riot
Members of President Donald Trump's failed presidential campaign played key roles in orchestrating the Washington rally that spawned a deadly assault on the U.S. Capitol, according to an Associated Press review of records, undercutting claims the event was the brainchild of the president's grassroots supporters.
Courthouse News Service

California/National

Trump signs executive order expanding prosecutors' access to concealed carry permits
President Trump signed an executive order on Monday expanding access to personal firearms for federal law enforcement officials. The order is one of the last of Trump's presidency, with Joe Biden set to be sworn into office on Wednesday. The purpose of the order is to remove "undue obstacles" for law enforcement officers and prosecutors to obtain concealed carry licenses, as well as to expand protections for prosecutors and judges.
Yahoo News

Questions raised over why suspect in Temple grad's killing was free on bail (Video)
The shooting and killing of recent Temple University graduate Milan Loncar while he was walking his dog just a block from his Brewerytown home has rocked Philadelphia. The decision to lower bail for Davis Josephus, the man accused of gunning down Loncar, in the weeks before the killing is being questioned. NBC10's Pamela Osborne reports.
NBC10

Cash bail reform: A lesson for Illinois? New York, California also got rid of it, but reforms didn't last
Legislators have taken a giant step toward reforming the criminal justice system in Illinois by approving a bill that would do away with cash bail, but the experiences of other states that tried similar reforms show it's not a sure

thing. If Gov. J.B. Pritzker signs the measure into law, Illinois will become one of a handful of states that have enacted major changes regarding cash bail.
Chicago Sun-Times

New bill seeks to help defendants fight racial bias in convictions and sentences
On Sunday, four California lawmakers announced the introduction of the California Racial Justice Act for All, AB 256, a bill expanding efforts to reduce racial bias in the courtroom. Assemblymembers Ash Kalra (D-San Jose), Sydney Kamlager (D-Los Angeles), Robert Rivas (D-Hollister), and Miguel Santiago (D-Los Angeles) introduced AB 256 together.
Witness LA

Consumer

Amazon again on the US government's notorious markets blacklist
Amazon remains on the US "Notorious Market List" for a second year. The US Trade Representative's Notorious Markets List is reserved for the worst online markets and offenders that enable and facilitate the world's largest criminal enterprise; counterfeit product sales, copyright piracy, and trademark infringement. Amazon also has the distinction of being the first and only US company to be added to the list.
The Counterfeit Report

The public health crisis hidden in Amazon warehouses
We conducted a public health study in collaboration with Warehouse Worker Resource Center (WWRC) to examine how Amazon's pace of work policies and practices affect worker health, safety, and well-being. We interviewed and surveyed Amazon workers, including full-time and part-time workers at Amazon fulfillment and delivery centers, and Amazon subcontracted delivery drivers at facilities in Southern California.
Human Impact Partners

Home Chef to pay $450,000 to settle lawsuit claiming it overcharged subscribers
Home Chef will pay $450,000 to settle a civil lawsuit that accused the online home-cooked meal delivery company of charging customers for ongoing subscriptions without their express consent, the Los Angeles County District Attorney's Office said Friday, Jan. 15. The company's West Coast production facility is in San Bernardino where it employs some 300 people.
City News Service

Convictions/Sentences/Pleas

Man pleads guilty after drone hits LAPD helicopter, conviction 1st of its kind
A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.

NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021

After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.

Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress

While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.

USA Today

DoorDash can't duck restaurant's false advertising suit

Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.

Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out

In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.

San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life

The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.

New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic
San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

For more ADDA news and information, visit www.laadda.com.

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If you have friends and family who would like to receive our weekly Monday Morning Memos and Statements from the Board by email, they can sign up for FREE and confidentially and unsubscribe at any time. Please check out our new section on the ADDA website, "In the News."

Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow
A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track
A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee
A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the

employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.
Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
KGET

LA County DA Gascón gets backing from 65 current and former elected prosecutors
Sixty-five current and former elected prosecutors from across the nation filed a legal brief on Friday, Jan. 15, in support of Los Angeles County District Attorney George Gascón and his authority to enact new legal policies. The district attorneys and attorneys general - including former Los Angeles County

DAs Gil Garcetti and Ira Reiner - are listed in the friend-of-the-court brief for a civil case.
San Gabriel Valley Tribune

Prosecutors from all over U.S. support District Attorney Gascón against attempt to shut down LA DA's promised justice reforms
On November 3, 2020, long time cop, and former San Francisco District Attorney George Gascón, challenged incumbent Los Angeles County District Attorney Jackie Lacey, who was going for a third term, for the job of running the nation's largest DA's office. During the race, Gascón positioned himself clearly as a strong reformer, and made a string of campaign promises outlining what reforms he would make first if he won.
Witness LA

D.A. Gascón disclaims duty, under statutes, to allege priors
Los Angeles County District Attorney George Gascón, battling to stave off the humiliation of a court decision proclaiming unlawful his edict on Day One of his administration that no prior convictions are to be alleged under the Three Strikes Law, has contended in opposition to the Association of Deputy District Attorneys' application for a preliminary injunction that the word "shall" in the relevant statutes does not create a mandatory duty.
Metropolitan News-Enterprise

LA District Attorney's Office

LA County Supervisor Kathryn Barger wants parole denied for convicted child rapist
Hours after FOX 11 spoke with two siblings who are rape survivors, Los Angeles County Supervisor Kathryn Barger is taking action to make sure the suspect who attacked the two victims won't be eligible for parole. On Wednesday, FOX 11 spoke with a woman who was raped and assaulted when she was six years old and her adult-aged brother, who was targeted by the same suspect when he was eight.
Fox11

LA District Attorney criticized by Fresno County DA over new directives
Fresno County's top prosecutor has penned a letter to her counterpart in Los Angeles County, telling him that a series of controversial directives he issued upon taking office last month are "extreme" and "already wreaking havoc on crime victims." The letter, dated Monday, is the second that George Gascon has been sent in recent weeks in which a district attorney from another county has refused to grant him jurisdiction in cases involving defendants accused of committing crimes in the counties they represent.
Spectrum News1

Under new DA, alleged child decapitator, deputy ambusher would be eligible for parole in 20 years
Under reforms from new Los Angeles County District Attorney George Gascón, the suspects in two cases involving the decapitation of two kids, and the shooting ambush of two deputies, will both be eligible for parole after serving 20 years in prison, if convicted. In December 2020, 34-year-old Maurice Taylor

was charged with the murder and decapitation of two of his children, ages 13 and 12, inside the family's Lancaster home.
Fox11

Families of victims say Gascon's rollback of initial policies aren't enough (Video)
Crime victims and many in the police community have criticized new LA County District Attorney George Gascon's changes, which eliminated certain sentencing enhancements that add years to prison terms. Lolita Lopez reports for the NBC4 News on Friday, Jan. 15, 2021.
NBC4

George Gascón's new policy creates County rift
LA County District Attorney George Gascón is facing more legal pushback over his controversial policies. This time, a judge is allowing the San Diego County DA to reclaim jurisdiction from Gascón over several charges in a deadly crime spree in 2019. Two people were killed including an L.A. County Sheriff's Deputy. LA Times Reporter James Queally joined us with the story.
Los Angeles Times

Los Angeles County's new controversial D.A. says 'the justice reform movement gains an ally in' the 'White House'
Minutes before Joe Biden was sworn in as the 46th President of the United States on Wednesday, Los Angeles County's new controversial progressive district attorney expressed solidarity with the new administration on social media. "Today, the justice reform movement gains an ally in [the] White House," tweeted L.A. County District Attorney George Gascón.
The Daily Wire

Blacknell is not to become a Gascón advisor; Trujillo gets post she was expected to fill
The expected switch-over of Los Angeles Deputy Public Defender Tiffiny Townend Blacknell to the District Attorney's Office as community relations director is not occurring, with Deputy District Attorney Mario Trujillo, instead assuming the role of "community and government affairs liaison."
Metropolitan News-Enterprise

Prosecutors

Proud Boys organizer Joseph Biggs charged in deadly Capitol riots
A self-described organizer for the Proud Boys, an extremist group with ties to white nationalism, was charged Wednesday in connection with the deadly Capitol riots, where federal authorities said Joseph Biggs allegedly encouraged fellow extremists. In court documents, federal prosecutors claimed that Biggs, 37, began urging fellow members in December to join the Jan. 6 demonstration in Washington.
USA Today

9 San Diego inmates charged in unemployment benefits fraud scheme
Nine men in San Diego County are facing felony charges stemming from a statewide unemployment fraud scandal among California prison and jail

inmates, the District Attorney's Office announced Thursday. The defendants, who allegedly committed the fraud between June and September of last year, were assigned to a program in San Diego allowing qualified state prison inmates to serve the final months of their sentences in a halfway house setting.
City News Service

Man charged after allegedly dragging and raping homeless woman who later died in Pomona
A homeless man has been charged after allegedly dragging and raping a homeless woman who appeared to be sick and later died in Pomona, officials announced Tuesday. Jerome Perrin, 42, was charged with one count each of kidnapping to commit rape, rape of an unconscious or asleep person, oral copulation of an unconscious or asleep person and sexual penetration of an unconscious or asleep person, according to the Los Angeles County District Attorney's Office.
KTLA5

Policy/Legal Issues

LAPD may soon remove most officers from regional intelligence center (Video)
The LAPD may soon be removing most of its officers from a regional intelligence center designed to help detect terrorism and other violent acts before they happen. The NBC4 I-Team's Eric Leonard reports for the NBC4 News at 5 p.m. on Monday Jan. 18, 2021.
NBC4

Bakersfield ICE critic who alleges retaliation for free speech allowed to sue over detention
An undocumented immigrant activist who was jailed after publicly reading a poem critical of Trump administration policies can sue the government for retaliation, a federal appeals court ruled Thursday. Jose Bello, now 23, was brought to the United States by his family from Mexico at age 3 and is now a college student and farmworker in Bakersfield.
San Francisco Chronicle

Battle over progressive prosecuting is just beginning
In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four-time DA Jeff Reisig or, if he does not seek a fifth term, one of his many surrogates.
The Davis Vanguard

Attorneys argue over scope of police records law before appellate court panel
Attorneys on Thursday made their final arguments to the appellate court tasked with deciding whether a landmark police records law applies to incidents before the law went into effect. Senate Bill 1421, the law in debate, made certain police misconduct records open to the public as of Jan. 1, 2019.

The legislation was passed amid an ongoing discussion about transparency in law enforcement and holding officers accountable.
Ventura County Star

Los Angeles County/City

Pursuit driver suspected of having gun, Molotov cocktails in custody following standoff in Paramount
A pursuit driver suspected of being armed with a gun and Molotov cocktails was taken into custody following a standoff with authorities in the Paramount area Thursday morning. The pursuit started about 7:45 a.m. in the Bellflower area near Lakewood Boulevard and Walnut Street, Los Angeles County Sheriff's Department Sgt. Salles said.
KTLA5

Coroner's inquest upholds homicide death of 18-year-old Andres Guardado by deputy
A coroner's office inquest into the death of 18-year-old Andres Guardado, who was fatally shot by a sheriff's deputy in Gardena, upheld a previous conclusion by the office that his death was a homicide, officials announced Friday. The inquest - the first conducted in Los Angeles County in more than 30 years - found that Guardado's "manner of death was by the hands of another person other than by accident," wrote retired California Court of Appeals Justice Candace D. Cooper, who oversaw the probe.
City News Service

What could L.A.'s dramatic budget shortfall mean for Angelenos?
City leaders struggling with a projected pandemic-fueled budget shortfall of $675 million this week took steps to bridge the gap by reaching agreements with a pair of public employee unions. On Tuesday, a deal was announced to defer two different 2 percent raises - one slated for this month, the other for June - with the Coalition of L.A. City Unions.
Los Angeles Magazine

Solving LAPD budget woes get trickier after officer pay raises kick in
Pay raises for Los Angeles police officers went into effect Sunday, despite threats from city officials that refusal to delay the pay spike could result in hundreds more layoffs for a department that already was downsized in 2020. Rank-and-file LAPD officers will see a 3.25% pay increase starting with their next paychecks, according to their union, the Los Angeles Police Protective League.
Los Angeles Daily News

Public Safety/Crime

Los Angeles' relaxed approach to crime; police budget cuts, explained - Steve Cooley (Video)
Los Angeles' new District Attorney George Gascon is changing the county's criminal justice system. Gascon plans on excusing minor misdemeanors, dismissing past offenses, reducing incarceration rates, halting sentence enhancements, and more. My guest today is Steve Cooley. He is the former

D.A. of Los Angeles. Today he discusses L.A.'s new approach to crime, police budget cuts, and the ideology behind defunding the police.
California Insider - The Epoch Times

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Courthouse News Service

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Courthouse News Service

California/National

Trump signs executive order expanding prosecutors' access to concealed carry permits
President Trump signed an executive order on Monday expanding access to personal firearms for federal law enforcement officials. The order is one of the last of Trump's presidency, with Joe Biden set to be sworn into office on Wednesday. The purpose of the order is to remove "undue obstacles" for law enforcement officers and prosecutors to obtain concealed carry licenses, as well as to expand protections for prosecutors and judges.
Yahoo News

Questions raised over why suspect in Temple grad's killing was free on bail (Video)
The shooting and killing of recent Temple University graduate Milan Loncar while he was walking his dog just a block from his Brewerytown home has rocked Philadelphia. The decision to lower bail for Davis Josephus, the man accused of gunning down Loncar, in the weeks before the killing is being questioned. NBC10's Pamela Osborne reports.
NBC10

Cash bail reform: A lesson for Illinois? New York, California also got rid of it, but reforms didn't last
Legislators have taken a giant step toward reforming the criminal justice system in Illinois by approving a bill that would do away with cash bail, but the experiences of other states that tried similar reforms show it's not a sure thing. If Gov. J.B. Pritzker signs the measure into law, Illinois will become one of a handful of states that have enacted major changes regarding cash bail.
Chicago Sun-Times

New bill seeks to help defendants fight racial bias in convictions and sentences

On Sunday, four California lawmakers announced the introduction of the California Racial Justice Act for All, AB 256, a bill expanding efforts to reduce racial bias in the courtroom. Assemblymembers Ash Kalra (D-San Jose), Sydney Kamlager (D-Los Angeles), Robert Rivas (D-Hollister), and Miguel Santiago (D-Los Angeles) introduced AB 256 together.
Witness LA

Consumer

Amazon again on the US government's notorious markets blacklist
Amazon remains on the US "Notorious Market List" for a second year. The US Trade Representative's Notorious Markets List is reserved for the worst online markets and offenders that enable and facilitate the world's largest criminal enterprise; counterfeit product sales, copyright piracy, and trademark infringement. Amazon also has the distinction of being the first and only US company to be added to the list.
The Counterfeit Report

The public health crisis hidden in Amazon warehouses
We conducted a public health study in collaboration with Warehouse Worker Resource Center (WWRC) to examine how Amazon's pace of work policies and practices affect worker health, safety, and well-being. We interviewed and surveyed Amazon workers, including full-time and part-time workers at Amazon fulfillment and delivery centers, and Amazon subcontracted delivery drivers at facilities in Southern California.
Human Impact Partners

Home Chef to pay $450,000 to settle lawsuit claiming it overcharged subscribers
Home Chef will pay $450,000 to settle a civil lawsuit that accused the online home-cooked meal delivery company of charging customers for ongoing subscriptions without their express consent, the Los Angeles County District Attorney's Office said Friday, Jan. 15. The company's West Coast production facility is in San Bernardino where it employs some 300 people.
City News Service

Convictions/Sentences/Pleas

Man pleads guilty after drone hits LAPD helicopter, conviction 1st of its kind
A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.
NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his

vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators

into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021
After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home

on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.
Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress
While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.
USA Today

DoorDash can't duck restaurant's false advertising suit
Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.
Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out
In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.
San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life
The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.
New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO

Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic

San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

For more ADDA news and information, visit www.laadda.com.

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If you have friends and family who would like to receive our weekly Monday Morning Memos and Statements from the Board by email, they can sign up for FREE and confidentially and unsubscribe at any time. Please check out our new section on the ADDA website, "In the News."

Courts & Rulings

Sementilli judge torpedoes LADA's scheme to go easy on accused black widow
A Toronto family is breathing easier after a Los Angeles judge torpedoed a gambit from the city's new soft-on-crime district attorney to cut an alleged black widow sentencing slack. Superior Court Judge Ronald Coen refused to dismiss the special circumstance clause that can potentially send a convicted felon to prison for life without the possibility of parole.
Toronto Sun

Judge wrestles with Oakland A's ballpark environmental review fast-track
A coalition of trade groups looking to stall construction of a new Oakland A's ballpark near the Port of Oakland argued in virtual court on Thursday that Governor Gavin Newsom doesn't have the authority to fast-track the project. "Once the deadline came and went, the governor lost the authority to certify this project - period," said attorney Ron Van Buskirk, who represents groups including the Pacific Merchant Shipping Association, California Trucking Association and Schnitzer Steel Industries.
Courthouse News Service

Hate crime conviction thrown out against California man who attacked African American grocery store employee
A state appeals court has thrown out a violation of civil rights conviction and hate crimes enhancement for a man who carried out an unprovoked attack on an African American employee at a Laguna Beach grocery store. Fernando Ramirez admitted in explicit terms that he hated Black people and punched the

employee because he was Black, but the appeals court found those comments were improperly obtained by police after Ramirez received his Miranda advisement and invoked his right to an attorney.
East Bay Times

Bringing a case to arbitration should be easier following recent Ninth Circuit decision
A plaintiff may not avoid arbitration and manufacture appellate jurisdiction simply by voluntarily dismissing his claims, the U.S. Ninth Circuit Court of Appeals recently decided. In doing so, the court stated that an earlier Ninth Circuit decision reaching the opposite conclusion had been effectively overruled by intervening U.S. Supreme Court precedent. The Ninth Circuit's new ruling will make it easier for parties seeking to enforce arbitration agreements.
Best Best & Krieger

Ninth Circuit hears lawsuit over 'ghost guns' as Pasadena police record uptick in seizures
The Ninth Circuit Court of Appeals recently heard arguments in a lawsuit involving 21 states, including California, hoping to block a plan that would transfer the regulation of ghost guns from the State Department to the Department of Commerce. Ghost guns are unserialized and unregistered guns that can be cobbled together from different parts or 3D printed.
Pasadena Now

Judge allows attorneys to look into sexual backgrounds of San Fernando wrestling abuse victims
Attorneys for the Boys and Girls Club of San Fernando can conduct deposition inquiries into the sexual backgrounds of multiple male and female plaintiffs who sued the club and Los Angeles Unified, alleging they were sexually abused due to the actions of a former wrestling coach, a judge ruled.
City News Service

Judge refuses to order Amazon to put Parler back online
Parler - the social media platform favored by conservatives and many in the insurrectionist mob that stormed the U.S. Capitol - will remain offline for now, after a federal judge ruled Amazon was under no obligation to continue to host the social media app after it let users post violent content leading up to and during the Jan. 6 riot.
Courthouse News Service

Judge who ordered reunification of separated families promoted to lead California court
U.S. District Judge Dana Sabraw - who ordered former President Donald Trump's administration to reunite thousands of families it separated under the "zero tolerance" immigration policy at the U.S.-Mexico border - was promoted to Chief Judge of the Southern District of California Thursday.
Courthouse News Service

COVID-19 & Justice System

Presiding Judge Eric C. Taylor announces court mourns Covid-19 deaths of two court employees this month
Presiding Judge Eric C. Taylor announced this evening the deaths of two members of the Court's family - a traffic clerk and a court interpreter - who died this month amid the COVID-19 surge in Los Angeles County. "We are deeply saddened by the loss of two dedicated court employees during this devastating pandemic," Presiding Judge Taylor said.
LA Superior Court News Release

LA Courts criticized for COVID-19 policies, interpreter's death
The nonprofit Court Watch Los Angeles on Friday said Los Angeles Superior Court's lax COVID-19 safety protocols led to an interpreter dying from the virus, alleging his death is the result of "incoherent" COVID-19 policies that punish employees for attempting to quarantine after a possible exposure.
Law360

Eviction cases in California projected to double
California courts are bracing for eviction cases to double over the next year as pandemic-related financial woes deepen for thousands of renters across the state. Landlords are expected to file 240,000 new eviction cases - twice what occurs in a typical year, according to estimates by state court officials. The projection takes into account the looming expiration of state eviction protections, which end in late January.
Los Angeles Times

Justice delayed: Courts overwhelmed by pandemic backlog
Barbara Franklin doesn't have long to live. The 91-year-old woman from Riverside County is suffering from mesothelioma, a terminal cancer caused by exposure to asbestos. For years, her sons and husband would come home from their auto parts dealership covered in dust from grinding down asbestos-lined brakes.
CalMatters

ADDA Lawsuit

Kern DA Zimmer announces support of lawsuit against Los Angeles DA
Kern County District Attorney Cynthia Zimmer on Tuesday said she supports a lawsuit filed against Los Angeles DA George Gascon for policies she said harm crime victims and will have impacts in Kern and other counties. In a news release, Zimmer said she supports an amicus brief filed Tuesday by the California District Attorney's Association that in turn supports a lawsuit brought against Gascon by the Los Angeles Association of Deputy District Attorneys.
KGET

LA County DA Gascón gets backing from 65 current and former elected prosecutors
Sixty-five current and former elected prosecutors from across the nation filed a legal brief on Friday, Jan. 15, in support of Los Angeles County District Attorney George Gascón and his authority to enact new legal policies. The district attorneys and attorneys general - including former Los Angeles County

DAs Gil Garcetti and Ira Reiner - are listed in the friend-of-the-court brief for a civil case.
San Gabriel Valley Tribune

Prosecutors from all over U.S. support District Attorney Gascón against attempt to shut down LA DA's promised justice reforms
On November 3, 2020, long time cop, and former San Francisco District Attorney George Gascón, challenged incumbent Los Angeles County District Attorney Jackie Lacey, who was going for a third term, for the job of running the nation's largest DA's office. During the race, Gascón positioned himself clearly as a strong reformer, and made a string of campaign promises outlining what reforms he would make first if he won.
Witness LA

D.A. Gascón disclaims duty, under statutes, to allege priors
Los Angeles County District Attorney George Gascón, battling to stave off the humiliation of a court decision proclaiming unlawful his edict on Day One of his administration that no prior convictions are to be alleged under the Three Strikes Law, has contended in opposition to the Association of Deputy District Attorneys' application for a preliminary injunction that the word "shall" in the relevant statutes does not create a mandatory duty.
Metropolitan News-Enterprise

LA District Attorney's Office

LA County Supervisor Kathryn Barger wants parole denied for convicted child rapist
Hours after FOX 11 spoke with two siblings who are rape survivors, Los Angeles County Supervisor Kathryn Barger is taking action to make sure the suspect who attacked the two victims won't be eligible for parole. On Wednesday, FOX 11 spoke with a woman who was raped and assaulted when she was six years old and her adult-aged brother, who was targeted by the same suspect when he was eight.
Fox11

LA District Attorney criticized by Fresno County DA over new directives
Fresno County's top prosecutor has penned a letter to her counterpart in Los Angeles County, telling him that a series of controversial directives he issued upon taking office last month are "extreme" and "already wreaking havoc on crime victims." The letter, dated Monday, is the second that George Gascon has been sent in recent weeks in which a district attorney from another county has refused to grant him jurisdiction in cases involving defendants accused of committing crimes in the counties they represent.
Spectrum News1

Under new DA, alleged child decapitator, deputy ambusher would be eligible for parole in 20 years
Under reforms from new Los Angeles County District Attorney George Gascón, the suspects in two cases involving the decapitation of two kids, and the shooting ambush of two deputies, will both be eligible for parole after serving 20 years in prison, if convicted. In December 2020, 34-year-old Maurice Taylor

was charged with the murder and decapitation of two of his children, ages 13 and 12, inside the family's Lancaster home.
Fox11

Families of victims say Gascon's rollback of initial policies aren't enough (Video)
Crime victims and many in the police community have criticized new LA County District Attorney George Gascon's changes, which eliminated certain sentencing enhancements that add years to prison terms. Lolita Lopez reports for the NBC4 News on Friday, Jan. 15, 2021.
NBC4

George Gascón's new policy creates County rift
LA County District Attorney George Gascón is facing more legal pushback over his controversial policies. This time, a judge is allowing the San Diego County DA to reclaim jurisdiction from Gascón over several charges in a deadly crime spree in 2019. Two people were killed including an L.A. County Sheriff's Deputy. LA Times Reporter James Queally joined us with the story.
Los Angeles Times

Los Angeles County's new controversial D.A. says 'the justice reform movement gains an ally in' the 'White House'
Minutes before Joe Biden was sworn in as the 46th President of the United States on Wednesday, Los Angeles County's new controversial progressive district attorney expressed solidarity with the new administration on social media. "Today, the justice reform movement gains an ally in [the] White House," tweeted L.A. County District Attorney George Gascón.
The Daily Wire

Blacknell is not to become a Gascón advisor; Trujillo gets post she was expected to fill
The expected switch-over of Los Angeles Deputy Public Defender Tiffiny Townend Blacknell to the District Attorney's Office as community relations director is not occurring, with Deputy District Attorney Mario Trujillo, instead assuming the role of "community and government affairs liaison."
Metropolitan News-Enterprise

Prosecutors

Proud Boys organizer Joseph Biggs charged in deadly Capitol riots
A self-described organizer for the Proud Boys, an extremist group with ties to white nationalism, was charged Wednesday in connection with the deadly Capitol riots, where federal authorities said Joseph Biggs allegedly encouraged fellow extremists. In court documents, federal prosecutors claimed that Biggs, 37, began urging fellow members in December to join the Jan. 6 demonstration in Washington.
USA Today

9 San Diego inmates charged in unemployment benefits fraud scheme
Nine men in San Diego County are facing felony charges stemming from a statewide unemployment fraud scandal among California prison and jail

inmates, the District Attorney's Office announced Thursday. The defendants, who allegedly committed the fraud between June and September of last year, were assigned to a program in San Diego allowing qualified state prison inmates to serve the final months of their sentences in a halfway house setting.
City News Service

Man charged after allegedly dragging and raping homeless woman who later died in Pomona
A homeless man has been charged after allegedly dragging and raping a homeless woman who appeared to be sick and later died in Pomona, officials announced Tuesday. Jerome Perrin, 42, was charged with one count each of kidnapping to commit rape, rape of an unconscious or asleep person, oral copulation of an unconscious or asleep person and sexual penetration of an unconscious or asleep person, according to the Los Angeles County District Attorney's Office.
KTLA5

Policy/Legal Issues

LAPD may soon remove most officers from regional intelligence center (Video)
The LAPD may soon be removing most of its officers from a regional intelligence center designed to help detect terrorism and other violent acts before they happen. The NBC4 I-Team's Eric Leonard reports for the NBC4 News at 5 p.m. on Monday Jan. 18, 2021.
NBC4

Bakersfield ICE critic who alleges retaliation for free speech allowed to sue over detention
An undocumented immigrant activist who was jailed after publicly reading a poem critical of Trump administration policies can sue the government for retaliation, a federal appeals court ruled Thursday. Jose Bello, now 23, was brought to the United States by his family from Mexico at age 3 and is now a college student and farmworker in Bakersfield.
San Francisco Chronicle

Battle over progressive prosecuting is just beginning
In a few months, we will see Yolo County potentially step back into the fray on the future of prosecution. A candidate is emerging who will push for progressive reforms. There will be opposition either in the person of current four-time DA Jeff Reisig or, if he does not seek a fifth term, one of his many surrogates.
The Davis Vanguard

Attorneys argue over scope of police records law before appellate court panel
Attorneys on Thursday made their final arguments to the appellate court tasked with deciding whether a landmark police records law applies to incidents before the law went into effect. Senate Bill 1421, the law in debate, made certain police misconduct records open to the public as of Jan. 1, 2019.

The legislation was passed amid an ongoing discussion about transparency in law enforcement and holding officers accountable.
Ventura County Star

Los Angeles County/City

Pursuit driver suspected of having gun, Molotov cocktails in custody following standoff in Paramount
A pursuit driver suspected of being armed with a gun and Molotov cocktails was taken into custody following a standoff with authorities in the Paramount area Thursday morning. The pursuit started about 7:45 a.m. in the Bellflower area near Lakewood Boulevard and Walnut Street, Los Angeles County Sheriff's Department Sgt. Salles said.
KTLA5

Coroner's inquest upholds homicide death of 18-year-old Andres Guardado by deputy
A coroner's office inquest into the death of 18-year-old Andres Guardado, who was fatally shot by a sheriff's deputy in Gardena, upheld a previous conclusion by the office that his death was a homicide, officials announced Friday. The inquest - the first conducted in Los Angeles County in more than 30 years - found that Guardado's "manner of death was by the hands of another person other than by accident," wrote retired California Court of Appeals Justice Candace D. Cooper, who oversaw the probe.
City News Service

What could L.A.'s dramatic budget shortfall mean for Angelenos?
City leaders struggling with a projected pandemic-fueled budget shortfall of $675 million this week took steps to bridge the gap by reaching agreements with a pair of public employee unions. On Tuesday, a deal was announced to defer two different 2 percent raises - one slated for this month, the other for June - with the Coalition of L.A. City Unions.
Los Angeles Magazine

Solving LAPD budget woes get trickier after officer pay raises kick in
Pay raises for Los Angeles police officers went into effect Sunday, despite threats from city officials that refusal to delay the pay spike could result in hundreds more layoffs for a department that already was downsized in 2020. Rank-and-file LAPD officers will see a 3.25% pay increase starting with their next paychecks, according to their union, the Los Angeles Police Protective League.
Los Angeles Daily News

Public Safety/Crime

Los Angeles' relaxed approach to crime; police budget cuts, explained - Steve Cooley (Video)
Los Angeles' new District Attorney George Gascon is changing the county's criminal justice system. Gascon plans on excusing minor misdemeanors, dismissing past offenses, reducing incarceration rates, halting sentence enhancements, and more. My guest today is Steve Cooley. He is the former

D.A. of Los Angeles. Today he discusses L.A.'s new approach to crime, police budget cuts, and the ideology behind defunding the police.
California Insider - The Epoch Times

Pacoima mom's suspected killer had been deported 10 times, ICE says
The family of 35-year-old Karen Ruiz, who authorities say was killed by her ex-boyfriend in front of her 3-year-old daughter in Pacoima, is heartbroken and outraged by the woman's death. They say that the tragedy that occurred on Jan. 6 could have been prevented if Herbert Nixon Flores, who allegedly committed the slaying, had not been released after being arrested for domestic abuse.
NBC4

LAPD reports a sharp increase in violent crime. So what's behind it?
The new year is off to a deadly start, according to the Los Angeles Police Department. South Los Angeles suffered 59 shootings in the first 14 days of 2021, says LAPD Chief Michel Moore. "59 shooting victims compared to 7 last year," he announced in a tweet calling out the violence. The 24 homicides and 68 shootings the city of Los Angeles saw in the first half of January were more than double the number from the same time last year.
Los Angeles Magazine

Capitol Riots

Lawyer is arrested in Capitol assault after Facebook bragging
A Georgia lawyer who was arrested Friday for alleged participation in the U.S. Capitol riot Jan. 6 had bragged on Facebook about taking control of the Capitol "in a hand to hand hostile takeover," prosecutors say. Lawyer William McCall Calhoun Jr., identified as McCall Calhoun in previous coverage, said he was among the first couple hundred people to rush inside the Capitol, according to an affidavit posted by WUSA 9.
ABA Journal

A reporter's video from inside the Capitol siege (Video)
On January 6th, 2021, Luke Mogelson followed Trump supporters as they forced their way into the U.S. Capitol, using his phone's camera as a notebook.
The New Yorker

Rioter accused of plotting to sell stolen Pelosi laptop to Russia turns herself in
Federal authorities arrested a woman whose former romantic partner says she took a laptop from House Speaker Nancy Pelosi's office during the riot at the U.S. Capitol earlier this month. Riley June Williams was arrested Monday, according to a Justice Department official. It's not yet known when her initial court appearance will be.
AP/NBC

Meet three D.C. police officers who fought for the U.S. Capitol
He had been pushed, shoved and even tased multiple times. He was alone and exhausted. Lying dazed on the marble steps leading out of the west side of the U.S. Capitol on the afternoon of Jan. 6, D.C. Police Officer Mike Fanone heard

bone-chilling words coming from some of President Trump's supporters who were surrounding him.
NPR

US Capitol rioters ask for pardons after facing federal charges
Two supporters of President Donald Trump who rioted in the U.S. Capitol have publicly pleaded with the outgoing president for pardons as they face federal charges, arguing they were merely following his instructions. Realtor Jenna Ryan, 50, of Carrollton, Texas, turned herself in to the FBI in Dallas on Friday.
Courthouse News Service

Records show Trump allies behind rally that ignited Capitol riot
Members of President Donald Trump's failed presidential campaign played key roles in orchestrating the Washington rally that spawned a deadly assault on the U.S. Capitol, according to an Associated Press review of records, undercutting claims the event was the brainchild of the president's grassroots supporters.
Courthouse News Service

California/National

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Chicago Sun-Times

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A Los Angeles man pleaded guilty Thursday to a misdemeanor count after his drone crashed into a police helicopter, prompting an emergency landing, federal prosecutors said. It's believed to be the first criminal conviction for unsafe operation of an unmanned aircraft in the nation, the U.S. Attorney's Office for the Central District of California said in a statement.
NBC News

Orange County man who was chased by police while possessing 75 pounds of cocaine in his car pleads guilty to federal charge
An Orange County man who led police on a high-speed car chase after they attempted to pull him over with approximately 75 pounds of cocaine in his

vehicle pleaded guilty today to a federal narcotics charge. Anthony Martinez, 40, of La Habra, pleaded guilty to one count of possession with intent to distribute cocaine.
Department of Justice News Release

Rancho San Pedro gang leader sentenced to 10 years in federal prison for role in heroin, oxycodone trafficking operation
A Rancho San Pedro street gang member who oversaw the group's daily operations, arranged sales of oxycodone and heroin, and reported to incarcerated Mexican Mafia members about the gang's activities, was sentenced today to 120 months in federal prison. Robert "Stretch" Messersmith, 34, of San Pedro, was sentenced by United States District Judge Stephen V. Wilson.
Department of Justice News Release

LASD Deputy Jason Ghassan Kailany pleads not guilty to rape charges
A Los Angeles County sheriff's deputy pleaded not guilty Friday to charges that he raped and sexually assaulted an acquaintance at his home while he was off duty in 2018. Jason Ghassan Kailany, 26, was charged last November with one count each of forcible rape and forcible oral copulation. He could face up to 16 years in state prison if convicted as charged, according to the District Attorney's Office.
CBS LA

A US Customs and Border Protection officer was sentenced to 30 months for taking a $6,000 bribe at the US-Mexico border
A US Customs and Border Protection officer was sentenced to 30 months in prison for taking a bribe at the US-Mexico border, according to the Department of Justice. Jose Rosalio Fuentes, 58, plead guilty in February 2020 to accepting $6,000 bribe from Juan Carlos Gonzalez-Villa, a convicted and deported felon. At the time of the incident, Fuentes was a canine officer operating in Nogales, Arizona.
Insider

Corrections & Parole

Convicted SLO County stalker eligible for release in April
An Atascadero man accused of stalking, harassing, and abusing roughly 30 men and women will likely be released from prison in April of this year, almost three years earlier than his victims expected. Josiah Johnstone was convicted of a felony count of stalking and felony criminal threats in San Luis Obispo County Superior Court on Jan. 28, 2020, in a case involving two of his ex-girlfriends who say their relationships with Johnstone ended in emotional and physical abuse.
New Times

Despite commutation, Rialto man denied parole for murdering wife in 1980
The state has denied parole for a Rialto man who 40 years ago shot his wife to death as she slept and then shot himself in a failed effort to fool investigators

into believing that an intruder had fired the bullets. Deborah Bailey, 26, a graduate of Verdugo Hills High and UCLA, was killed on Dec. 24, 1980.
Riverside Press-Enterprise

CDCR announces new app for family, friends to schedule video visits with inmates
The California Department of Corrections and Rehabilitation has announced a new tool to help friends and family visit inmates. The Visitation Scheduling Application (VSA) app can be accessed on smartphones, tablets and computers and allows approved visitors to easily schedule their own video visits and receive instant confirmation.
KGET

O.C. man sentenced to over 24 years in prison for traveling to engage in sex with minors and production of child pornography
An Orange County man was sentenced today to 292 months in federal prison for travelling out of state to sexually abuse minors - including a 6-year-old girl - and for inducing minors to send him sexually explicit videos of themselves. Daniel Seibert, 29, of Lake Forest, was sentenced by United States District Judge James V. Selna.
Department of Justice News Release

Articles of Interest

NRA declares bankruptcy, plans to incorporate in Texas
The National Rifle Association announced Friday it has filed for bankruptcy protection and will seek to incorporate the nation's most politically influential gun-rights group in Texas instead of New York. The announcement came months after New York's attorney general sued the organization over claims that top executives illegally diverted tens of millions of dollars for lavish personal trips, no-show contracts for associates and other questionable expenditures.
AP

Legal action filed to obtain confidential Natalie Wood death records
An inquiry into the 1981 drowning death of Hollywood actress Natalie Wood has been opened with the Los Angeles County Sheriff's Department for a new book that claims there was a cover-up of the circumstances around her death. A man writing a book about the incident has filed legal action to obtain sheriff records, which he says the department to date has refused to turn over. Samuel A. Perroni, a retired federal prosecutor and Arkansas trial lawyer, brought the petition Thursday in Los Angeles Superior Court against the L.A.S.D. and Sheriff Alex Villanueva, seeking a judge's order directing that the information be turned over.
CBS LA

Disgraced Attorney Michael Avenatti's quiet 2020 is about to give way to a wild 2021
After a spectacular 15-minutes-of-fame crash and burn that included serious talk of a U.S. presidential bid, Los Angeles lawyer and three-time convicted felon Michael Avenatti enjoyed a quiet 2020 confined to a friend's Venice home

on a court-ordered COVID release from jail. But while he's secured about a dozen continuances in his three cross-county criminal cases, Avenatti couldn't avoid a sanction issued December 23 in an Orange County civil case: a judge fined him $960 for failing to participate in an evidentiary proceeding in a longstanding lawsuit over $5.4 million Avenatti's former co-counsel claims he stole.
Los Angeles Magazine

How the antifa conspiracy theory traveled from the fringe to the floor of Congress
While much of America watched a mob of Trump supporters overrun police and break into the halls of Congress Wednesday afternoon, members of the far right chatted up an imaginary narrative of what was really going on. After weeks of planting the idea, dozens of extremists used social media to promote an idea with no basis in reality - that the people besieging the Capitol were actually far-left agitators disguised as Trump supporters.
USA Today

DoorDash can't duck restaurant's false advertising suit
Already struggling to survive the crippling effects of a raging pandemic, a mom-and-pop restaurant was stunned to learn last summer the food delivery app DoorDash had falsely labeled it as "closed" or "unavailable" on its platform. On Monday, the restaurant received more welcome news when a federal judge advanced its false advertising class action against the San Francisco-based technology company.
Courthouse News Service

Biden campaigned on eliminating death penalty - we could soon see how that turns out
In 1994, Sen. Joe Biden sponsored a far-reaching crime bill that lengthened federal sentences and expanded the federal death penalty to cover about 60 crimes. In 2020, Biden ran for president on a platform that advocated eliminating the federal death penalty and giving states incentives, presumably federal funding, to abolish their capital punishment laws.
San Francisco Chronicle

Peter Nygard's own son working to help lock up his 'monster' father for life
The son of Canadian fashion mogul Peter Nygard is working behind the scenes to help the FBI investigate allegations that his father sexually assaulted dozens of girls and women in the US over decades. Kai Bickle, 38, one of three children born to Nygard and longtime ex-girlfriend Patricia Bickle, has spent the past 18 months not only offering support to authorities but also lending a hand to victims and their lawyers, the Daily Mail reported.
New York Post

Pension

CalPERS records 12.4% return in 2020
CalPERS earned a net return of 12.4% for the year, 8.4% for the three years, 9.7% for the five years and 8.4% for the 10 years years ended Dec. 31, CEO

Marcie Frost said Tuesday at a board meeting. The $444.5 billion California Public Employees' Retirement System, Sacramento, earned 6.3% for the 20-year period. Benchmark returns for the periods were not available.
Pensions & Investments

San Diego's pension payment spiking $50M, worsening budget crisis during pandemic

San Diego's annual pension payment will rise by nearly $50 million this June, making it much harder for the tourism-reliant city to balance its budget while tax revenues continue their sharp slide due to the COVID-19 pandemic. The city's pension board is requiring a $49.3 million spike in the annual pension payment - from $365.6 million a year to $414.9 million - because estimates of long-term pension debt rose this year from just over $3 billion to $3.34 billion.
San Diego Union-Tribune

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To: Ho. Thienvu (DA);Hightower. Jeffrey (DA)
Subject: RE: AB 2542 - Judge Couzens

Thanks for forwarding to us.

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FYI – from Judge Couzens.

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Attachments: AB 2542 - Racial Justice Act.pdf

FYI – from Judge Couzens.

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ASSEMBLY BILL 2542:

"CALIFORNIA RACIAL JUSTICE ACT OF 2020"

J. RICHARD COUZENS
Judge of the Superior Court
County of Placer (Ret.)

January 2021

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I. INTRODUCTION

Assembly Bill 2542 (2019-2020 Reg. Leg. Sess.) (AB 2542) enacted the "California Racial Justice Act of 2020 (the Act)." The legislation has three operative provisions:[1]

- **The enactment of Penal Code section 745**[2] which directs the "state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin." (§ 745, subd. (a).) Section 745 identifies five statutory violations, defines the process for determining violations, and establishes the remedies available to the court if it finds a violation. The measure is intended to address discriminatory conduct by all persons involved in the defendant's case, including judges.

- **The amendment of Section 1473** to add a violation of section 745 as a basis for seeking and obtaining relief from a conviction by writ of habeas corpus.

- **The amendment of section 1473.7** to add a violation of section 745 as a basis for a person no longer in custody to file a motion to vacate a conviction or sentence.

This memorandum will review the technical provisions of each of the three primary divisions of the Act, and, where possible, offer practical suggestions for implementing their provisions.

A. Declaration of legislative intent

In enacting AB 2542, the Legislature observed racial discrimination has a deleterious effect on both the individual defendant and our justice system – that *any* "[d]iscrimination undermines public confidence in the fairness of the state's system of justice and deprives Californians of equal justice under law." (AB 2542, § 2, subd. (a).) "We cannot simply accept the stark reality that race pervades our system of justice. Rather, we must acknowledge and seek to remedy that reality and create a fair system of justice that upholds our democratic ideals." (AB 2542, § 2, subd. (b).)

The Legislature further observed even though racial bias is intolerable in our criminal justice system, it persists because courts generally focus on racism only in its extremes. "Even when racism clearly infects a criminal proceeding, under current legal precedent, proof of purposeful discrimination is often required, but nearly impossible to establish." (AB 2542, § 2, subd. (c).) The Legislature found existing precedent has failed to protect criminal defendants from racially tinged testimony, including

[1] The complete text of AB 2542 is set out in Appendix I, *infra*.
[2] Unless otherwise indicated, all statutory references are to the Penal Code.

expert opinion. There has been an inadequate handling of inflammatory argument of counsel and comments by the court. (AB 2542, § 2, subd. (d), (e).)
The Legislature observed when it comes to racial bias, existing precedent identifies an aspect of "inevitability." "In California in 2020, we can no longer accept racial discrimination and racial disparities as inevitable in our criminal justice system and we must act to make clear that this discrimination and these disparities are illegal and will not be tolerated in California, both prospectively and retroactively." (AB 2542, § 2, subd. (g).) The Legislature concluded "[t]here is growing awareness that no degree or amount of racial bias is tolerable in a fair and just criminal justice system, that racial bias is often insidious, and that purposeful discrimination is often masked and racial animus disguised." (AB 2542, § 2, subd. (h).)

In enacting SB 2542, the Legislature was concerned with elimination of explicit bias. But it also stated implicit bias negatively impacts the fairness of the criminal justice system and expressed its intent to address that problem in the legislation. It declared: "The Legislature has acknowledged that all persons possess implicit biases [citation], that these biases impact the criminal justice system [citation], and that negative implicit biases tend to disfavor people of color [citation]." It further declared: "It is the intent of the Legislature to eliminate racial bias from California's criminal justice system because racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice under Article VI of the California Constitution, and violates the laws and Constitution of the State of California. Implicit bias, although often unintentional and unconscious, may inject racism and unfairness into proceedings similar to intentional bias. The intent of the Legislature is not to punish this type of bias, but rather to remedy the harm to the defendant's case and to the integrity of the judicial system. It is the intent of the Legislature to ensure that race plays no role at all in seeking or obtaining convictions or in sentencing. It is the intent of the Legislature to reject the conclusion that racial disparities within our criminal justice are inevitable, and to actively work to eradicate them." (AB 2542, § 2, subd. (i).)

"It is the further intent of the Legislature to provide remedies that will eliminate racially discriminatory practices in the criminal justice system, in addition to intentional discrimination. It is the further intent of the Legislature to ensure that individuals have access to all relevant evidence, including statistical evidence, regarding potential discrimination in seeking or obtaining convictions or imposing sentences." (AB 2542, § 2, subd. (j).)

B. Effective date

1. Estrada *inapplicable to AB 2542*

The discussion of the effective date of amendments to the criminal law generally begin with the seminal case of *In re Estrada* (1965) 63 Cal.2d 740 (*Estrada*). As explained by the Supreme Court in *People v. Frahs* (2020) 9 Cal.5th 618 (*Frahs*): "'Generally, statutes are presumed to apply only prospectively. [Citation.] However, this presumption is a canon of statutory interpretation rather than a constitutional mandate. [Citation.] Accordingly, 'the Legislature can ordinarily enact laws that apply retroactively, either explicitly or by implication.' [Citation.] Courts look to the Legislature's intent in order to determine if a law is meant to apply

retroactively. [¶] In *Estrada* [(1965)] 63 Cal.2d 740, we held that amendatory statutes that lessen the punishment for criminal conduct are ordinarily intended to apply retroactively." (*Frahs, supra*, 9 Cal.5th at p. 627.) ' " '*Estrada* stands for the proposition that, "where the amendatory statute mitigates punishment and there is no saving[s] clause, the rule is that the amendment will operate retroactively so that the lighter punishment is imposed. [Citations.] If there is no express savings clause, the statute must demonstrate contrary indications of legislative intent ' " 'with sufficient clarity' " ' in order to rebut the *Estrada* rule.' " ' (*Id.* at p. 628.) As will be discussed, *infra*, AB 2542 contains an express savings clause, making the new statute and other amendments effective only as to cases where the defendant is sentenced on or after January 1, 2021.

2. Penal Code, Section 745

Section 745, subdivision (j), specifies "[t]his section applies *only prospectively* in cases in which *judgment has not been entered prior to January 1, 2021*." (Italics added.) "In a criminal case, judgment is rendered when the trial court orally pronounces sentence. [Citations.]" (*People v. Mendoza* (2009) 171 Cal.App.4th 1142, 1150, quoting *People v. Karaman* (1992) 4 Cal.4th 335, 344, fn. 9; see § 1207: ["When judgment upon a conviction is rendered, the clerk must enter the judgment in the minutes . . . ."].) Accordingly, section 745 will apply prospectively to cases sentenced on or after January 1, 2021, even if the crime and trial occurred prior to that date. It will not apply to cases sentenced prior to January 1, 2021, even if the case is not final as of that date.[3]

3. Penal Code, Section 1473

Section 1473, subdivision (f), provides: "Notwithstanding any other law, a writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745 *if judgment was entered on or after January 1, 2021*." (Italics added.) Habeas relief based on a violation of section 745 only will be available if the defendant was sentenced on or after January 1, 2021. Although section 1473 uses language different than that of section 745, it appears the Legislature intended the two sections to operate in parallel, with the same effective date.

---

[3] In their statement of intent, the Legislature observed: "In California in 2020, we can no longer accept racial discrimination and racial disparities as inevitable in our criminal justice system and we must act to make clear that this discrimination and these disparities are illegal and will not be tolerated in California, *both prospectively and retroactively*." (AB 2542, § 2, subd. (g); italics added.) Expressions of legislative intent are useful in interpreting ambiguous language, but not where, as here, the statute is clear and unambiguous as to its effective date. "In interpreting statutes, we follow the Legislature's intent, as exhibited by the plain meaning of the actual words of the law...." [Citation.] A court " ' "is not authorized to ... rewrite the statute to conform to an assumed intention which does not appear from its language." ' " [Citation.] It is only when the language to be construed is ambiguous that the courts may look to legislative intent to resolve the ambiguity." (*People v. Goodliffe* (2009) 177 Cal.App.4th 723, 728-729.)

Section 1473, subdivision (f), also provides "[i]f the petitioner has a habeas corpus petition pending in state court, but it has not yet been decided, the petitioner may amend the existing petition with a claim that the petitioner's conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745." It may be argued that this provision expands the availability of a writ petition to cases where a defendant has an open habeas petition pending as of January 1, 2021, even if sentencing occurred prior to that date. In view of the unequivocal language in the first sentence of subdivision (f) requiring judgment after January 1, 2021, it is more likely this provision should be interpreted as applying only to open petitions where sentence was pronounced after the cutoff date. To apply the statute to cases sentenced prior to January 1, 2021, would conflict with the legislative intent to have sections 745 and 1473 operate in parallel and the Legislature's intent that the provisions of AB 2542 apply prospectively as of that date.

4. Penal Code, Section 1473.7

Unlike sections 745 and 1473, section 1473.7 contains no express reference to the date judgment was entered. Because of the cross-reference in section 1473.7 to section 745, however, it can be said the express savings clause in section 745 has been incorporated by reference. The amendment to section 1473.7 provides a motion may be brought when "[a] conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin *in violation of subdivision (a) of Section 745*." (§ 1473.7, subd. (a)(3); italics added.) Not only does this cross-reference incorporate the prohibited acts listed in section 745, subdivision (a), it also incorporates the provisions of section 745, subdivision (j), which limit actionable violations listed in subdivision (a) to cases where the judgment was imposed on or after January 1, 2021.

The Legislature has clearly expressed its intent to apply all the Act's provisions prospectively. As noted above, sections 745 and 1473.7 each contain an express savings clause. There is nothing in section 1473.7 that indicates its effective date should be different than the other two code sections. Objectively, there appears no reason to give persons who are no longer in custody on a conviction greater access to relief than those who remain in custody. Taking the Act as a whole, it appears the Legislature intended all provisions apply only prospectively to cases where sentencing occurred on or after January 1, 2021. Because section 745 and the changes made to section 1473 are effective only as to cases where sentencing occurred on or after January 1, 2021, and the changes made to section 1473.7 are part of the same legislative package, there appears an intent to make the changes to section 1473.7 effective only as to cases sentenced on or after January 1, 2021.

In any event, *Estrada* will not apply to cases arising under section 1473.7 because the underlying conviction most likely will be final as of January 1, 2021. *Estrada* does not apply to cases that are final. As observed in *People v. Smith* (2015) 234 Cal.App.4th 1460, 1465-1466: "Under [*Estrada*], a legislative amendment that lessens criminal punishment is presumed to apply to all cases *not yet final* (the Legislature deeming its former penalty too severe), unless there is a 'saving clause' providing for prospective application. [Citation.] ['The key date is the

date of final judgment. If the amendatory statute lessening punishment becomes effective prior to the date the judgment of conviction becomes final then, in our opinion, it, and not the old statute in effect when the prohibited act was committed, applies'] [citation].) A judgment becomes final when the availability of an appeal and the time for filing a petition for certiorari have expired. [Citation.])" (Italics in original.)

C. Operative version of section 745

AB 2542 contains two versions of section 745. The two versions are nearly identical except the version in section 3 of the Act contains provisions related to bias in the exercise of peremptory challenges. (See, *e.g.*, AB 2542, Sec. 3, § 745, subd. (a)(3), and § 745, subd. (e)(1)(A).) To avoid potential confusion or conflict with Assembly Bill 3070 (2019-2020 Reg. Leg. Sess.) (AB 3070), which in some ways is inconsistent with the provisions of section 3 of AB 2542 and more fully addresses bias in the exercise of peremptory challenges, the Legislature enacted section 7 of AB 2542: "Section 3.5 of this bill shall only become operative if Assembly Bill 3070 is enacted and becomes effective on or before January 1, 2021, *in which case Section 3 of this bill shall not become operative*." (Italics added.) AB 3070 was signed by the Governor on September 30, 2020 and became effective on January 1, 2021. AB 3070, however, contains two operative dates: January 1, 2022 for criminal matters, and January 1, 2026 for civil matters.

The various dates referenced in AB 2542 and AB 3070 reflect the difference between the "effective date" and "operative date" of legislation. The distinction is explained in *People v. Jenkins* (1995) 35 Cal.App.4th 669, 673-674[4] (*Jenkins*): " 'Under the California Constitution, a statute enacted at a regular session of the Legislature generally becomes effective on January 1 of the year following its enactment except where the statute is passed as an urgency measure and becomes effective sooner. [Citation.] In the usual situation, the "effective" date and "operative" date are one and the same, and with regard to ex post facto restrictions, a statute has no force and effect until such effective-operative date. [Citation.]' [Citation.] [¶] In some instances, the Legislature may provide for different effective and operative dates. [Citations.] '[T]he operative date is the date upon which the directives of the statute may be actually implemented. The effective date, then, is considered that date upon which the statute came into being as an existing law.' [Citations.]"

According to *Jenkins*, therefore, AB 3070 "came into being" on January 1, 2021, but is to be implemented on January 1, 2022 for criminal cases and January 1, 2026 for civil cases. Based on the directive in section 7 of AB 2542, section 3.5 contains the operative version of section 745 and "Section 3 of [AB 2542] *shall not become operative*." (Italics added.) Since section 3 never becomes operative, it may not be used for trials or any other proceedings, including matters occurring between January 1, 2021 and January 1, 2022 when AB 3070 becomes operative in criminal cases. Until AB 3070 becomes operative, traditional *Batson/Wheeler* procedures apply.

---

[4] *Jenkins* was abrogated on other grounds by *People v. Robinson* (1998) 63 Cal.App.4th 348, 352, fn. 2.

II. Penal Code section 745

A. Prohibited conduct

Section 745, subdivision (a), provides the baseline prohibition against racial bias in criminal proceedings: "The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin." Any of the following conduct constitutes a violation of the prohibition:

(1) **"The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin."** (§ 745, subd. (a)(1).) The prohibition is sufficiently broad to refer to conduct before, during or after the defendant's trial and sentencing. For example, this would include bias or animus exhibited during a police investigation. The violation requires the proof of three elements:

- First, there must be an exhibition of bias or animus because of the defendant's race, ethnicity or national origin. (*Ibid.*) "A defendant may share a race, ethnicity, or national origin with more than one group." (§ 745, subd. (i).) Although "exhibit" is not further defined in the statute, the term suggests there must be some outward manifestation or display of the bias.

- Second, the prohibited act must be by a designated person connected with the defendant's case: the judge, an attorney, a law enforcement officer, an "expert witness," or a juror. (*Ibid.*) "Juror" is not further defined in the statute. The term clearly includes sworn trial jurors. Likely the term includes alternate jurors who take the oath for that position, participate throughout the trial (except for deliberations), and are subject to the instructions of the court. (See Code of Civ. Proc., § 234 [alternate jurors have the same qualifications and power as jurors already sworn].) Likely the plain meaning of the term does not include prospective jurors who do not become a "juror" until administered the oath as such.

- Third, the racial bias must be exhibited toward the defendant. Whether a particular comment or action is exhibited toward the defendant will be a question of fact. Likely the exhibition of bias must be purposeful. (C.*f.* violations of section 745, subd. (a)(2), *infra*, which may occur "whether or not purposeful.")

(2) **"During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect."**

(§ 745, subd. (a)(2).) There are three elements necessary to establishing a violation of the Act under this provision, the third element being capable of two types of proof:

- First, the prohibited act must be by a person connected with the defendant's case: the judge, an attorney, a law enforcement officer, an "expert witness," or a juror. "Juror" is not further defined in the statute. The term clearly includes sworn trial jurors. Likely the term includes alternate jurors who take the oath for that position and are subject to the instructions of the court. Likely the plain meaning of the term does not include prospective jurors who are not become a "juror" until administered the oath as such.

- Second, the identified conduct must occur "[d]uring the defendant's trial, in court and during the proceedings." (*Ibid.*) This portion of the Act appears to focus on bias that occurs in open court. It is not necessary that the conduct occur in the presence of the jury. Potentially actionable conduct occurring outside the courtroom and not during the court proceedings would not qualify as a violation under this portion of the Act, but may qualify under section 745, subdivision (a)(1), *supra*.

- The third element is subject to proof in either of two ways:

  (a) A violation occurs when a designated person uses "racially discriminatory language about the defendant's race, ethnicity, or national origin." (*Ibid.*) A violation may occur even if not directed to the defendant personally; it is sufficient if the comment is about defendant's race or ethnicity in general.

  "Racially discriminatory language" is defined in the Act as "language that, to an objective observer, explicitly or implicitly appeals to racial bias, including, but not limited to, racially charged or racially coded language, language that compares the defendant to an animal, or language that references the defendant's physical appearance, culture, ethnicity, or national origin. Evidence that particular words or images are used exclusively or disproportionately in cases where the defendant is of a specific race, ethnicity, or national origin is relevant to determining whether language is discriminatory." (§ 745, subd. (h)(3).)

  Because the "objective observer" test is being used to determine whether particular words are racially discriminatory, the subjective intent of the speaker is irrelevant – it is irrelevant whether it was purposeful.

  (b) A violation occurs when a designated person "exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful." (*Ibid.*) This provision addresses all forms of expressing bias, whether or not the bias was "purposeful." The bias must be exhibited toward the defendant.

- A defendant may share a race, ethnicity, or national origin with more than one group. (§ 745, subd. (i).)

Note this section provides there is no violation "if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect." An example of such a circumstance may be found in *People v. Quartermain* (1997) 16 Cal.4th 600, wherein the Supreme Court observed at page 628: "The trial court did not abuse its discretion in refusing to exclude defendant's racial epithets. Contrary to defendant's conclusion, his use of the epithets was not irrelevant. (See Evid. Code, § 210.) Defendant used them to describe the victim specifically in two instances and to describe members of the victim's race generally in the third instance. As defendant puts it in his brief, these statements showed that he 'despised [Ewing] and mocked [Ewing] for the color of his skin.' Expressions of racial animus by a defendant towards the victim and the victim's race, like any other expression of enmity by an accused murderer towards the victim, is relevant evidence in a murder or murder conspiracy case. Among other things, it is evidence of the defendant's prior attitude toward the victim, a relevant factor in deciding whether the murder was deliberate and premeditated because it goes to the defendant's motive."[5]

(3) **"The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained."** (§ 745, subd. (a)(3).) This portion of the Act is intended to address bias resulting in disparate charging practices by a prosecutor's office in the county where the defendant is being prosecuted. Two elements are necessary to establish a violation:

- First, the defendant was charged with or convicted of more serious offenses than defendants of other races, ethnicities or national origin who committed similar crimes and are "similarly situated." (*Ibid.*) "Similarly situated" is not further defined in the statute. Because this violation has a character very much like a denial of equal protection, "similarly situated" most likely will be viewed in the same context. For example, *People v. Cruz* (2012) 207 Cal.App.4th 664 (*Cruz*), discusses the general concepts of equal protection of the law: "Broadly stated, equal protection of the laws means that no person or class of persons shall be denied the same protection of the laws [that] is enjoyed by other persons or other classes in like circumstances in their lives, liberty and property and in their pursuit of happiness. [Citation.].... Thus, ... a threshold requirement of any meritorious equal protection claim is a showing that the state has adopted a classification that affects two or more similarly situated groups in an unequal manner. [Citation.] This initial inquiry is not whether persons are similarly situated for all purposes, but whether they are similarly

[5] *Quartermain* is offered simply as an example of a situation where otherwise actionable conduct may be relevant in the context of the criminal proceeding. AB 2542 does not prohibit cognizable group bias or animus by a criminal defendant.

situated for purposes of the law challenged. [Citations.]" (*Cruz, supra*, 207 Cal.App.4th at p. 674.) "The concept [of equal protection] recognizes that persons similarly situated with respect to the legitimate purpose of the law receive like treatment, but it does not ... require absolute equality. [Citations.] [. . .]" [Citations.] Equal protection ... require[s] that a distinction made have some relevance to the purpose for which the classification is made. [Citation.]" (*Cruz, supra*, 207 Cal.App.4th at p. 675.) Presumably, "similarly situated" for the purposes of the Act will require the comparison of such things as the defendant's criminal record and the circumstances of the crime (such as whether weapons were used, great bodily injury inflicted, number of victims) with the criminal record and circumstances of similar crimes committed by persons of all other races, ethnicities and national origin. The element would be established if the defendant was charged with or convicted of more serious charges than defendants of other races, ethnicities or national origin who committed similar crimes and who have similar backgrounds.

- Second, the evidence establishes the prosecutor's office in the county where the defendant is being prosecuted "more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin." (*Ibid.*) The phrase "more frequently sought or obtained convictions" begs the question, "more frequently than what?" Likely this element is similar to the first element in that it requires the court to examine the practices of the prosecution by comparing such things as the defendant's criminal record and the circumstances of the crime (such as whether weapons were used, great bodily injury inflicted, number of victims) with the criminal record and circumstances of similar crimes committed by persons of all other races, ethnicities and national origin. The element would be established if the prosecution sought or obtained a higher level of violation for persons of the defendant's race, ethnicity, or national origin "more frequently" than persons of all other races, ethnicities or national origin.

- "A defendant may share a race, ethnicity, or national origin with more than one group. A defendant may aggregate data among groups to demonstrate a violation of subdivision (a)." (§ 745, subd. (i).)

" 'More frequently sought or obtained' . . . means that statistical evidence or aggregate data demonstrate a significant difference in seeking or obtaining convictions . . . comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity." (§ 745, subd. (h)(1).) The defendant will not establish a prima facie basis for relief, for example, if the motion simply alleges a majority of the people prosecuted for defendant's crime are of defendant's race. The defendant must also compare his or her case with the cases of defendants of *different* races who commit similar offenses. The defendant must show that defendants of his or her race are being prosecuted more than defendants of other races even though the offenses are similar, and all defendants are "similarly situated" except for race, ethnicity or national origin.

For statistical evidence to serve as a basis for relief under the Act, the data must demonstrate a "significant difference" in seeking or obtaining convictions. "Significant difference" is not further defined in the statute. Likely the court will have discretion to make that determination, based on testimony of experts and other evidence presented at the hearing on the violation.

"Race-neutral reasons for the disparity" is not further defined. It will be a question of fact whether reasons tendered by the prosecution are "race-neutral."

The Act does not address how the prosecution establishes "race-neutral reasons for the disparity." It appears clear the prosecution has the initial burden of producing evidence of such reasons. Presumably, the prosecution would offer evidence in support of the reasons, and the defendant would have an opportunity to offer evidence in response. Likely it will be left to the discretion of the court to then determine, after considering the evidence offered by the prosecution, whether the defendant ultimately has met their burden of proof to establish the violation by a preponderance of the evidence.

It is important to stress that AB 2542 has changed how statistical evidence can serve as the basis for establishing a constitutional violation. Caselaw previously accepted statistical evidence as relevant to the issue, but was insufficient by itself to establish a violation. In *McCleskey v. Kemp* (1987) 481 U.S. 279 (*McCleskey*), for example, the U.S. Supreme Court rejected an equal protection claim, based solely on statistical disparities, that Georgia's death penalty law was being applied in a discriminatory fashion. The high court found there must be an additional showing the discrimination was purposeful. "Our analysis begins with the basic principle that a defendant who alleges an equal protection violation has the burden of proving 'the existence of purposeful discrimination.' {Citation.] A corollary to this principle is that a criminal defendant must prove that the purposeful discrimination 'had a discriminatory effect' on him. Thus, to prevail under the Equal Protection Clause, McCleskey must prove that the decisionmakers in *his* case acted with discriminatory purpose. He offers no evidence specific to his own case that would support an inference that racial considerations played a part in his sentence. Instead, he relies solely on the [statistical] study. McCleskey argues that the [statistical] study compels an inference that his sentence rests on purposeful discrimination. McCleskey's claim that these statistics are sufficient proof of discrimination, without regard to the facts of a particular case, would extend to all capital cases in Georgia, at least where the victim was white and the defendant is black." (*McCleskey*, *supra*, 481 U.S. at pp. 292-293; footnotes omitted; italics in original.)[6] AB 2542, however, provides such statistical evidence *is* sufficient alone to establish a violation so long as it is "significant" and the defendants in the comparable cases are "similarly situated."

(4) **"A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the**

[6] *McCleskey* was specifically mentioned by the Legislature in its preamble to AB 2542 as establishing an impossibly high standard for obtaining relief from discriminatory conduct. (AB 2542, § 2, subd. (f).)

defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed." (§ 745, subd. (a)(4)(A).) This provision seeks to address bias resulting in disparate sentencing based on the defendant's group identity. The violation has two elements:

- First, "[a] longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense." (*Ibid.*) Although this provision is somewhat vague, in evaluating whether the element has been established, the court presumably will be required to compare the defendant's sentence, crimes, circumstances and criminal backgrounds against the sentence imposed on defendants with similar crimes, circumstances and criminal backgrounds who are of a different race, ethnicity or national origin. The element will be satisfied if the defendant establishes their sentence is more severe than imposed on persons of other races, ethnicities or national origin who commit similar crimes under similar circumstances. Although not expressly provided in this portion of the act, it appears the comparison will be limited to cases in the county where the crime was sentenced.

- Second, "longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed." (*Ibid.*) The second element involves a county-wide comparison of all persons sentenced for the particular crime to determine whether persons of the defendant's race, ethnicity or national origin received a more severe sentence than defendants of any other races, ethnicities or national origin. This element is not confined to the sentences imposed by a particular judge but examines the sentencing practice of the entire court within the county. There is no indication of the relevant timeframe to be examined. Presumably the period must be sufficiently long to be statistically relevant. Because of the reference to sentences "more frequently imposed," the court will be required to compare "similarly situated" defendants, by examining particular crimes, circumstances and criminal backgrounds of each defendant, rather than simply doing a gross conviction offense-to-sentence comparison.

- "A defendant may share a race, ethnicity, or national origin with more than one group. A defendant may aggregate data among groups to demonstrate a violation of subdivision (a)." (§ 745, subd. (i).)

" '[M]ore frequently imposed' means that statistical evidence or aggregate data demonstrate a significant difference in . . . imposing sentences comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity." (§ 745, subd. (h)(1).) For statistical evidence to serve as a basis for relief under the Act, the data must demonstrate a "significant difference" in imposing sentences. "Significant difference" is not further defined in the statute. Likely the court will have discretion to make that determination, based on testimony of experts and other evidence presented at the hearing on the violation.

"Race-neutral reasons for the disparity" is not further defined. It will be a question of fact whether such information is "race-neutral."

The Act does not address how the prosecution establishes "race-neutral reasons for the disparity." It appears clear the prosecution has the initial burden of producing evidence of such reasons. Presumably, the prosecution would offer evidence in support of the reasons, and the defendant would have an opportunity to offer evidence in response. Likely it will be left to the discretion of the court to then determine, after considering the evidence offered by the prosecution, whether the defendant ultimately has met their burden of proof to establish the violation by a preponderance of the evidence.

(5) **"A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed."** (§ 745, subd. (a)(4)(B).) This provision requires the court to determine whether the race, ethnicity or national origin of the victim of the defendant's crime played a role in the sentencing. There are two elements for the violation:

- First, "[a] longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense." (*Ibid.*) This provision is exactly the same as the first element discussed in paragraph (4), *supra*. Although this provision is somewhat vague, in evaluating whether the element has been established, the court presumably will be required to compare the defendant's sentence, crimes, circumstances, and criminal backgrounds against the sentence imposed on defendants with similar crimes, circumstances, and criminal backgrounds who are of a different race, ethnicity or national origin.[7] The element will be satisfied if it is established the defendant's sentence is more severe than imposed on persons of other races, ethnicities or national origin who commit similar crimes under similar circumstances. Although not expressly provided in this portion of the act, it appears the comparison will be limited to cases in the county where the crime was sentenced.

- Second, "longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed." (*Ibid.*) The second element involves a county-wide comparison of all persons sentenced for the defendant's crime to determine if the victim was of one race, ethnicity, or national origin it resulted in the defendant more frequently receiving a more

[7] A literal reading of the first element would require the inclusion of people of defendant's own race, ethnicity or national origin in comparing the sentence. Since the purpose of the legislation is to address disparity in sentencing, to include people of defendant's own demographics would produce an absurd result. The first element must be read in connection with the second element which does require a comparison between people of different demographics.

severe sentence than if the victim had any other race, ethnicity or national origin. This element is not confined to the sentences imposed by a particular judge but examines the sentencing practice of the entire court. There is no indication of the relevant timeframe to be examined. Presumably the period must be sufficiently long to be statistically relevant. In determining whether the sentences are "more frequently imposed," the court will be required to compare "similarly situated" defendants, by examining particular crimes, circumstances, and criminal backgrounds of each defendant, rather than simply doing a gross conviction offense-to-sentence comparison. This element does not require the victim to have any particular race, ethnicity or national origin, or that it be different than the defendant's race, ethnicity or national origin. It appears this element is satisfied if it is established in the particular county defendants receive a more severe sentence based on the race, ethnicity or national origin of the victim.

- "A defendant may share a race, ethnicity, or national origin with more than one group. A defendant may aggregate data among groups to demonstrate a violation of subdivision (a)." (§ 745, subd. (i).)

" '[M]ore frequently imposed' means that statistical evidence or aggregate data demonstrate a significant difference in . . . imposing sentences comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity." (§ 745, subd. (h)(1).) For statistical evidence to serve as a basis for relief under the Act, the data must demonstrate a "significant difference" in imposing sentences. "Significant difference" is not further defined in the statute. Likely the court will have discretion to make that determination, based on testimony of experts and other evidence presented at the hearing on the violation.

"Race-neutral reasons for the disparity" is not further defined. It will be a question of fact whether such information is "race-neutral."

The Act does not address how the prosecution establishes "race-neutral reasons for the disparity." It appears clear the prosecution has the initial burden of producing evidence of such reasons. Presumably, the prosecution would offer evidence in support of the reasons, and the defendant would have an opportunity to offer evidence in response. Likely it will be left to the discretion of the court to then determine, after considering the evidence offered by the prosecution, whether the defendant ultimately has met their burden of proof to establish the violation by a preponderance of the evidence.

B. Procedure for determining a violation of Section 745, subdivision (a)

1. Procedural vehicle for challenge

Persons seeking relief based on a violation of section 745, subdivision (a), "may file a motion in the trial court or, if judgment has been imposed, may file a petition for writ of habeas corpus or

a motion under Section 1473.7 in a court of competent jurisdiction. . . ." (§ 745, subd. (b).) For a discussion of relief by writ of habeas corpus, see Section III, *infra*. For a discussion of relief under section 1473.7, see Section IV, *infra*.

The procedural requirements of a hearing to determine a violation of the Act are outlined in section 745, subdivision (c):

> If a motion is filed in the trial court and the defendant makes a prima facie showing of a violation of subdivision (a), the trial court shall hold a hearing. (1) At the hearing, evidence may be presented by either party, including, but not limited to, statistical evidence, aggregate data, expert testimony, and the sworn testimony of witnesses. The court may also appoint an independent expert. (2) The defendant shall have the burden of proving a violation of subdivision (a) by a preponderance of the evidence. (3) At the conclusion of the hearing, the court shall make findings on the record.

2. *Hearing to determine a violation*

a. Timing of the hearing

The Act does not specify when the hearing on an alleged violation must be held. For the most part, timing of the hearing will depend on the nature of the violation and when it was discovered.

- Violations under section 745, subdivision (a)(1), can occur and/or be discovered before, during or after trial.

- Violations under section 745, subdivision (a)(2), can occur only during trial.

- Violations under section 745, subdivision (a)(3), can occur before trial; they can be discovered before, during or after trial.

- Violations under section 745, subdivision (a)(4), can only occur after trial; they may be discovered during or after sentencing.

To the extent violations occur and are discovered prior to trial, there will be strong incentive to resolve the matter prior to jury selection and attachment of jeopardy. A portion of any pretrial conference should include inquiry into the existence of any violation. The trial court should ask whether defense counsel is aware of any potential section 745, subdivision (a), violations prior to trial.

It might be argued that failure to raise a known violation in a timely manner would trigger a latches defense by the prosecution. It would seem improper for the defendant not to raise a

known violation at a time when it could be addressed, but hold it pending the outcome of the trial.

A violation occurring or discovered during trial presents obvious logistical challenges. Nothing in the Act requires the court to immediately adjourn the proceedings to resolve the alleged violation. Conversely, delaying resolution of a violation may restrict the remedy options available to the court if a violation is ultimately proven, particularly if jeopardy has attached. "Jeopardy attaches in a jury trial when the trial jury is sworn and in a court trial when the first witness is sworn." (*Perryman v. Superior Court* (2006) 141 Cal.App.4th 767, 774.) Prior to completion of jury selection, the court has the option of discharging the jury panel and empaneling a new one. After jury selection has been completed, declaring a mistrial requires the defendant's consent. If the determination of the violation does not occur until after sentencing, there is only a limited right to amend the sentence. When scheduling section 745 proceedings during trial, the court must balance the right of all parties to a reasonably prompt determination of the violation, with the right of all parties to a trial that is efficient and concludes within time estimates understood by the parties and the jury.

b. Prima facie showing

If the defendant files a motion and makes a prima facie showing of a violation of subdivision (a), the court must hold a hearing to determine the violation. (§ 745, subd. (c).) For the purposes of the Act, "'prima facie showing' means the *defendant produces facts* that, if true, establish that there is a substantial likelihood that a violation of subdivision (a) occurred. For purposes of this section, a 'substantial likelihood' requires more than a mere possibility, but less than a standard of more likely than not." (§ 745, subd. (h)(2); italics added.) It is clear summary allegations of bias will not be sufficient. To meet the required prima facie showing, the defendant must at least allege sufficient facts, if true, as would demonstrate a substantial likelihood that a violation has occurred.

In this regard, the prima facie showing under the Act is different than the prima facie showing necessary to obtain an order to show cause in a habeas proceeding: "The court must issue an order to show cause if the petitioner has made a prima facie showing that he or she is entitled to relief. In doing so the court takes petitioner's factual allegations as true and makes a preliminary assessment regarding whether the petitioner would be entitled to relief if his or her factual allegations were proved." (California Rules of Court, rule 4.551, subd. (c)(1).) Unlike the prima facie showing required for section 745 proceedings, habeas proceedings do not require the petitioner to meet a certain level of proof. Under section 745, subdivision (c), the defendant must produce facts sufficient to convince the court there is "a substantial likelihood" a violation has occurred. In a habeas proceeding, the court assumes all facts as pled by the petitioner are true and determines whether a basis for relief has been stated.

c. The judge who hears the motion

Nothing in the Act specifies who is to hear the motion to establish a violation under section 745, subdivision (a). Except for allegations of bias by a judge in the case, the trial judge should hear all matters in determining whether a violation the Act has occurred, and, if a violation is shown, the remedy to be employed. Indeed, it may be the trial judge, or a judge assigned for all purposes, who is in the best situation to determine whether an expression of bias has occurred, and, if so, the proper remedy given its context in the case.

An allegation of bias against the judge in the case, however, raises particular ethical and practical concerns. Since AB 2542 offers no direction on this problem, likely the best source of guidance is some of the law and procedure outlined in Code of Civil Procedure section 170.3 related to challenges against a judge for cause under Code of Civil Procedure, section 170.1. As with any motion brought under section 745, whatever process is selected must account for the status of the case at the time the motion is brought and provide for an expeditious resolution of the allegations. Drawing on the procedures outlined in Code of Civil Procedure for disqualification of a judge, the process could have the following components:

- The trial judge should consider self-disqualifying from any proceedings under section 745 based on Code of Civil Procedure, section 170.1, subdivision (a)(6)(iii): A judge shall be disqualified where "[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." The trial judge should not decide the matter of their own potential violation of the Act. (See Code Civ. Proc., § 170.3, subd. (c)(5).) Because of the uncertainties of interpretation attendant section 745, the trial judge should not rule on the question of whether the motion has stated legal grounds for relief. (See Code Civ. Proc., § 170.4, subd. (b).) Nothing in the Act suggests the court must suspend all criminal trial proceedings or any involvement in the case until the motion is resolved. The court has the discretion to determine whether the motion should be heard before proceeding on the case, and the appropriate role of the court considering Code of Civil Procedure, section 170.1, subdivision (a)(6)(iii), discussed above.

- The motion should be served on the trial judge and all parties in the case.

- The motion should be forwarded immediately to the presiding judge of the court for assignment to a judge to determine the matter. (Calif. Rules of Court, rule 10.603, subd. (b)(1)(B) and 10.603, subd. (c)(1)(D).)

- The judge assigned to the motion should determine whether the defendant has established a prima facie basis for relief. If a prima facie basis has been established, the judge assigned to the motion should conduct the hearing on the violation as soon as practicable. If a violation is found, the judge assigned to the motion should determine the remedy in accordance with section 745, subd. (e). If the remedy includes a

resentencing of the defendant, such resentencing would be done by the judge assigned to the motion.

It is important to stress the procedures outlined in section 745, subdivisions (b) – (e), and Code of Civil Procedure section 170.3 produce decidedly different outcomes. If the judge is found to have committed a violation of section 745, subdivision (a), a remedy is imposed, but not on the judge.[8] If the judge is found to be biased under Code of Civil Procedure section 170.3, the judge is disqualified from further participation in the case. Depending on the circumstances and severity of the expression of bias, actions or comments expressing bias or animus of the judge toward the defendant, a violation may be pursued under either or both of these statutes. At all times the court must observe the appearance of propriety as required by Code of Civil Procedure, section 170.1, subdivision (a)(6)(iii), discussed above.

d. Evidence at the hearing

Both sides are permitted to present evidence at the hearing, "including, but not limited to statistical evidence, aggregate data, expert testimony, and the sworn testimony of witnesses. The court may also appoint an independent expert." (§ 745, subd. (c)(1).) AB 2542 did not come with separate funding for experts. Presumably the parties will need to access traditional sources within the county for such funding. If the expert is appointed by the court as the court's witness under Evidence Code, section 730, likely the court will be obligated to pay the witness fees.

e. Conduct that constitutes bias and animus towards the defendant because of the defendant's race, ethnicity, or national origin

Central to establishing a violation under section 745, subdivisions (a)(1) and (2), is that a designated person "exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin." In the case of section 745, subdivision (a)(2), the violation can occur whether or not the expression of bias or animus is purposeful. Section 745 does not further define "bias" or "animus." In fact, the Legislature observed that "[e]xamples of the racism that pervades the criminal justice system are too numerous to mention." (AB 2542, § 2, subd. (h).) The Act, however, does identify several types of bias.

The Act prohibits "racially discriminatory language" which "means language that, to an objective observer, explicitly or implicitly appeals to racial bias, including, but not limited to, racially charged or racially coded language, language that compares the defendant to an animal, or language that references the defendant's physical appearance, culture, ethnicity, or national origin."

[8] Depending on the circumstances of the violation, the judge may be subject to proceedings before the Judicial Performance Commission.

AB 2542 also offers a non-exclusive list of statements or conduct potentially actionable under the Act as explicit or intentional bias:

- The people of a certain race are "predisposed" to commit a designated crime. (AB 2542, § 2, subd. (d).)

- Bias reflected by the defendant's attorney. (*Ibid.*)

- Use of "racially incendiary or racially coded language, images, and racial stereotypes." (AB 2542, § 2, subd. (e).)

- Comparison of certain races with animals. (*Ibid.*)

Implicit bias

The Act also seeks to prohibit and remedy "implicit bias." Judges must be aware of and understand the concept of "implicit bias" in applying the provisions of AB 2542. "Implicit bias, although often unintentional and unconscious, may inject racism and unfairness into proceedings similar to intentional bias." (AB 2542, § 2, subd. (i).) AB 2542 does not define "implicit bias" and thus far no California court as addressed the problem.

The concept of implicit bias was discussed in *Woods v. City of Greensboro* (2017) 855 F.3d 639, 651-652: "[I]t is unlikely today that an actor would explicitly discriminate under all conditions; it is much more likely that, where discrimination occurs, it does so in the context of more nuanced decisions that can be explained based upon reasons other than illicit bias, which, though perhaps implicit, is no less intentional. While a company may generally seek to hire women, it may also unfairly deny women positions once they become pregnant. While a school may affirmatively recruit minority students, the race of a student may simultaneously lead to harsher scrutiny when the individual has a disciplinary record. And while a lender may generally grant loans to African-American applicants, it may also view African-American borrowers as less creditworthy and more challenging risks than similarly situated white borrowers under some conditions. [Citation.] [¶] In reaching our conclusion, we note that discrimination claims are particularly vulnerable to premature dismissal because civil rights plaintiffs often plead facts that are consistent with both legal and illegal behavior, and civil rights cases are more likely to suffer from information-asymmetry, pre-discovery. [Citation.] There is thus a real risk that legitimate discrimination claims, particularly claims based on more subtle theories of stereotyping or implicit bias, will be dismissed should a judge substitute his or her view of the likely reason for a particular action in place of the controlling plausibility standard. Such an approach especially treads through doctrinal quicksand when it is undertaken without the benefit of a developed record, one essential to the substantiation or refutation of common sense allegations of invidious discrimination."

Further information regarding implicit bias may be found in the monograph "Implicit Bias – A Primer for Courts," by the National Center for State Courts set out in full in Appendix II of these materials. Additional information also may be found on the CJER website in the Unconscious Bias and Cultural Responsiveness Toolkit at http://www2.courtinfo.ca.gov/cjer/judicial/3723.htm. Finally, Appendix III offers a bibliography of materials on implicit bias.

f. Burden of proof

The defense carries the burden of proving a violation by a preponderance of the evidence. (§§ 745, subd. (a), (c)(2), and (e).)

g. Findings by the court

The court is obligated to make findings on the record at the conclusion of the hearing. (§ 745, subd. (c)(3).) Presumably, findings are required regardless of how the court rules and should be sufficient to permit appellate review of the court's decision on the alleged violation and, if a violation is found, the reasons why the court chose a particular remedy. Although the Act does not require the reasons to be entered in the minutes, the best practice would be to prepare a written statement of findings and any order entered based on the reasons. Such written findings and order will greatly assist the parties in understanding and implementing the court's order, and will assist appellate or habeas review of the court's decision.

3. Discovery related to a motion to establish a violation of the Act

Apart from the provisions of sections 1054, *et seq.*, regarding the general discovery obligation in a criminal case, the Act contains discovery provisions granting the defense the ability to obtain evidence relevant to the determination of a violation of subdivision (a). "A defendant may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this section shall describe the type of records or information the defendant seeks. Upon a showing of good cause, the court shall order the records to be released. Upon a showing of good cause, and if the records are not privileged, the court may permit the prosecution to redact information prior to disclosure." (§ 745, subd. (d).)

a. Motion for discovery

The discovery obligation is triggered by a motion filed by the defense requesting specified material. Based on section 745, subdivision (d), the motion must contain the following elements:

- A reasonably specific description of the material sought by the defendant;

- A statement of the particular violation under section 745, subdivision (a), being pursued. If the motion to determine a violation has not actually been filed, the motion for discovery likely must include the nature of the violation to be established. Without such information, the court would not be able to determine the relevancy of the material being sought;

- Sufficient information about the nature of the violation and the information being sought for the court to determine the relevance of the material being requested;

- An allegation that the information is in the possession of a particular entity of the state; and

- A showing of good cause for ordering the discovery. "Good cause" is not further defined by the Act, but presumably means the information is reasonably related to an alleged violation of subdivision (a) or may lead to the discovery of such relevant information, and the material is in the possession of the state and cannot readily be obtained from generally available sources.

b. Discovery of material in possession of the state

The motion may seek records or information "in the possession or control of *the state*." (§ 745, subd. (d); italics added.) "State" as defined in the Act "includes the Attorney General, a district attorney, or a city prosecutor." (§ 745, subd. (h)(4).) It should be noted the court is not listed as part of "the state." Discoverable information obviously includes information in the possession of the prosecution. Based on the plain meaning of the statute, it does not include information in the possession of law enforcement or an expert witness. In the absence of statutory mandate, the Act does not obligate the state to collect and synthesize data. Likely the only obligation is to disclose the raw data or make the source of the data available to the defense to review.

The scope of the discovery will be established by the court in its order to the state. The order will be based on the identification of the materials being sought and their relevance to the alleged violation of section 745, subdivision (a). Good cause must be shown for the "records and information "sought." Although the statute is only effective as to crimes sentenced on or after January 1, 2021, depending on the nature of the alleged violation, a discovery request may include historical data that precedes the effective date. For example, to establish biased prosecution under section 745, subdivision (a)(3), it may be necessary for the defendant to offer statistical data from a number of years prior to January 1, 2021. The necessity of discovering such data, its scope, and how far back the state must go in disclosing data, will be a matter within the court's discretion based on the discovery motion and the defendant's showing of good cause.

c. Disclosure obligation based on motion, not general criminal discovery (§§ 1054, et seq.)

Unlike general criminal discovery under section 1054.1, unless the material is so significant that it triggers the *Brady* duty, there is no sua sponte obligation of the state to disclose information related to the enforcement of the Act. The duty to release information comes only after the hearing on the motion for disclosure and the court enters an order of disclosure based on a showing of good cause by the defendant. (§ 745, subd. (d).)

The discovery procedures outlined in section 745, subdivision (d), appear to be apart from and in addition to the general discovery obligation in criminal cases contained in sections 1054, *et seq*. There is no specific cross-reference between the two sets of statutes. Furthermore, under section 745, subdivision (d), the discovery obligation is entirely on the state, but reciprocal under section 1054.3. The timing of the request for discovery is different: 30 days prior to trial for general discovery under section 1054.7; there is no specific time limitation for discovery related to violations of section 745, subdivision (a). Violations of section 745, subdivision (a)(1), may occur at any time before, during, or after trial; violations of section 745, subdivision (2), can only occur during trial; violations of section 745, subdivision (3), depending on the violation, may become evident before or after trial; and violations of section 745, subdivision (a)(4), only occur after trial. The timing of the knowledge or occurrence of the violations under section 745, subdivision (a), is totally inconsistent with the 30-days-prior-to-trial obligation under section 1054.7.

d. Redaction of discovery

"Upon a showing of good cause, and if the records are not privileged, the court may permit the prosecution to redact information prior to disclosure." (§ 745, subd. (d).) The showing of good cause under this portion of the Act falls on the prosecution. Presumably, the redaction referenced in the statute concerns any information where the interests of the public in confidentiality outweigh the right of the defendant to disclosure. Redaction most often will relate to information related to the victim.[9] It may also include such things as information that may lead to the identification of a confidential informant. Although not directly applicable to motions for discovery under section 745, subdivision (d), section 1054.7 offers additional guidance in determining "good cause" why disclosure should be "denied, restricted, or deferred:" " 'Good cause' is limited to threats or possible danger to the safety of a victim or witness, possible loss or destruction of evidence, or possible compromise of other investigations by law enforcement."

The scope of the prosecutor's ability to redact information should be clearly outlined in the court's order. To facilitate the court's review of the prosecution's request for redaction, it may

[9] Article I, § 28, subd. (b)(4), of the California constitution provides, in part, that the victim of a crime has a right "to prevent disclosure of confidential information or records to the defendant . . . which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment or which are otherwise privileged or confidential by law."

be appropriate to conduct proceedings *in camera* and on the record. In any case, the court should preserve the record, under seal, in such a manner that there can be meaningful appellate review of the court's actions.

e. Failure to comply with discovery order

Section 745 does not specify a sanction for failure of the state to comply with a discovery order. There is no indication in the statute that failure to comply with the order will trigger any of the remedies listed in section 745, subdivision (e), nor any of the discovery sanctions authorized by section 1054.5, subdivision (b).

f. Section 745, subdivision (d), is not a substitute for restricted discovery statutes

Section 745, subdivision (d), provides a means of discovery of information relative to the proof of a violation under section 745, subdivision (a). These discovery provisions, however, should not be viewed as an alternative or exception to other statutes which restrict discovery. For example, conduct by a law enforcement officer may trigger an inquiry for additional information under section 745, subdivision (d). It may also warrant pursuit of information in connection with a *Pitchess* motion. Nothing in section 745, subdivision (d), suggests its provisions apply "notwithstanding any other provision of law." If certain sources of information are protected by special statutes, the parties and the court will need to observe those protections in considering requests for information under section 745, subdivision (d).

C. Remedies for violating section 745, subdivision (a)

1. Remedies are mandatory

Section 745, subdivision (e), provides: "Notwithstanding any other law, except for an initiative approved by the voters, if the court finds, by a preponderance of evidence, a violation of subdivision (a), *the court shall impose a remedy specific to the violation found from the following list . . . .*" (Italics added.) The Legislature's directive is clear: if the court finds a violation, a remedy *shall* be imposed, and the remedy *must* come from the list provided by the Legislature. The imposition of a remedy does not depend on a finding of actual harm or prejudice to the defendant's case. Regardless of the circumstances of the violation, if a violation is found, a remedy must be imposed.

The statute divides the remedies based on whether judgment has been imposed. Section 745, subdivision (e)(1), provides: "Before a judgment has been entered, the court may impose" one of the remedies listed in subdivision (e)(1); section 745, subdivision (e)(2), provides: "When a judgment has been entered," the court shall impose one of the remedies listed in subdivision (e)(2). It is not entirely clear whether the segregation of remedies will depend on when the violation occurred vis-à-vis the entry of judgment, or on when the court imposes the remedy. Most likely it is the latter. Such an interpretation makes the most sense in the sequence of the case. For example, if a violation of section 745, subdivision (a)(1) or (2), is adjudicated at some

point while the jury is being selected, likely the most appropriate remedy is to discharge the jury panel and begin jury selection anew with a different panel. If the violation is adjudicated after the jury is empaneled but before verdict, likely the most appropriate remedy is to declare a mistrial if the defendant consents. If the violation is adjudicated after verdict but prior to imposition of sentence, then the prejudgment remedies related to sentencing must be imposed. If, however, the violation is for a violation of section 745, subdivision (a)(1) or (2), and adjudicated after the imposition of sentence, the only viable remedy is pursuant to section 745, subdivision (e)(2)(A), to vacate the conviction and start over.

It generally is understood that entry of judgment occurs with the act of sentencing the defendant. "In a criminal case, the sentence is the judgment." (*People v. McKenzie* (2018) 25 Cal.App.5th 1207, 1213; see also *People v. Scott* (2014) 58 Cal.4th 1415, 1422 ["a defendant who has a sentence imposed and suspended has had a final judgment entered;" see § 1207: ["When judgment upon a conviction is rendered, the clerk must enter the judgment in the minutes . . . ."].)

2. Remedies that may be imposed before judgment has been entered

The following remedies may be imposed before judgment has been entered. Although the court must select a remedy from the list provided by the Legislature, except for a request for a mistrial in section 745, subdivision (e)(1)(A), the particular remedy may be selected within the court's discretion and does not require the defendant's agreement or consent. The court's discretion likely is not without limitation. Section 745, subdivision (e), for example, directs the court to "impose a remedy specific to the violation found." Likely the remedy should have some relationship to the nature of the violation and in proportion to its seriousness. Whatever remedy is selected by the court, likely it is subject to review under the "abuse of discretion" appellate standard. "If the standard of review is abuse of discretion, the appellate court examines the ruling of the trial court and asks whether it exceeds the bounds of reason or is arbitrary, whimsical or capricious. [Citations.] This standard involves abundant deference to the trial court's rulings. [¶ When the question to be decided is one of law, the appellate court examines the question de novo, or independently. [Citation.] That is not to say the appellate court disregards the trial court's rationale for its decision. It often is most helpful and illustrates the important role trial courts play in shaping the law. We are not averse to using all the help we can get." (*People v. Jackson* (2005) 128 Cal.App.4th 1009, 1018.)

a. "Declare a mistrial, if requested by the defendant." (§ 745, subd. (e)(1)(A).)

Note the requirement that the request for mistrial must come from the defendant. If the court grants a mistrial on its own motion without the agreement of the defendant and jeopardy has attached, the defendant cannot be retried. "Article I, section 13, of the California Constitution declares that 'No person shall be twice put in jeopardy for the same offense.' Implementing this constitutional command, the decisions of this court have settled the now familiar rules that (1) jeopardy attaches when a defendant is placed on trial in a court of competent jurisdiction, on a valid accusatory pleading, before a jury duly impaneled and sworn,

and (2) a discharge of that jury without a verdict is equivalent in law to an acquittal and bars a retrial, unless the defendant consented thereto or legal necessity required it. [Citations.]" (*Curry v. Superior Court* (1970) 2 Cal.3d 707, 712 (*Curry*).) "In California, legal necessity for a mistrial typically arises from an inability of the jury to agree [citations]; or from physical causes beyond the control of the court [citations], such as the death, illness, or absence of judge or juror [citations] or of the defendant [citations]. A mere error of law or procedure, however, does not constitute legal necessity. [[Citation] (prosecutor's question on cross-examination objected to by defendant)]; [citation] (testimony of police officer that he saw defendant talking to two jurors during recess); [citation] (public defender's asserted inability to cross-examine codefendant whom he previously represented)].)" (*Curry*, *supra*, 2 Cal.3d at pp. 713-714.)

The availability of this remedy to the court is conditioned on the defendant asking for it. Such an interpretation likely means that if the defendant does not request a mistrial, whether before or after an invitation from the court, the potential remedy is off the list of options. The refusal to ask for the remedy or consent to the mistrial does not mean the defendant is waiving the right to other listed remedies.

b. "Discharge the jury panel and empanel a new jury." (§ 745, subd. (e)(1)(B).)

The jury panel is not the jury after it has been empaneled and sworn. "A 'panel' is the group of jurors from the venire who are assigned to a courtroom and from which a jury may be selected for a particular case." (*People v Massie* (1998) 19 Cal.4th 550, 580, fn. 7.) "A 'venire' is the group of prospective jurors summoned from [the master] list and made available, after excuses and deferrals have been granted, for assignment to a 'panel.' " (*Ibid.*) Thus, this remedy can only be imposed at a point in time between the jury panel walking into the court room for jury selection and the time the jury has been empaneled, which means up to the point when the jurors and alternates have been sworn. (See *People v. Scott* (2015) 61 Cal.4th 363, 383 [jury is said to be empaneled after jurors and alternates are sworn]; *People v. McDermott* (2002) 28 Cal.4th 946, 969 [same].) After, the jury has been empaneled discharging the jury before verdict requires a declaration of mistrial.

Consent of the defendant

Section 745 does not condition the discharge of the jury panel as a remedy on the request or consent of the defendant. The omission begs the question whether the requirement of such a request or consent should be *implied.* The commonly accepted criminal practice after the court has determined there is a need to discharge the jury is to request the consent of the defendant, discharge the jury and declare a mistrial based on the lack of a jury. The Legislature, however, created this remedy separately from the declaration of a mistrial without the need for defendant's consent. It is unclear whether the defendant must request or consent to the discharge. On the one hand, it might be argued that in creating this additional remedy without the requirement of the defendant's consent, the Legislature has defined a new "legal necessity" for discharge. (See *Curry*, *supra*, 2 Cal.3d at pp. 713-714.)

On the other hand, the Supreme Court has held the failure to obtain a defendant's consent to discharge the jury violates California's constitutional right to have a jury drawn from a fair cross-section under current caselaw. (*People v. Mata* (2013) 57 Cal.4th 178, 183, 185 (*Mata*); *People v. Willis* (2002) 27 Cal.4th 811, 823-824; See also *People v. Morris* (2003) 107 Cal.App.4th 402, 410-411.) However, in *Mata*, the court held that consent could be waived. (*Mata*, *supra*, 57 Cal.4th at p. 186.)

Certainly, best practice indicates the consent of the defendant should be obtained on the record prior to the court discharging the jury panel.

c. "If the court determines that it would be in the interests of justice, dismiss enhancements, special circumstances, or special allegations, or reduce one or more charges." (§ 745, subd. (e)(1)(C).)

The court may dismiss enhancements, special circumstances, and special allegations, and reduce charges. In addition to finding of a violation of section 745, subdivision (a), to impose this remedy, the court also must find the remedy is "in the interests of justice." "Interests of justice" is not further defined by the statute. Although it relates to the exercise of discretion to dismiss strikes under section 1385, *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530-531, offers considerable guidance on the application of section 745, subdivision (e)(1)(C): " 'From the case law, several general principles emerge. Paramount among them is the rule "that the language of [section 1385], 'furtherance of justice,' requires consideration both of the constitutional rights of the defendant, and *the interests of society represented by the People,* in determining whether there should be a dismissal. [Citations.]" [Citations.] At the very least, the reason for dismissal must be "that which would motivate a reasonable judge." [Citations.].' [Citation.] 'Courts have recognized that society, represented by the People, has a legitimate interest in "the fair prosecution of crimes properly alleged." [Citation.] " (Italics in original.) The court should engage in an individualized consideration of the nature of the violation, the effect a particular remedy will have on the prosecution and defense cases, and the extent to which the violation reflects a long-standing practice or product of racial bias.

The court may dismiss enhancements (both conduct and status enhancements), special circumstance allegations (such as for the death penalty or life without the possibility of parole), and special allegations (such as allegations under section 1203.066 making the defendant ineligible for probation in certain sexual assault cases). Section 745, subdivision (e)(1)(C), does not authorize the court to outright dismiss underlying counts or charges, but the court may "reduce one or more charges" – which presumably means the court may find the defendant to have violated a lesser-included or lesser related offense.

The court is to impose the remedies under section 745, subdivision (e) "notwithstanding any other law, except for an initiative approved by the voters." In other words, the remedies authorized under section 745, subdivision (e), may be employed by the court even if the remedy conflicts with some other statute. However, if the other statute is an initiative enacted by the voters, the initiative controls. For example, the provisions authorizing the striking of

enhancements or allegations under section 745, subdivision (e)(1)(C), likely do not override section 667.61, subd. (g), which prohibits the court from striking allegations making a person punishable under the One Strike law. The restrictions in the One Strike law were established, at least in part, by Proposition 83, enacted by the voters on November 7, 2006.

3. Remedies that may be imposed after judgment is entered

Post-judgment remedies available to the court will depend on three potential variables:

- Whether the conviction was sought or obtained in violation of any of the reasons listed in section 745, subdivision (a);

- Whether the *only* violation of section 745, subdivision (a), was based on a charging or conviction disparity under section 745, subdivision (a)(3); or

- Whether the *only* violation of section 745, subd. (a), was that the sentence was "sought, obtained, or imposed in violation of subdivision (a)." (§ 745, subd. (e)(2)(B).)

a. Conviction sought or obtained in violation of section 745, subdivision (a)

If the court finds the conviction was sought or obtained in violation of any of the reasons listed in section 745, subdivision (a) (except solely for a violation of subdivision (a)(3), or solely because the sentence was obtained in violation of subdivision (a)(4)), "the court shall vacate the conviction and sentence, find that it is legally invalid, and order new proceedings consistent with subdivision (a)." In other words, if the violation is of subdivision (a)(1) or (a)(2), or if there are a mixture of violations listed in section 745, subdivision (a), the court must impose the sanction specified in the first sentence of section 745, subdivision (e)(2)(A).

It is unclear what is meant by ordering of "new proceedings consistent with subdivision (a)." Subdivision (a) simply is the list of potential violations. Presumably the provision means nothing more than the court must order the criminal proceedings be started over from the point where the violation of subdivision (a) occurred. For example, if the violation of subdivision (a)(1) occurred during the preliminary hearing, the court would order a new hearing be conducted; if the violation occurred during the trial, a new preliminary hearing may not be required depending on the violation. If the violation is specified in subdivision (a)(3), the court would order a new trial. The determination of the proper point to renew criminal proceedings should be a matter calling for input from the parties.

b. The violation was based solely on section 745, subdivision (a)(3)

"If the court finds that the *only violation* of subdivision (a) that occurred is based on paragraph (3) of subdivision (a) [based on discriminatory prosecution] and the court has the ability to rectify the violation by modifying the judgment, the court shall vacate the conviction and

sentence, find that the conviction is legally invalid, and modify the judgment to impose an appropriate remedy for the violation that occurred." (§ 745, subd. (e)(2)(A); italics added.)

It is not clear what is meant by the court having "the ability to rectify the violation by modifying the judgment." On the one hand, use of the word "ability" implies that the court must possess the legal authority or jurisdiction to modify the judgment. For example, the reference may invoke the jurisdictional limits of section 1170, subdivision (d)(1), allowing the recall of a sentence by the court only within 120 days of pronouncement of judgment. After 120 days the court has no jurisdiction – no "ability" – to modify the sentence. (*Dix v. Superior Court* (1991) 53 Cal.3d 442, 455.)

On the other hand, "ability to rectify the violation by modifying the judgment" may simply mean one of the available remedies is suitable and effective as a remedy for the violation. The Act does not address the situation where the court does not find the requisite ability to correct the violation. The over-arching directive in subdivision (e) is that "the *shall impose* a remedy specific to the violation." (§ 745, subd. (e); italics added.)

The procedural steps mandated to be taken by the court under section 745, subdivision (e)(2)(A), are legally inconsistent. Section 745, subdivision (e)(2)(A), specifies the court "shall vacate the conviction and sentence, find the conviction is legally invalid." Such an order means the defendant no longer stands convicted of any criminal offense. Yet the legislation then directs the court to "modify the judgment to impose an appropriate remedy for the violation that occurred." But there is no crime to sentence – the conviction was vacated. Section 745, subdivision (e)(2)(A), only authorizes the modification of the sentence, not the granting of a new trial to establish a new conviction. Until this procedural quagmire is cleaned up by the Legislature or appellate opinion, it is suggested the court focus on the statute's end product: that the judgment be modified "to impose an appropriate remedy for the violation that occurred." Although this portion of section 745, subdivision (e)(2)(A), directs the court to vacate the conviction, the emphasis – the goal – of the legislation appears to be the correcting of the judgment to correspond to a race-free charging decision. In other words, notwithstanding the legislative directive to vacate the conviction, the court should leave the defendant convicted of the crimes originally sentenced, but consider all available sentencing discretion to modify the judgment to account for the violation of subdivision (a): resentencing the defendant to a lower term, imposing a concurrent sentence; exercising discretion under section 1385 to dismiss enhancements or special allegations; imposing a local disposition (if authorized), and/or reducing charges. The only limitation is that the court may not impose a greater sentence than originally imposed. (§ 745, subd. (e)(2)(A).)

c. Only the sentence was obtained in violation of section 745, subdivision (a)

"When a judgment has been entered, if the court finds that *only the sentence* was sought, obtained, or imposed in violation of subdivision (a), the court shall *vacate the sentence*, find that it is legally invalid, and impose a new sentence. On resentencing, the court shall not

impose a new sentence greater than that previously imposed." (§ 745, subd. (e)(2)(B); italics added.)

The remedy for the violation is fairly limited. The underlying conviction remains, but the court must vacate the sentence and impose a new one. Presumably the court will have full sentencing authority as at the original sentencing except that the new sentence may not be longer than the original sentence. (§ 745, subd. (e)(2)(B).)

4. Death penalty cases

Section 745, subdivision (e)(3), provides: "When the court finds there has been a violation of subdivision (a), the defendant shall not be eligible for the death penalty." It is not clear how the death penalty provision relates to the remedies authorized in section 745, subdivisions (e)(1) – (2). On the one hand, subdivision (e)(3) is part of subdivision (e) which states "the court shall impose a remedy specific to the violation found from the *following list*." (Italics added.) The directive implies the death penalty provision is but one part of the list which the court must use in selecting a remedy "specific to the violation," but which specific remedy is left to the court's discretion.

On the other hand, there are some key differences between the remedies listed in subdivisions (e)(1) – (3). The availability of remedies listed in subdivisions (e)(1) and (2) depend on the timing of the hearing on the violation: remedies in subdivision (e)(1) are available only prior to judgment; the remedies in subdivision (e)(2) are available only after judgment is entered. Subdivision (e)(3) is not limited by the timing of the violation or the hearing on the violation. The selection of remedies in subdivisions (e)(1) and (2) is discretionary; the remedy in subdivision (e)(3) is mandatory. Indeed, no order imposing the remedy is even necessary. If the court finds a violation of subdivision (a), the defendant is rendered ineligible for the death penalty without further action by the court. If the remedy listed in subdivision (e)(3) is simply one among several to be selected by the court, there is no reason to list it separately from the other two subdivisions. Likely it is the intent of the Legislature, where a violation of section 745, subdivision (a), has been found, to categorically bar the use of the death penalty in the case. While certain remedies listed in subdivisions (e)(1) and (2) permit a new trial pursuant to the original pleadings and with the original possible punishment – essentially discharging the violation – subdivision (e)(3) appears to make the defendant ineligible for the death penalty whether or not the case is retried.

Constitutionality of death penalty provision

There may be a question whether section 745, subdivision (e)(3), will conflict with the initiatives enacting the California death penalty. The current death penalty law was enacted in 1978 with the passage of Proposition 7, commonly known as the Briggs Initiative. Proposition 7 was followed thereafter with the passage of several additional initiatives that expanded the number of special circumstances justifying the death penalty or a sentence of life without parole. "A statute enacted by voter initiative may be changed only with the approval of the electorate

unless the initiative measure itself permits amendment or repeal without voter approval. [Citation.]" (*People v. Cooper* (2002) 27 Cal.4th 38, 44.) The court is confronted with two potential issues when considering whether AB 2542 amends an initiative passed by the voters. The first issue is whether AB 2542 has amended an initiative or merely has touched on a related but separate subject; if the statute does constitute an amendment, the second issue is whether the Legislature properly followed the procedure to amend the initiative.

The first issue, whether AB 2542 amends an initiative, likely will depend on whether the legislation is merely addressing a related but distinct area not specifically addressed in the initiative. As explained in *People v. Superior Court (Gooden)* (2019) 42 Cal.App.5th 270, 279-280, with respect to accomplice liability for murder: "An issue that often arises in litigation involving the constitutionality of a legislative enactment under article II, section 10 of the California Constitution is whether the legislative enactment in question in fact amends an initiative statute. Our Supreme Court has described an amendment as ' "a legislative act designed to change an existing initiative statute by adding or taking from it some particular provision." [Citations.] ([Citations.] ['[F]or purposes of article II, section 10, subdivision (c), an amendment includes a legislative act that changes an existing initiative statute by taking away from it.'].) When confronted with the task of determining whether legislation amends a voter initiative, the Supreme Court has asked the following question: '[W]hether [the legislation] prohibits what the initiative authorizes, or authorizes what the initiative prohibits.' [Citations.] [¶] In undertaking this analysis, the Supreme Court has cautioned that not all legislation concerning 'the same subject matter as an initiative, or event augment[ing] an initiative's provisions, is necessarily an amendment' to the initiative. [Citation.] On the contrary, ' "[t]he Legislature remains free to address a ' "related but distinct area" ' [citations] or a matter that an initiative measure 'does not specifically authorize *or* prohibit.' " ' [Citations.]"

The second issue, if the Act does constitute an amendment of an initiative, is whether the Legislature has followed the correct procedure. The answer to this issue will depend on whether the particular initiative at issue permits amendment by the Legislature and whether AB 2542 was passed with the required number of votes. With respect to the death penalty law, the issue is complicated by the fact some of the initiatives defining the penalty permit amendment by the Legislature and some do not. Proposition 7, for example, does not authorize amendment by the Legislature. "Article II, section 10, subdivision (c) of the California Constitution provides that '[t]he Legislature may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without the electors' approval.' Thus, '[t]he Legislature may not amend an initiative statute without subsequent voter approval unless the initiative permits such amendment, "and then only upon whatever conditions the voters attached to the Legislature's amendatory powers." ' [Citation].) 'The evident purpose of limiting the Legislature's power to amend an initiative statute " 'is to "protect the people's initiative powers by precluding the Legislature from undoing what the people have done, without the electorate's consent." ' " ' [Citation.]" (*People v. Ferraro* (2020) 51 Cal.App.5th 896, 908.)

In contrast, Proposition 115, enacted by the voters in 1990, and which expanded the definition of first-degree murder and the list of "special circumstances" qualifying the defendant for the death penalty, permits amendment by the Legislature: "The statutory provisions contained in this measure may not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors." (Prop. 115, § 30.) AB 2542 passed the Assembly by a vote of 49 in favor, 16 opposed, and 14 with no vote registered. It passed the Senate by a vote of 26 in favor, 10 opposed, and 4 with no vote registered. AB 2542 did not pass either house by a vote of two-thirds of the membership.

Finally, it should be noted that even if AB 2542 potentially amends the death penalty law, section 745, subdivision (e), provides: "Notwithstanding any other law, *except for an initiative approved by the voters*, if the court finds, by a preponderance of evidence, a violation of subdivision (a), the court shall impose a remedy specific to the violation found from the following list . . . ." (Italics added.) The plain meaning of this provision suggests if there is a conflict between a remedy specified in section 745, subdivision (e), and an initiative enacted by the voters, the initiative prevails.

AB 2542 contains a severability clause. Section 6 of the Act provides: "The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not effect other provisions or applications that can be given effect without the invalid provision or application."

5. Other available remedies

Section 745, subdivision (e)(4), provides: "The remedies available under this section do not foreclose any other remedies available under the United States Constitution, the California Constitution, or any other law."

D. Additional issues

1. Application to juvenile proceedings

Section 745 is expressly made applicable to juvenile proceedings: "This section also applies to adjudications and dispositions in the juvenile delinquency system." (§ 745, subd. (f).) Obviously, it will be necessary to interpret the operative provisions of section 745 in a manner that corresponds to the comparable provisions of the juvenile court law. "Adjudication proceedings" would be equivalent to "trial" and "dispositions" would be the same as "sentencing."

2. Hate crimes

Section 745, subdivision (g), provides: "This section shall not prevent the prosecution of hate crimes pursuant to Sections 422.6 to 422.865, inclusive."

3. Application to probation violation proceedings

Depending on the nature of the violation, it is likely the provisions of the Act are sufficiently broad to include proceedings to adjudicate violations of probation. Section 745, subdivision (a), prohibits the state from seeking or obtaining a conviction, or seeking, obtaining, or imposing a sentence in violation of the Act. While it may be open to some dispute whether a "conviction" includes a true finding on an alleged probation violation, certainly courts impose sentences on defendants for violation of probation, a process likely included in the Act.

The violation specified in section 745, subdivision (a)(1), is not limited to time or place. So long as the act of bias was directed to the defendant by one of the designated individuals, likely it is prohibited by the Act, even if it occurs after sentencing. It is beyond dispute that probation officers are considered "law enforcement officers." (§ 830.5, subd. (a).)

Similarly, the violations specified in section 745, subdivision (a)(3) and (4), likely are broad enough to include the prosecution of probation violations and the consequences imposed by the court. Given the desire of the Legislature to address racial bias as a part of the entire justice system as expressed in their statement of intent, a broader interpretation of the Act appears justified. (See AB 2542, § 2, subd. (i) and (j).)

4. Whether AB 2542 applies to cases resolved by plea

It is likely the Act has some application to cases resolved by plea. Certainly, violations of section 745, subdivision (a)(1), (3) and (4), could occur in cases where there is no trial and the matter is ultimately resolved by plea. The remedies allowed by section 745, subdivision (e)(1)(C), and (2)(A) and (B), could be imposed without the case having a jury. There may be an issue of waiver if the defendant enters a plea *after* the occurrence and discovery of a violation. In most circumstances, entry of a plea acts as a waiver of all objections and defenses that may have been entered. "It is well settled that the right of a criminal defendant to appeal his conviction is purely statutory in California inasmuch as neither the federal nor the state Constitution provides such right. [Citations.] By entering a guilty plea the defendant waives his right to appeal any error in the pretrial proceedings." (*People v. Charles* (1985) 171 Cal.App.3d 552, 557.)

III. PENAL CODE § 1473 – HABEAS PROCEEDINGS

AB 2542 amends section 1473 by adding paragraph (f) to the statute.

A. New grounds for habeas relief

Section 1473, subdivision (f), provides, in relevant part: "Notwithstanding any other law, a writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentenced was sought, obtained, or imposed in violation of subdivision (a) of

section 745 if judgment was entered on or after January 1, 2021."[10] Thus AB 2542 incorporates by reference each of the violations specified in section 245, subdivision (a):

> (1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.
>
> (2) During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.
>
> (3) The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.
>
> (4) (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.
>
> (B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

B. Initiation of proceedings

Nothing in the amendment of section 1473 changes the basic procedures for the initiation and pursuit of proceedings for a writ of habeas corpus outlined in sections 1473, *et seq.*, nor the procedures outlined in the California Rules of Court, rules 4.545 – 4.552.

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[10] In addition, section 745, subdivision (b), provides "[a] defendant may file a motion in the trial court or, if judgment has been imposed, may file a petition for writ of habeas corpus or a motion under Section 1473.7 in a court of competent jurisdiction, alleging a violation of subdivision (a)."

1. Contents of the petition

The amendment of section 1473 makes no significant changes to any of the traditional contents of the petition for writ of habeas corpus required by sections 1474 and 1475, or California Rules of Court, rule 4.551, subdivision (a). The amendment does require that petitions for habeas relief based on subdivision (f) state whether the petitioner requests appointment of counsel.

2. Appointment of counsel

The court must appoint counsel if requested by the petitioner if the petitioner is indigent *and either*:

> "[T]he petition alleges facts that would establish a violation of subdivision (a) of Section 745" or
>
> "[T]he State Public Defender requests counsel be appointed. The establishment of a prima facie basis for relief is not required prior to the appointment of counsel under these circumstances.

Subdivision (f) obviously contemplates the court will make a preliminary determination of the sufficiency of the petition before appointment of counsel solely at the request of the petitioner. There is no indication in subdivision (f) that "facts that would establish a violation" changes the level of proof required for the issuance of an order to show cause. "A court receiving . . . a petition evaluates it by asking whether, assuming the petition's factual allegations are true, the petitioner would be entitled to relief. If the court finds that a prima facie case for relief is stated, the court may issue an order to show cause (OSC) or may ask for informal opposition." (*In re Marquez* (2007) 153 Cal.App.4th 1, 11.)

AB 2542 only requires immediate appointment of counsel if requested by the state public defender. This requirement may reflect the desire of the Legislature to assure early appointment of counsel in death penalty cases.

3. Amendment of pending petitions

Subdivision (f) specifies: "A petition raising a claim of this nature for the first time, or on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition. If the petitioner has a habeas corpus petition pending in state court, but it has not yet been decided, the petitioner may amend the existing petition with a claim that the petitioner's conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745." It is not clear what is intended by the addition of these provisions. It appears the Legislature wanted to be certain that if a petitioner sentenced after January 1, 2021 files a new petition or has an unresolved petition based on a case sentenced after January 1, 2021, that such petitions would not be a procedural bar to a new or amended petition

challenging a qualified conviction based on a violation of section 745, subdivision (a). As noted in Section I(B), *supra*, because the changes to section 1473 are effective only as to crimes sentenced on or after January 1, 2021, these provisions would apply only to petitions filed after that date.

Subdivision (f) also provides "[n]ewly appointed counsel may amend a petition filed before their appointment."

C. Consideration of petitions

1. Review of prima facie basis for relief

Subdivision (f) specifies: "The court shall review a petition raising a claim pursuant to Section 745 and shall determine if the petitioner has made a prima facie showing of entitlement to relief. If the petitioner makes a prima facie showing that the petitioner is entitled to relief, the court shall issue an order to show cause why relief shall not be granted and hold an evidentiary hearing, unless the state declines to show cause. [. . .] If the court determines that the petitioner has not established a prima facie showing of entitlement to relief, the court shall state the factual and legal basis for its conclusion on the record or issue a written order detailing the factual and legal basis for its conclusion."

Subdivision (f) defines "prima facie relief" differently than for actions bought under section 745. In section 745, subdivision (h)(2), " 'prima facie showing' " means that the defendant produces facts that, if true, establish that *there is a substantial likelihood that a violation of subdivision (a) occurred.* For purposes of this section, a 'substantial likelihood' requires more than a mere possibility, but less than a standard of more likely than not." (Italics added.) California Rules of Court, rule 4551, subdivision (c)(1), for the purpose of habeas proceedings, states "[t]he court must issue an order to show cause if the petitioner has made a prima facie showing that he or she is entitled to relief. In doing so, the court takes petitioner's factual allegations as true and makes a preliminary assessment regarding whether the petitioner would be entitled to relief if his or her factual allegations were proved. If so, the court must issue the order to show cause." There is no indication the Legislature intended the stricter definition of "prima facie showing" in section 745 to apply to proceedings for habeas relief under section 1473.

Although subdivision (f) only requires a statement of the factual and legal basis when the court makes a finding that the petitioner has not stated a prima facie basis for relief, the better practice would be to also state the reasons when an order to show cause is issued. At the very least, the order should identify the particular violations under section 745, subdivision (a), that will be subject to the evidentiary hearing.

2. Hearing on the merits of the petition

There is no indication in subdivision (h) that the hearing on the merits of the petition is substantially different than for other forms of habeas relief. The amendment does provide

"[t]he defendant shall appear at the hearing by video unless counsel indicates that their presence in court is needed."

3. Relief if petition is granted

AB 2542 does not provide for any particular remedy if the habeas petition is granted based on a violation of section 745, subdivision (a). Certainly the relief will be based in part on what the petitioner requests.

If the error causing the issuance of the writ relates to violations under section 745, subdivision (a)(1) and (2), or in the prosecution of the case under section 745, subdivision (a)(3), likely the appropriate remedy will be to grant a new trial. If the violation relates only to sentencing under section 745, subdivision (4), likely the sentence will be considered "unauthorized" and may be returned to the trial court for resentencing. (*In re Birdwell* (1996) 50 Cal.App.4th 926, 931.) "The scope of a court's authority in granting habeas corpus relief is quite broad. '[A] court, faced with a meritorious petition for a writ of habeas corpus, should consider factors of justice and equity when crafting an appropriate remedy.' ([Citations] *Carafas v. LaVallee* (1968) 391 U.S. 234, 239, 88 S.Ct. 1556, 20 L.Ed.2d 554 [emphasizing the flexible nature of federal habeas corpus remedies ' "as law and justice require" ']; see also *In re Crow* (1971) 4 Cal.3d 613, 619, fn. 7, 94 Cal.Rptr. 254, 483 P.2d 1206 ['Inherent in the power to issue the writ of habeas corpus is the power to fashion a remedy for the deprivation of any fundamental right which is cognizable in habeas corpus'].)" (*In re Duval* (2020) 44 Cal.App.5th 401, 411.)

IV. PENAL CODE § 1473.7 – PERSONS OUT OF CUSTODY

Section 1473.7 enables persons who are out of custody to file a motion to vacate a conviction based on stated grounds. AB 2542 amends section 1473.7 by adding the grounds listed in section 745, subdivision (a).

A. Grounds for relief

Section 1473.7, subdivision (a), now provides: "A person who is no longer in criminal custody may file a motion to vacate a conviction or sentence for any of the following reasons: . . . (3) A conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of subdivision (a) of Section 745." Accordingly, any of the following violations may be the basis for granting relief under section 1473.7:

(1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.

(2) During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or

otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.

(3) The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.

(4) (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.

(B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

B. Initiation and conducting proceedings

Section 1473.7, subdivision (c), specifies "[a] motion pursuant to paragraph . . . (3) of subdivision (a) shall be filed without undue delay from the date the moving party discovered, or could have discovered with the exercise of due diligence, the evidence that provides a basis for relief under this section or Section 745." Nothing in AB 2542 amends any other procedural requirement for relief under section 1473.7.

C. Relief if motion granted

The premise of section 1473.7 is that if the defendant establishes grounds for relief, either the conviction or sentence may be vacated: "A person who is no longer in criminal custody may file a motion to *vacate a conviction or sentence*" for the reasons stated in the statute. (§ 1473.7, subd. (a); italics added.) Section 1473.7, subdivision (e)(1), further provides, in relevant part: "The court shall grant the motion to *vacate the conviction or sentence* if the moving party establishes by a preponderance of the evidence, the existence of any grounds for relief specified in subdivision (a)." (Italics added.) The relief granted by the court should be specific to the nature of the violation. If the defendant establishes bias in the seeking or obtaining of a *conviction* under section 745, subdivisions (a)(1), (2), or (3), the proper remedy would be to vacate the conviction. If the defendant establishes

bias in the seeking, obtaining or imposing the *sentence* under section 745, subdivision (4), the proper remedy would be to vacate the sentence, but leave the underlying conviction intact.

APPENDIX I: AB 2542: CALIFORNIA RACIAL JUSTICE ACT OF 2020

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.
This act shall be known and may be cited as the California Racial Justice Act of 2020.

SEC. 2.
The Legislature finds and declares all of the following:
(a) Discrimination in our criminal justice system based on race, ethnicity, or national origin (hereafter "race" or "racial bias") has a deleterious effect not only on individual criminal defendants but on our system of justice as a whole. The United States Supreme Court has said: "Discrimination on the basis of race, odious in all respects, is especially pernicious in the administration of justice." (Rose v. Mitchell, 443 U.S. 545, 556 (1979) (quoting Ballard v. United States, 329 U.S. 187, 195 (1946))). The United States Supreme Court has also recognized "the impact of ... evidence [of racial bias] cannot be measured simply by how much air time it received at trial or how many pages it occupies in the record. Some toxins can be deadly in small doses." (Buck v. Davis, 137 S. Ct. 759, 777 (2017)). Discrimination undermines public confidence in the fairness of the state's system of justice and deprives Californians of equal justice under law.

(b) A United States Supreme Court Justice has observed, "[t]he way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination." (Schuette v. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary, 572 U.S. 291, 380-81 (2014) (Sotomayor, J., dissenting)). We cannot simply accept the stark reality that race pervades our system of justice. Rather, we must acknowledge and seek to remedy that reality and create a fair system of justice that upholds our democratic ideals.

(c) Even though racial bias is widely acknowledged as intolerable in our criminal justice system, it nevertheless persists because courts generally only address racial bias in its most extreme and blatant forms. More and more judges in California and across the country are recognizing that current law, as interpreted by the high courts, is insufficient to address discrimination in our justice system. (State v. Saintcalle, 178 Wash. 2d 34, 35 (2013); Ellis v. Harrison, 891 F.3rd 1160, 1166-67 (9th Cir. 2018) (Nguyen, J., concurring), reh'g en banc granted Jan. 30, 2019; Turner v. Murray, 476 U.S. 28, 35 (1986); People v. Bryant, 40 Cal.App.5th 525 (2019) (Humes, J., concurring)). Even when racism clearly infects a criminal proceeding, under current legal precedent, proof of purposeful discrimination is often required, but nearly impossible to establish. For example, one justice on the California Court of Appeals recently observed the legal standards for preventing racial bias in jury selection are ineffective, observing that "requiring a showing of purposeful discrimination sets a high standard that is difficult to prove in any context." (Bryant, 40 Cal.App.5th 525 (Humes, J., concurring)).

(d) Current legal precedent often results in courts sanctioning racism in criminal trials. Existing precedent countenances racially biased testimony, including expert testimony, and arguments in criminal trials. A court upheld a conviction based in part on an expert's racist testimony that people of

Indian descent are predisposed to commit bribery. (United States v. Shah, 768 Fed. Appx. 637, 640 (9th Cir. 2019)). Existing precedent has provided no recourse for a defendant whose own attorney harbors racial animus towards the defendant's racial group, or toward the defendant, even where the attorney routinely used racist language and "harbor[ed] deep and utter contempt" for the defendant's racial group (Mayfield v. Woodford, 270 F.3d 915, 924-25 (9th Cir. 2001) (en banc); id. at 939-40 (Graber, J., dissenting)). Existing precedent holds that appellate courts must defer to the rulings of judges who make racially biased comments during jury selection. (People v. Williams, 56 Cal. 4th 630, 652 (2013); see also id. at 700 (Liu, J., concurring)).

(e) Existing precedent tolerates the use of racially incendiary or racially coded language, images, and racial stereotypes in criminal trials. For example, courts have upheld convictions in cases where prosecutors have compared defendants who are people of color to Bengal tigers and other animals, even while acknowledging that such statements are "highly offensive and inappropriate" (Duncan v. Ornoski, 286 Fed. Appx. 361, 363 (9th Cir. 2008); see also People v. Powell, 6 Cal.5th 136, 182-83 (2018)). Because use of animal imagery is historically associated with racism, use of animal imagery in reference to a defendant is racially discriminatory and should not be permitted in our court system (Phillip Atiba Goff, Jennifer L. Eberhardt, Melissa J. Williams, and Matthew Christian Jackson, Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences, Journal of Personality and Social Psychology (2008) Vol. 94, No. 2, 292-293; Praatika Prasad, Implicit Racial Biases in Prosecutorial Summations: Proposing an Integrated Response, 86 Fordham Law Review, Volume 86, Issue 6, Article 24 3091, 3105-06 (2018)).

(f) Existing precedent also accepts racial disparities in our criminal justice system as inevitable. Most famously, in 1987, the United States Supreme Court found that there was "a discrepancy that appears to correlate with race" in death penalty cases in Georgia, but the court would not intervene without proof of a discriminatory purpose, concluding that we must simply accept these disparities as "an inevitable part of our criminal justice system" (McCleskey v. Kemp, 481 U.S. 279, 295-99, 312 (1987)). In dissent, one Justice described this as "a fear of too much justice" (Id. at p. 339 (Brennan, J., dissenting)).

(g) Current law, as interpreted by the courts, stands in sharp contrast to this Legislature's commitment to "ameliorate bias-based injustice in the courtroom" subdivision (b) of Section 1 of Chapter 418 of the Statutes of 2019 (Assembly Bill 242). The Legislature has acknowledged that all persons possess implicit biases (Id. at Section 1(a)(1)), that these biases impact the criminal justice system (Id. at Section (1)(a)(5)), and that negative implicit biases tend to disfavor people of color (Id. at Section (1)(a)(3)-(4)). In California in 2020, we can no longer accept racial discrimination and racial disparities as inevitable in our criminal justice system and we must act to make clear that this discrimination and these disparities are illegal and will not be tolerated in California, both prospectively and retroactively.

(h) There is growing awareness that no degree or amount of racial bias is tolerable in a fair and just criminal justice system, that racial bias is often insidious, and that purposeful discrimination is often masked and racial animus disguised. The examples described here are but a few select instances of intolerable racism infecting decisionmaking in the criminal justice system. Examples of the racism that pervades the criminal justice system are too numerous to list.

(i) It is the intent of the Legislature to eliminate racial bias from California's criminal justice system because racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice under Article VI of the California Constitution, and violates the laws and Constitution of the State of California. Implicit bias, although often unintentional and unconscious, may inject racism and unfairness into proceedings similar to intentional bias. The intent of the Legislature is not to punish this type of bias, but rather to remedy the harm to the defendant's case and to the integrity of the judicial system. It is the intent of the Legislature to ensure that race plays no role at all in seeking or obtaining convictions or in sentencing. It is the intent of the Legislature to reject the conclusion that racial disparities within our criminal justice are inevitable, and to actively work to eradicate them.

(j) It is the further intent of the Legislature to provide remedies that will eliminate racially discriminatory practices in the criminal justice system, in addition to intentional discrimination. It is the further intent of the Legislature to ensure that individuals have access to all relevant evidence, including statistical evidence, regarding potential discrimination in seeking or obtaining convictions or imposing sentences.

SEC. 3.
Section 745 is added to the Penal Code, immediately following Section 740, to read:

745.
(a) The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin. A violation is established if the defendant proves, by a preponderance of the evidence, any of the following:

(1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.

(2) During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.

(3) Race, ethnicity, or national origin was a factor in the exercise of peremptory challenges. The defendant need not show that purposeful discrimination occurred in the exercise of peremptory challenges to demonstrate a violation of subdivision (a).

(4) The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.

(5) (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.
(B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

(b) A defendant may file a motion in the trial court or, if judgment has been imposed, may file a petition for writ of habeas corpus or a motion under Section 1473.7 in a court of competent jurisdiction, alleging a violation of subdivision (a).

(c) If a motion is filed in the trial court and the defendant makes a prima facie showing of a violation of subdivision (a), the trial court shall hold a hearing.
(1) At the hearing, evidence may be presented by either party, including, but not limited to, statistical evidence, aggregate data, expert testimony, and the sworn testimony of witnesses. The court may also appoint an independent expert.
(2) The defendant shall have the burden of proving a violation of subdivision (a) by a preponderance of the evidence.
(3) At the conclusion of the hearing, the court shall make findings on the record.

(d) A defendant may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this subdivision shall describe the type of records or information the defendant seeks. Upon a showing of good cause, and if the records are not privileged, the court shall order the records to be released. Upon a showing of good cause, the court may permit the prosecution to redact information prior to disclosure.

(e) Notwithstanding any other law, except for an initiative approved by the voters, if the court finds, by a preponderance of evidence, a violation of subdivision (a), the court shall impose a remedy specific to the violation found from the following list of remedies:
(1) Before a judgment has been entered, the court may impose any of the following remedies:
(A) Reseat a juror removed by use of a peremptory challenge.
(B) Declare a mistrial, if requested by the defendant.
(C) Discharge the jury panel and empanel a new jury.
(D) If the court determines that it would be in the interest of justice, dismiss enhancements, special circumstances, or special allegations, or reduce one or more charges.
(2) (A) When a judgment has been entered, if the court finds that a conviction was sought or obtained in violation of subdivision (a), the court shall vacate the conviction and

sentence, find that it is legally invalid, and order new proceedings consistent with subdivision (a). If the court finds that the only violation of subdivision (a) that occurred is based on paragraph (4) of subdivision (a) and the court has the ability to rectify the violation by modifying the judgment, the court shall vacate the conviction and sentence, find that the conviction is legally invalid, and modify the judgment to impose an appropriate remedy for the violation that occurred. On resentencing, the court shall not impose a new sentence greater than that previously imposed.

(B) When a judgment has been entered, if the court finds that only the sentence was sought, obtained, or imposed in violation of subdivision (a), the court shall vacate the sentence, find that it is legally invalid, and impose a new sentence. On resentencing, the court shall not impose a new sentence greater than that previously imposed.

(3) When the court finds there has been a violation of subdivision (a), the defendant shall not be eligible for the death penalty.

(4) The remedies available under this section do not foreclose any other remedies available under the United States Constitution, the California Constitution, or any other law.

(f) This section also applies to adjudications and dispositions in the juvenile delinquency system.

(g) This section shall not prevent the prosecution of hate crimes pursuant to Sections 422.6 to 422.865, inclusive.

(h) As used in this section, the following definitions apply:

(1) "More frequently sought or obtained" or "more frequently imposed" means that statistical evidence or aggregate data demonstrate a significant difference in seeking or obtaining convictions or in imposing sentences comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity.

(2) "Prima facie showing" means that the defendant produces facts that, if true, establish that there is a substantial likelihood that a violation of subdivision (a) occurred. For purposes of this section, a "substantial likelihood" requires more than a mere possibility, but less than a standard of more likely than not.

(3) "Racially discriminatory language" means language that, to an objective observer, explicitly or implicitly appeals to racial bias, including, but not limited to, racially charged or racially coded language, language that compares the defendant to an animal, or language that references the defendant's physical appearance, culture, ethnicity, or national origin. Evidence that particular words or images are used exclusively or disproportionately in cases where the defendant is of a specific race, ethnicity, or national origin is relevant to determining whether language is discriminatory.

(4) "State" includes the Attorney General, a district attorney, or a city prosecutor.

(i) A defendant may share a race, ethnicity, or national origin with more than one group. A defendant may aggregate data among groups to demonstrate a violation of subdivision (a).

(j) ~~This section~~ applies only prospectively in cases in which judgment has not been entered prior to ~~January 1, 2021~~.

SEC. 3.5.
Section 745 is added to the Penal Code, immediately following Section 740, to read[11]:

745.
(a) The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin. A violation is established if the defendant proves, by a preponderance of the evidence, any of the following:

(1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.

(2) During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is describing language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.

(3) The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.

(4) (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.

(B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

(b) A defendant may file a motion in the trial court or, if judgment has been imposed, may file a petition for writ of habeas corpus or a motion under Section 1473.7 in a court of competent jurisdiction, alleging a violation of subdivision (a).

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[11] The entire text of section 745 is added by AB 2542; the underlined text in sections 1473 and 1473.7 has been added by AB 2542.

(c) If a motion is filed in the trial court and the defendant makes a prima facie showing of a violation of subdivision (a), the trial court shall hold a hearing.

(1) At the hearing, evidence may be presented by either party, including, but not limited to, statistical evidence, aggregate data, expert testimony, and the sworn testimony of witnesses. The court may also appoint an independent expert.

(2) The defendant shall have the burden of proving a violation of subdivision (a) by a preponderance of the evidence.

(3) At the conclusion of the hearing, the court shall make findings on the record.

(d) A defendant may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state. A motion filed under this section shall describe the type of records or information the defendant seeks. Upon a showing of good cause, the court shall order the records to be released. Upon a showing of good cause, and if the records are not privileged, the court may permit the prosecution to redact information prior to disclosure.

(e) Notwithstanding any other law, except for an initiative approved by the voters, if the court finds, by a preponderance of evidence, a violation of subdivision (a), the court shall impose a remedy specific to the violation found from the following list:

(1) Before a judgment has been entered, the court may impose any of the following remedies:

(A) Declare a mistrial, if requested the by defendant.

(B) Discharge the jury panel and empanel a new jury.

(C) If the court determines that it would be in the interest of justice, dismiss enhancements, special circumstances, or special allegations, or reduce one or more charges.

(2) (A) When a judgment has been entered, if the court finds that a conviction was sought or obtained in violation of subdivision (a), the court shall vacate the conviction and sentence, find that it is legally invalid, and order new proceedings consistent with subdivision (a). If the court finds that the only violation of subdivision (a) that occurred is based on paragraph (3) of subdivision (a) and the court has the ability to rectify the violation by modifying the judgment, the court shall vacate the conviction and sentence, find that the conviction is legally invalid, and modify the judgment to impose an appropriate remedy for the violation that occurred. On resentencing, the court shall not impose a new sentence greater than that previously imposed.

(B) When a judgment has been entered, if the court finds that only the sentence was sought, obtained, or imposed in violation of subdivision (a), the court shall vacate the sentence, find that it is legally invalid, and impose a new sentence. On resentencing, the court shall not impose a new sentence greater than that previously imposed.

(3) When the court finds there has been a violation of subdivision (a), the defendant shall not be eligible for the death penalty.

(4) The remedies available under this section do not foreclose any other remedies available under the United States Constitution, the California Constitution, or any other law.

(f) This section also applies to adjudications and dispositions in the juvenile delinquency system.

(g) This section shall not prevent the prosecution of hate crimes pursuant to Sections 422.6 to 422.865, inclusive.

(h) As used in this section, the following definitions apply:

(1) "More frequently sought or obtained" or "more frequently imposed" means that statistical evidence or aggregate data demonstrate a significant difference in seeking or obtaining convictions or in imposing sentences comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity.

(2) "Prima facie showing" means that the defendant produces facts that, if true, establish that there is a substantial likelihood that a violation of subdivision (a) occurred. For purposes of this section, a "substantial likelihood" requires more than a mere possibility, but less than a standard of more likely than not.

(3) "Racially discriminatory language" means language that, to an objective observer, explicitly or implicitly appeals to racial bias, including, but not limited to, racially charged or racially coded language, language that compares the defendant to an animal, or language that references the defendant's physical appearance, culture, ethnicity, or national origin. Evidence that particular words or images are used exclusively or disproportionately in cases where the defendant is of a specific race, ethnicity, or national origin is relevant to determining whether language is discriminatory.

(4) "State" includes the Attorney General, a district attorney, or a city prosecutor.

(i) A defendant may share a race, ethnicity, or national origin with more than one group. A defendant may aggregate data among groups to demonstrate a violation of subdivision (a).

(j) This section applies only prospectively in cases in which judgment has not been entered prior to January 1, 2021.

SEC. 4.
Section 1473 of the Penal Code is amended to read:

1473.

(a) A person unlawfully imprisoned or restrained of their liberty, under any pretense, may prosecute a writ of habeas corpus to inquire into the cause of the imprisonment or restraint.

(b) A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

(1) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to the person's incarceration.

(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

(3) (A) New evidence exists that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial.

(B) For purposes of this section, "new evidence" means evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.

(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in paragraphs (1) and (2) of subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to paragraph (1) or (2) of subdivision (b).

(d) This section does not limit the grounds for which a writ of habeas corpus may be prosecuted or preclude the use of any other remedies.

(e) (1) For purposes of this section, "false evidence" includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances.

(2) This section does not create additional liabilities, beyond those already recognized, for an expert who repudiates the original opinion provided at a hearing or trial or whose opinion has been undermined by later scientific research or technological advancements.

(f) Notwithstanding any other law, a writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745 if judgment was entered on or after January 1, 2021. A petition raising a claim of this nature for the first time, or on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition. If the petitioner has a habeas corpus petition pending in state court, but it has not yet been decided, the petitioner may amend the existing petition with a claim that the petitioner's conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745. The petition shall state if the petitioner requests appointment of counsel and the court shall appoint counsel if the petitioner cannot afford counsel and either the petition alleges facts that would establish a violation of subdivision (a) of Section 745 or the State Public Defender requests counsel be appointed. Newly appointed counsel may amend a petition filed before their appointment. The court shall review a petition raising a claim pursuant to Section 745 and shall determine if the petitioner has made a prima facie showing of entitlement to relief. If the petitioner makes a prima facie showing that the petitioner is entitled to relief, the court shall issue an order to show cause why relief shall not be granted and hold an evidentiary hearing, unless the state declines to show cause. The defendant shall appear at the hearing by video unless counsel indicates that their presence in court is needed. If the court determines that the petitioner has not established a prima facie showing of entitlement to relief, the court shall state the factual and legal basis for its conclusion on the record or issue a written order detailing the factual and legal basis for its conclusion.

SEC. 5.

Section 1473.7 of the Penal Code is amended to read:

1473.7.

(a) A person who is no longer in criminal custody may file a motion to vacate a conviction or sentence for any of the following reasons:

(1) The conviction or sentence is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere. A finding of legal invalidity may, but need not, include a finding of ineffective assistance of counsel.

(2) Newly discovered evidence of actual innocence exists that requires vacation of the conviction or sentence as a matter of law or in the interests of justice.

(3) A conviction or sentence was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of subdivision (a) of Section 745.

(b) (1) Except as provided in paragraph (2), a motion pursuant to paragraph (1) of subdivision (a) shall be deemed timely filed at any time in which the individual filing the motion is no longer in criminal custody.

(2) A motion pursuant to paragraph (1) of subdivision (a) may be deemed untimely filed if it was not filed with reasonable diligence after the later of the following:

(A) The moving party receives a notice to appear in immigration court or other notice from immigration authorities that asserts the conviction or sentence as a basis for removal or the denial of an application for an immigration benefit, lawful status, or naturalization.

(B) Notice that a final removal order has been issued against the moving party, based on the existence of the conviction or sentence that the moving party seeks to vacate.

(c) A motion pursuant to paragraph (2) or (3) of subdivision (a) shall be filed without undue delay from the date the moving party discovered, or could have discovered with the exercise of due diligence, the evidence that provides a basis for relief under this section or Section 745.

(d) All motions shall be entitled to a hearing. Upon the request of the moving party, the court may hold the hearing without the personal presence of the moving party provided that it finds good cause as to why the moving party cannot be present. If the prosecution has no objection to the motion, the court may grant the motion to vacate the conviction or sentence without a hearing.

(e) When ruling on the motion:

(1) The court shall grant the motion to vacate the conviction or sentence if the moving party establishes, by a preponderance of the evidence, the existence of any of the grounds for relief specified in subdivision (a). For a motion made pursuant to paragraph (1) of subdivision (a), the moving party shall also establish that the conviction or sentence being challenged is currently causing or has the potential to cause removal or the denial of an application for an immigration benefit, lawful status, or naturalization.

(2) There is a presumption of legal invalidity for the purposes of paragraph (1) of subdivision (a) if the moving party pleaded guilty or nolo contendere pursuant to a statute that provided that,

upon completion of specific requirements, the arrest and conviction shall be deemed never to have occurred, where the moving party complied with these requirements, and where the disposition under the statute has been, or potentially could be, used as a basis for adverse immigration consequences.

(3) If the court grants the motion to vacate a conviction or sentence obtained through a plea of guilty or nolo contendere, the court shall allow the moving party to withdraw the plea.

(4) When ruling on a motion under paragraph (1) of subdivision (a), the only finding that the court is required to make is whether the conviction is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere. When ruling on a motion under paragraph (2) of subdivision (a), the court shall specify the basis for its conclusion.

(f) An order granting or denying the motion is appealable under subdivision (b) of Section 1237 as an order after judgment affecting the substantial rights of a party.

(g) A court may only issue a specific finding of ineffective assistance of counsel as a result of a motion brought under paragraph (1) of subdivision (a) if the attorney found to be ineffective was given timely advance notice of the motion hearing by the moving party or the prosecutor, pursuant to Section 416.90 of the Code of Civil Procedure.

SEC. 6.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 7.

Section 3.5 of this bill shall only become operative if Assembly Bill 3070 is enacted and becomes effective on or before January 1, 2021, in which case Section 3 of this bill shall not become operative.

APPENDIX II: "IMPLICIT BIAS – A PRIMER FOR COURTS"

NCSC
National Center for State Courts

Race & Ethnic Fairness in the Courts

Implicit Bias

A Primer for Courts

Jerry Kang

Prepared for the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts

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ABOUT THE PRIMER

This Primer was produced as part of the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts. The Campaign seeks to mobilize the significant expertise, experience, and commitment of state court judges and court officers to ensure both the perception and reality of racial and ethnic fairness across the nation's state courts. The Campaign is funded by the Open Society Institute, the State Justice Institute, and the National Center for State Courts. Points of view or opinions expressed in the Primer are those of the author and do not represent the official position of the funding agencies. To learn more about the Campaign, visit www.ncsconline.org/ref.

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Implicit Bias: A Primer

Schemas and Implicit Cognitions (or "mental shortcuts")

Stop for a moment and consider what bombards your senses every day. Think about everything you see, both still and moving, with all their color, detail, and depth. Think about what you hear in the background, perhaps a song on the radio, as you decode lyrics and musical notes. Think about touch, smell, and even taste. And while all that's happening, you might be walking or driving down the street, avoiding pedestrians and cars, chewing gum, digesting your breakfast, flipping through email on your smartphone. How does your brain do all this simultaneously?

It does so by processing through schemas, which are templates of knowledge that help us organize specific examples into broader categories. When we see, for example, something with a flat seat, a back, and some legs, we recognize it as a "chair." Regardless of whether it is plush or wooden, with wheels or bolted down, we know what to do with an object that fits into the category "chair." Without spending a lot of mental energy, we simply sit. Of course, if for some reason we have to study the chair carefully--because we like the style or think it might collapse--we can and will do so. But typically, we just sit down.

We have schemas not only for objects, but also processes, such as how to order food at a restaurant. Without much explanation, we know what it means when a smiling person hands us laminated paper with detailed descriptions of food and prices. Even when we land in a foreign airport, we know how to follow the crazy mess of arrows and baggage icons toward ground transportation.

These schemas are helpful because they allow us to operate without expending valuable mental resources. In fact, unless something goes wrong, these thoughts take place automatically without our awareness or conscious direction. In this way, most cognitions are implicit.

Implicit Social Cognitions (or "thoughts about people you didn't know you had")

What is interesting is that schemas apply not only to objects (e.g., "chairs") or behaviors (e.g., "ordering food") but also to human beings (e.g., "the elderly"). We naturally assign people into various social categories divided by salient and chronically accessible traits, such as age, gender, race, and role. And just as we might have implicit cognitions that help us walk and drive, we have implicit social cognitions that guide our thinking about social categories.
Where do these schemas come from? They come from our experiences with other people, some of them direct (i.e., real-world encounters) but most of them vicarious (i.e., relayed to us through stories, books, movies, media, and culture).

If we unpack these schemas further, we see that some of the underlying cognitions include stereotypes, which are simply traits that we associate with a category. For instance, if we think that a particular category of human beings is frail--such as

the elderly--we will not raise our guard. If we think that another category is foreign--such as Asians--we will be surprised by their fluent English. These cognitions also include attitudes, which are overall, evaluative feelings that are positive or negative. For instance, if we identify someone as having graduated from our beloved alma mater, we will feel more at ease. The term "implicit bias" includes both implicit stereotypes and implicit attitudes.

Though our shorthand schemas of people may be helpful in some situations, they also can lead to discriminatory behaviors if we are not careful. Given the critical importance of exercising fairness and equality in the court system, lawyers, judges, jurors, and staff should be particularly concerned about identifying such possibilities. Do we, for instance, associate aggressiveness with Black men, such that we see them as more likely to have started the fight than to have responded in self-defense?
Or have we already internalized the lessons of Martin Luther King, Jr. and navigate life in a perfectly "colorblind" (or gender-blind, ethnicity-blind, class-blind, etc.) way?

Asking about Bias (or "it's murky in here")

One way to find out about implicit bias is simply to ask people. However, in a post-civil rights environment, it has become much less useful to ask explicit questions on sensitive topics. We run into a "willing and able" problem.

First, people may not be willing to tell pollsters and researchers what they really feel. They may be chilled by an air of political correctness.

Second, and more important, people may not know what is inside their heads. Indeed, a wealth of cognitive psychology has demonstrated that we are lousy at introspection. For example, slight environmental changes alter our judgments and behavior without our realizing. If the room smells of Lysol, people eat more neatly. People holding a warm cup of coffee (versus a cold cup) ascribe warmer (versus cooler) personality traits to a stranger described in a vignette. The experiments go on and on. And recall that by definition, implicit biases are those that we carry without awareness or conscious direction. So how do we know whether we are being biased or fair-and-square?

Implicit measurement devices (or "don't tell me how much you weigh, just get on the scale")

In response, social and cognitive psychologists with neuroscientists have tried to develop instruments that measure stereotypes and attitudes, without having to rely on potentially untrustworthy self-reports. Some instruments have been linguistic, asking folks to write out sentences to describe a certain scene from a newspaper article. It turns out that if someone engages in stereotypical behavior, we just describe what happened. If it is counter-typical, we feel a need to explain what happened. (Von Hippel 1997; Sekaquaptewa 2003).

Others are physiological, measuring how much we sweat, how our blood pressure changes, or even which regions of our brain light up on an fMRI (functional magnetic resonance imaging) scan. (Phelps 2000).

Still other techniques borrow from marketers. For instance, conjoint analysis asks people to give an overall evaluation to slightly different product bundles (e.g., how do you compare a 17" screen laptop with 2GB memory and 3 USB ports, versus a 15" laptop with 3 GB of memory and 2 USB ports). By offering multiple rounds of choices, one can get a measure of how important each feature is to a person even if she had no clue to the question "How much would you pay for an extra USB port?" Recently, social cognitionists have adapted this methodology by creating "bundles" that include demographic attributes. For instance, how would you rank a job with the title Assistant Manager that paid $160,000 in Miami working for Ms. Smith, as compared to another job with the title Vice President that paid $150,000 in Chicago for Mr. Jones? (Caruso 2009).

Scientists have been endlessly creative, but so far, the most widely accepted instruments have used reaction times--some variant of which has been used for over a century to study psychological phenomena. These instruments draw on the basic insight that any two concepts that are closely associated in our minds should be easier to sort together. If you hear the word "moon," and I then ask you to think of a laundry detergent, then "Tide" might come more quickly to mind. If the word "RED" is painted in the color red, we will be faster in stating its color than the case when the word "GREEN" is painted in red.

Although there are various reaction time measures, the most thoroughly tested one is the Implicit Association Test (IAT). It is a sort of video game you play, typically on a computer, where you are asked to sort categories of pictures and words. For example, in the Black- White race attitude test, you sort pictures of European American faces and African American faces, Good words and Bad words in front of a computer. It turns out that most of us respond more quickly when the European American face and Good words are assigned to the same key (and African American face and Bad words are assigned to the other key), as compared to when the European American face and Bad words are assigned to the same key (and African American face and Good words are assigned to the other key). This average time differential is the measure of implicit bias. [If the description is hard to follow, try an IAT yourself at Project Implicit.]

Pervasive implicit bias (or "it ain't no accident")

It may seem silly to measure bias by playing a sorting game (i.e. the IAT). But, a decade of research using the IAT reveals pervasive reaction time differences in every country tested, in the direction consistent with the general social hierarchies: German over Turk (in Germany), Japanese over Korean (for Japanese), White over Black, men over women (on the stereotype of "career" versus "family"), light- skinned over dark skin,

youth over elderly, straight over gay, etc. These time differentials, which are taken to be a measure of implicit bias, are systematic and pervasive. They are statistically significant and not due to random chance variations in measurements.

These pervasive results do not mean that everyone has the exact same bias scores. Instead, there is wide variability among individuals. Further, the social category you belong to can influence what sorts of biases you are likely to have. For example, although most Whites (and Asians, Latinos, and American Indians) show an implicit attitude in favor of Whites over Blacks, African Americans show no such preference on average. (This means, of course, that about half of African Americans do prefer Whites, but the other half prefer Blacks.)

Interestingly, implicit biases are dissociated from explicit biases. In other words, they are related to but differ sometimes substantially from explicit biases--those stereotypes and attitudes that we expressly self-report on surveys. The best understanding is that implicit and explicit biases are related but different mental constructs. Neither kind should be viewed as the solely "accurate" or "authentic" measure of bias. Both measures tell us something important.

Real-world consequences (or "why should we care?")

All these scientific measures are intellectually interesting, but lawyers care most about real- world consequences. Do these measures of implicit bias predict an individual's behaviors or decisions? Do milliseconds really matter>? (Chugh 2004). If, for example, well-intentioned people committed to being "fair and square" are not influenced by these implicit biases, then who cares about silly video game results?

There is increasing evidence that implicit biases, as measured by the IAT, do predict behavior in the real world--in ways that can have real effects on real lives. Prof. John Jost (NYU, psychology) and colleagues have provided a recent literature review (in press) of ten studies that managers should not ignore. Among the findings from various laboratories are:

- implicit bias predicts the rate of callback interviews (Rooth 2007, based on implicit stereotype in Sweden that Arabs are lazy);
- implicit bias predicts awkward body language (McConnell & Leibold 2001), which could influence whether folks feel that they are being treated fairly or courteously;
- implicit bias predicts how we read the friendliness of facial expressions (Hugenberg & Bodenhausen 2003);
- implicit bias predicts more negative evaluations of ambiguous actions by an African American (Rudman & Lee 2002), which could influence decisionmaking in hard cases;
- implicit bias predicts more negative evaluations of agentic (i.e. confident, aggressive, ambitious) women in certain hiring conditions (Rudman & Glick 2001);
-

implicit bias predicts the amount of shooter bias--how much easier it is to shoot African Americans compared to Whites in a videogame simulation (Glaser & Knowles 2008);

- implicit bias predicts voting behavior in Italy (Arcari 2008);
- implicit bias predicts binge-drinking (Ostafin & Palfai 2006), suicide ideation (Nock & Banaji 2007), and sexual attraction to children (Gray 2005).

With any new scientific field, there remain questions and criticisms--sometimes strident. (Arkes & Tetlock 2004; Mitchell & Tetlock 2006). And on-the-merits skepticism should be encouraged as the hallmark of good, rigorous science. But most scientists studying implicit bias find the accumulating evidence persuasive. For instance, a recent meta-analysis of 122 research reports, involving a total of14,900 subjects, revealed that in the sensitive domains of stereotyping and prejudice, implicit bias IAT scores better predict behavior than explicit self- reports. (Greenwald et al. 2009).

And again, even though much of the recent research focus is on the IAT, other instruments and experimental methods have corroborated the existence of implicit biases with real world consequences. For example, a few studies have demonstrated that criminal defendants with more Afro-centric facial features receive in certain contexts more severe criminal punishment (Banks et al. 2006; Blair 2004).

Malleability (or "is there any good news?")

The findings of real-world consequence are disturbing for all of us who sincerely believe that we do not let biases prevalent in our culture infect our individual decisionmaking. Even a little bit. Fortunately, there is evidence that implicit biases are malleable and can be changed.

- An individual's motivation to be fair does matter. But we must first believe that there's a potential problem before we try to fix it.
- The environment seems to matter. Social contact across social groups seems to have a positive effect not only on explicit attitudes but also implicit ones.
- Third, environmental exposure to countertypical exemplars who function as "debiasing agents" seems to decrease our bias.
    - In one study, a mental imagery exercise of imagining a professional business woman (versus a Caribbean vacation) decreased implicit stereotypes of women. (Blair et al. 2001).
    - Exposure to "positive" exemplars, such as Tiger Woods and Martin Luther King in a history questionnaire, decreased implicit bias against Blacks. (Dasgupta & Greenwald 2001).
    - Contact with female professors and deans decreased implicit bias against women for college-aged women. (Dasgupta & Asgari 2004).
- Fourth, various procedural changes can disrupt the link between implicit bias and discriminatory behavior.
    - In a simple example, orchestras started using a blind screen in auditioning new musicians; afterwards women had much

greater success. (Goldin & Rouse 2000).

- In another example, by committing beforehand to merit criteria (is book smarts or street smarts more important?), there was less gender discrimination in hiring a police chief. (Uhlmann & Cohen 2005).
- In order to check against bias in any particular situation, we must often recognize that race, gender, sexual orientation, and other social categories may be influencing decisionmaking. This recognition is the opposite of various forms of "blindness" (e.g., color- blindness).

In outlining these findings of malleability, we do not mean to be Pollyanish. For example, mere social contact is not a panacea since psychologists have emphasized that certain conditions are important to decreasing prejudice (e.g., interaction on equal terms; repeated, non-trivial cooperation). Also, fleeting exposure to countertypical exemplars may be drowned out by repeated exposure to more typical stereotypes from the media (Kang 2005).

Even if we are skeptical, the bottom line is that there's no justification for throwing our hands up in resignation. Certainly the science doesn't require us to. Although the task is challenging, we can make real improvements in our goal toward justice and fairness.

The big picture (or "what it means to be a faithful steward of the judicial system")

It's important to keep an eye on the big picture. The focus on implicit bias does not address the existence and impact of explicit bias--the stereotypes and attitudes that folks recognize and embrace. Also, the past has an inertia that has not dissipated. Even if all explicit and implicit biases were wiped away through some magical wand, life today would still bear the burdens of an unjust yesterday. That said, as careful stewards of the justice system, we should still strive to take all forms of bias seriously, including implicit bias.

After all, Americans view the court system as the single institution that is most unbiased, impartial, fair, and just. Yet, a typical trial courtroom setting mixes together many people, often strangers, from different social backgrounds, in intense, stressful, emotional, and sometimes hostile contexts. In such environments, a complex jumble of implicit and explicit biases will inevitably be at play. It is the primary responsibility of the judge and other court staff to manage this complex and bias-rich social situation to the end that fairness and justice be done--and be seen to be done.

Glossary

Note: Many of these definitions draw from Jerry Kang & Kristin Lane, A Future History of Law and Implicit Social Cognition (unpublished manuscript 2009)

Attitude

An attitude is "an association between a given object and a given evaluative category." R.H. Fazio, et al., Attitude accessibility, attitude- behavior consistency, and the strength of the object-evaluation association, 18 J. EXPERIMENTAL SOCIAL PSYCHOLOGY 339, 341(1982). Evaluative categories are either positive or negative, and as such, attitudes reflect what we like and dislike, favor and disfavor, approach and avoid. See also stereotype.

Behavioral realism

A school of thought within legal scholarship that calls for more accurate and realistic models of human decision-making and behavior to be incorporated into law and policy. It involves a three step process:

First, identify advances in the mind and behavioral sciences that provide a more accurate model of human cognition and behavior.

Second, compare that new model with the latent theories of human behavior and decision- making embedded within the law. These latent theories typically reflect "common sense" based on naïve psychological theories.

Third, when the new model and the latent theories are discrepant, ask lawmakers and legal institutions to account for this disparity. An accounting requires either altering the law to comport with more accurate models of thinking and behavior or providing a transparent explanation of "the prudential, economic, political, or religious reasons for retaining a less accurate and outdated view." Kristin Lane, Jerry Kang, & Mahzarin Banaji, Implicit Social Cognition and the Law, 3 ANNU. REV. LAW SOC. SCI. 19.1-19.25 (2007)

Dissociation

Dissociation is the gap between explicit and implicit biases. Typically, implicit biases are larger, as measured in standardized units, than explicit biases. Often, our explicit biases may be close to zero even though our implicit biases are larger.

There seems to be some moderate-strength relation between explicit and implicit biases. See Wilhelm Hofmann, A Meta-Analysis on the Correlation Between the Implicit Association Test and Explicit Self-Report Measures, 31 PERSONALITY & SOC. PSYCH. BULL. 1369 (2005) (reporting mean population correlation r=0.24 after analyzing 126 correlations). Most scientists reject the idea that implicit biases are the only "true" or "authentic" measure; both explicit and implicit biases contribute to a full understanding of bias.

Explicit

Explicit means that we are aware that we have a particular thought or feeling. The term sometimes also connotes that we have

an accurate understanding of the source of that thought or feeling. Finally, the term often connotes conscious endorsement of the thought or feeling. For example, if one has an explicitly positive attitude toward chocolate, then one has a positive attitude, knows that one has a positive attitude, and consciously endorses and celebrates that preference. See also implicit.

Implicit

Implicit means that we are either unaware of or mistaken about the source of the thought or feeling. R. Zajonc, Feeling and thinking: Preferences need no inferences, 35 AMERICAN PSYCHOLOGIST 151 (1980). If we are unaware of a thought or feeling, then we cannot report it when asked. See also explicit.

Implicit Association Test

The IAT requires participants to classify rapidly individual stimuli into one of four distinct categories using only two responses (for example, in a the traditional computerized IAT, participants might respond using only the "E" key on the left side of the keyboard, or "I" on the right side). For instance, in an age attitude IAT, there are two social categories, YOUNG and OLD, and two attitudinal categories, GOOD and BAD. YOUNG and OLD might be represented by black-and-white photographs of the faces of young and old people. GOOD and BAD could be represented by words that are easily identified as being linked to positive or negative affect, such as "joy" or "agony". A person with a negative implicit attitude toward OLD would be expected to go more quickly when OLD and BAD share one key, and YOUNG and GOOD the other, than when the pairings of good and bad are switched.

The IAT was invented by Anthony Greenwald and colleagues in the mid 1990s. Project Implicit, which allows individuals to take these tests online, is maintained by Anthony Greenwald (Washington), Mahzarin Banaji (Harvard), and Brian Nosek (Virginia).

Implicit Attitudes

"Implicit attitudes are introspectively unidentified (or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects." Anthony Greenwald & Mahzarin Banaji, Implicit social cognition: attitudes, self- esteem, and stereotypes, 102 Psychol. Rev. 4, 8 (1995). Generally, we are unaware of our implicit attitudes and may not endorse them upon self-reflection. See also attitude; implicit.

Implicit Biases

A bias is a departure from some point that has been marked as "neutral." Biases in implicit stereotypes and implicit attitudes are called "implicit biases."

Implicit Stereotypes

"Implicit stereotypes are the introspectively unidentified (or inaccurately identified) traces of past experience that mediate attributions of qualities to members of a social category" Anthony Greenwald & Mahzarin Banaji, Implicit social cognition:

attitudes, self-esteem, and stereotypes, 102 Psychol. Rev. 4, 8 (1995).
Generally, we are unaware of our implicit stereotypes and may not endorse them upon self-reflection. See also stereotype; implicit.

Implicit Social Cognitions

Social cognitions are stereotypes and attitudes about social categories (e.g., Whites, youths, women). Implicit social cognitions are implicit stereotypes and implicit attitudes about social categories.

Stereotype

A stereotype is an association between a given object and a specific attribute. An example is "Norwegians are tall." Stereotypes may support an overall attitude. For instance, if one likes tall people and Norwegians are tall, it is likely that this attribute will contribute toward a positive orientation toward Norwegians. See also attitude.

Validities

To decide whether some new instrument and findings are valid, scientists often look for various validities, such as statistical conclusion validity, internal validity, construct validity, and predictive validity.

- Statistical conclusion validity asks whether the correlation is found between independent and dependent variables have been correctly computed.
- Internal validity examines whether in addition to correlation, there has been a demonstration of causation. In particular, could there be potential confounds that produced the correlation?
- Construct validity examines whether the concrete observables (the scores registered by some instrument) actually represent the abstract mental construct that we are interested in. As applied to the IAT, one could ask whether the test actually measures the strength of mental associations held by an individual between the social category and an attitude or stereotype
- Predictive validity examines whether some test predicts behavior, for example, in the form of evaluation, judgment, physical movement or response. If predictive validity is demonstrated in realistic settings, there is greater reason to take the measures seriously.

APPENDIX III: BIBLIOGRAPHY OF MATERIALS ON IMPLICIT BIAS

Mahzarin R. Banaji & Anthony G. Greenwald, Blindspot: Hidden Biases of Good People, Bantam, 2016.

Adam Benforado, Unfair: The New Science of Criminal Injustice, Crown, New York, 2016.
Jennifer L. Eberhardt PhD, Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do, Viking, 2020.

Elizabeth Hinton et al., Vera Inst., An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System 2 (2018), https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf.

Jerry Kang & Kristin Lane, *Seeing Through Colorblindness: Implicit Bias and the Law*, 58 UCLA L. Rev. 465, 471 (2010).

Reginald, King, et al., A Punishing Look: Skin Tone and Afrocentric Features in the Halls of Justice, American Journal of Sociology 122(1):90-124 (2016).

Praatika Prasad, Implicit Racial Biases in Prosecutorial Summations: Proposing an Integrated Response, 86 Fordham L. Rev. 667 (2018).

From: Regan Steele <rsteele@cdaa.org>
Sent: Friday, January 15, 2021 9:09 AM
To: Regan Steele
Cc: Veyonnis Twiggs
Subject: Juvenile Justice Legislative Updates & Trends Course :: January 15, 2021
Attachments: Handout - Juvenile Justice Legislative Update.pdf; Diagnosing and Fixing DL-Webinar Issues.pdf

Good morning,

Thank you for registering for the *Juvenile Justice Legislative Updates & Trends* distance learning course to be aired today at 10:00 am.

Attached is the presentation handout. (The handout will also be available when you log in.)

Logging In

- **USE GOOGLE CHROME OR FIREFOX AS YOUR WEB BROWSER TO ACCESS THE WEBINAR. DO NOT USE INTERNET EXPLORER. IT WILL NOT WORK.** (See browser test link below.)

- **If you are connected to a VPN Remote Desktop, please disconnect from the VPN.**

- **To log in, go to** https://webinars.cdaa.org/products/juvenile-justice-legislative-updates-trends or click the Get More Information and Attend the Event link at the bottom of the reminder email(s) you received from "CDAA Webinars [cdaa@commpartners.com]."

- You need to be logged in with your CDAA username and password before you will be able to access the training. You can log in to the training up to one hour prior to the scheduled start time. Only those who log in with their CDAA username and password will receive a certificate.

- **If you have log-in issues, such as not knowing your username and/or password, *immediately* contact Veyonnis Twiggs at vtwiggs@cdaa.org. DO NOT CREATE A NEW PROFILE.**

- You can also access the Elevate platform's help site at https://help.commpartners.com/support/home for instructions & tutorials.

Evaluation

- **Following the webinar, please take a minute to complete the brief evaluation, available at this link:** https://webinars.cdaa.org/products/juvenile-justice-legislative-updates-trends/direct/242910?force_login=1&autoOpen=1

Please Note

- **If you have difficulty accessing the webinar, even with the recommended browser and correct username and password, email me immediately. It would be helpful to include a screenshot of what you see when attempting to log in.**

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- If you are working on a public/work computer, please have your IT team whitelist the following sites:
  www.commpartners.com
  www.ec.commpartners.com
  www.eventcenter.commpartners.com
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- If you did not receive a reminder email and you registered prior to one hour before the scheduled start of the training, the aforementioned email address (CDAA Webinars [cdaa@commpartners.com]) may be quarantined by your office's network. I suggest you work with your office's IT department to whitelist this addresses, as well as the URLs listed above.

Certificate
Your certificate of attendance (with applicable earned credits) will be emailed to you within three weeks.

For other webinar-related issues, contact me immediately at rsteele@cdaa.org.

Thank you,

Regan M. Steele
Training Consultant
California District Attorneys Association
2495 Natomas Park Drive, Suite 575 | Sacramento, CA 95833
Direct: 916.930.3054 | rsteele@cdaa.org
Main: 916.443.2017 | https://www.cdaa.org/
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Ideas to Curb Log-in Issues for

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Distance Learning Trainings & Webinars

With so many of us working from home we are seeing some tech support trends we wanted to share with you and some solutions from our Distance Learning/Webinar Platform, CommPartners Elevate.

It appears that many people may be dusting off some older computers to use to register and attend Distance Learning or Webinars. You may be encountering issues because of the following:

1. They are using Internet Explorer 11. This old web browser does not support most modern web standards. Internet Explorer 11 can cause Elevate to not load all the tabs or not display register or login buttons.
   The solution: We recommend Chrome, Firefox or Edge

2. Using out of date versions of Firefox, Chrome, Edge or Safari.
   The solution: Update the browser. Each browser has different steps, but here is a link that explains how to do this for most browsers - https://www.computerhope.com/issues/ch001388.htm

3. Use of VPN's or Remote Desktop programs. Symptoms include users not being able to log in, not being able to see or hear webinars, or videos are stopping and starting.
   The solution: Drop the VPN or Remote Desktop connection 1st. Then try to log in.

4. Browsers showing cached versions (old views instead of current views) of the site, not updating to show new information on the page. This may be a bandwidth or computer issue.
   The solution: Refresh your web browser. If you don't know how, here is a link that explains how https://www.wikihow.com/Force-Refresh-in-Your-Internet-Browser

5. If you are still having trouble logging into or viewing a Distance Learning Training or Webinar, contact the Training Consultant listed on that training's webpage via email ASAP.

From: Suzanne Hunter <shunter@cdaa.org>
Sent: Wednesday, January 13, 2021 11:19 AM
Subject: Today's Avoiding Questionable Misconduct on Direct and Cross Webinar
Attachments: Avoiding Questionable Misconduct on Direct and Cross HANDOUT.pdf

Good morning.

Thank you for registering for the *Avoiding Questionable Misconduct on Direct and Cross Webinar* to be broadcasted today, January 13, 2021, at 12:00 p.m. Attached is the handout.

Logging In

- **DO NOT USE INTERNET EXPLORER AS YOUR BROWSER TO ACCESS THE WEBINAR. IT WILL NOT WORK. Instead, use Google Chrome (best), Firefox or Safari. (Microsoft Edge does not work consistently.)**

- To log in for this webinar anytime after 11:00 a.m., go to https://webinars.cdaa.org/products/avoiding-questionable-misconduct-on-direct-and-cross. Or click the Get More Information and Attend the Event link tomorrow at the bottom of the reminder email reminder(s) you have received from "CDAA Webinars [cdaa@commpartners.com]."

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- **If you are connected to a VPN Remote Desktop, please disconnect from the VPN.**

- **You can also access the Elevate platform's help site at https://help.commpartners.com/support/home for instructions & tutorials.**

Evaluation

- Please assist CDAA by taking a minute to complete the brief webinar evaluation by clicking the following link after the training: https://webinars.cdaa.org/products/avoiding-questionable-misconduct-on-direct-and-cross/direct/264053?force_login=1&autoOpen=1.

Please Note

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- **It would behoove you to test your system prior to the webinar. Simply click HERE now**, or click the Get More Information and Attend the Event link at the bottom of the reminder email you

will receive tomorrow from "CDAA Webinars [cdaa@commpartners.com]." Click the "Test Your Browser" link on that page.

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Certificate
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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
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From: Suzanne Hunter <shunter@cdaa.org>
Sent: Wednesday, January 6, 2021 3:54 PM
To: Ho. Thienvu (DA)
Subject: Answering the Call
Attachments: Ho Thank You.pdf; Answering the Call--Evaluation Comments.pdf

Hi Thien,

Thanks again for presenting the *Answering the Call: Avoiding Bias in Prosecution* training. Attached are your "official" CDAA thank you along with the attendees' evaluation comments. As noted in the attached letter, I do not usually provide speakers with all of the attendee comments, but since all of you (panelists) were this training's *Technical Advisors* (to whom we DO provide all comments) I thought it appropriate. (Plus, I think you'll be pleased to see some appreciation and recognition of all of your hard work. ☺)

I appreciate all of the time and effort you put into this training. I very much look forward to working with you again.

Happy New Year!

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
2495 Natomas Park Drive, Suite 575 | Sacramento, CA 95833
916.443.2017 | shunter@cdaa.org | https://www.cdaa.org
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January 5, 2021

Thienvu Ho
Principal Criminal Attorney
Sacramento County District Attorney's Office
901 G Street
Sacramento, CA 95814

Dear Thien,

On behalf of the California District Attorneys Association, thank you for creating and presenting *Answering the Call: Avoiding Bias in Prosecution* training held on December 18, 2020.

Per the attendee evaluations, the webinar itself (i.e. the content) scored 9.7. Your instructor score is 9.6. (Scores are on a 10-point scale.) I do not usually include all attendee comments, but I want you all to see them, so they are attached. Illustrative of the comments are:

> *This was one of the best trainings I've attended through CDAA. It was informative, timely and very helpful. The speakers were efficient, the topics were divided up in a logical and easy to follow format, and I feel better prepared to tackle this new law.*
>
> *Expertly navigating a topic that is new, that is unchartered, and dang-near impossible to decipher what impact it will have on the job...thank you for offering this and for digging deep to answer as many questions as you could.*

Thank you so very much for taking the time out of your busy schedule to not only agree to present this webinar, but to meet with your co-presenters multiple times, engage other colleagues within your office and around the state, and work diligently to make sure this presentation was interesting and useful for the attendees. This was one of the most organized, informative, interesting trainings with which I have been involved. Moreover, with 498 people logged in (not to mention others that viewed the training in a larger venue), it was in the top two best-attended online trainings we have ever broadcasted! I am honored to have worked with you and to have been a part of this incredible, important program.

Best regards & Happy New Year,

Suzanne

Suzanne Hunter
Director of Grant Training

CDAA CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION

Answering the Call: Avoiding Bias in Prosecution
Distance Learning
December 18, 2020

Attendee Evaluation Comments

Comments About the Training Subtopics & Instructors

Really well-organized topics and method of presentation. Q & A session was really helpful in overall comprehension of newly enacted laws.

Great way to present with the 4 segments. Wish Roach's topic had been broken into subcategories. 1 for what it means as she did & then 2 for how it might play out with certain cases, words, etc, like what came up in the questions.

Spot on approach to this serious issue. Thanks.

Thank you--this is all so new that it is difficult to do much more than give us background and help issue spot. Hopefully we'll continue to re-visit this as the courts start filling in blanks.

Very informative training and well done.

We probably need a couple more trainings on this law given its complexity. And there are a lot of questions.

I appreciated the instructors supporting the goals of the legislation, rather than criticizing them or scheming ways to circumvent them. Thank you!

Great topic! Every prosecutor should take this course.

Topic on point to what is happening in the changes in the law. The instructors were extremely well prepared in this new topic.

This was an excellent training. Thank-you for putting this together so quickly because these are important issues we will be dealing with very soon.

Very Informative. I am pleased that we required all attorneys to attend.

I think we are going to need to be updated on this as it rolls out and we see what happens in different jurisdictions. Thanks very informative.

Super informative training! Very well instructed and very well put together. Thank you!

Really good training. Great instructors.

I appreciate the timely nature of the training.

Comments About the Training Subtopics & Instructors (continued)

Very timely and very well done.

Very informative and excellent all-around.

A all around.

Fantastic training!

Everything about the training was excellent. They provided lots of valuable information about this new legislation and how we as attorneys should always make sure RENO does not factor into our filing/prosecution duties. We also need to make sure we are treating similarly situated people the same and not discriminate in any fashion.

This was one of the best trainings I've attended through CDAA. It was informative, timely and very helpful. The speakers were efficient, the topics were divided up in a logical and easy to follow format, and I feel better prepared to tackle this new law.

Mr. Ho was excellent.

Good coverage, though I suspect we're only speculating about the potential effects of these changes and will soon see a range of unforeseen consequences and handling differences across various courts.

Instructors were all great and training was very helpful.

There was obviously a lot to cover, and I thought that everyone rose to the challenge by managing to address the most important aspects of the new statutory framework and its implications for trial prosecutors.

Great training.

Curious if you have analyzed how the good cause showing will comport with the standard for a showing of discriminatory prosecution discovery from Murgia, Armstrong, and Baez?

Excellent training on a complex law encompassing significant changes affecting trial attorneys. Each of the presentations succinctly and clearly encapsulated the important aspects of the new law.

Well done overall - especially in light of the fact it had to be online.

All speakers knowledgeable but also thoughtful in that this is uncharted territory.

Excellent topic. As a prosecutor it really helped.

Comments about the Training Subtopics & Instructors (continued)

Is this recorded somewhere where I can watch it again? The topic is so crucial. This training should have been mandatory for all DDAs.

Understanding their position of limited knowledge on new legislation, I felt that all speakers did a great job educating on the material. I wish that more time had been dedicated to breaking down the law itself instead of the history and philosophy of the law (which while important does not impact us at the same level as the actual law). One aspect I thought could have been improved on was the willingness to engage in overt speculation as to how nuanced portions of the law will be applied. As an example, I would compare Ms. Roach to Mr. Hughes. Ms. Roach was laser quick to discourage us from using actual gang names and terminology (eg BGF) in gang prosecution as they *could* be open to scrutiny. While Mr. Hughes gave the disclaimer midway through that we were just too early to answer a certain question. I agree that as prosecutors we need to uphold our ethical duties with the highest possible care. However, there is room to discuss what does and does not fall into that category. We are not in a position as California prosecutors where we can afford to accept the worst possible interpretation of every new law as the standard. We need to encourage each other to critically analyze each new piece of legislation to see what the letter of the does and does not proscribe. Where it is ambiguous, we need to be trained how to ethically advocate for our interpretation.

Great training and needed since this is a brand new law that had huge ramifications for DAs.

Great job calling out the rhetorical question. While I understand that frustration may exist, especially from our perspective when we have been doing this for years, even asking questions of that nature pursed in that tone, can give rise to the issues the Legislature is trying to address in AB 2542 and AB 3070.

Expertly navigating a topic that is new, that is unchartered, and dang-near impossible to decipher what impact it will have on the job...thank you for offering this and for digging deep to answer as many questions as you could.

This was an excellent and timely training. thank you very much.

Enjoyed the topic coverage and the case cites.

As a whole the panelists provided as good and overview as possible about the forthcoming changes. They adequately informed what we should consider moving forward.

The information was so plentiful I would like to watch the recording. It was so interesting and a bit overwhelming at the same time.

This was very practical training and insightful on the necessary changes that need to be recognized.

Excellent, timely.

Comments About the Training Subtopics & Instructors (continued)

In my 8 (almost 9) years as a prosecutor I'd consider this training one of the best. The collaborative approach and breaking up subtopics was highly effective. The virtual aspect made it easier for people to engage and ask questions. I think all instructors did a great job discussing uncomfortable topics in an open and direct way.

All were incredible in their content and presentation. LOTS of new stuff for us to be aware of, all of which is of the utmost importance going forward.

The training was excellent. It opened my eyes to several potential pitfalls in any future trials that before were not an issue, but now, because of this new law, we all need to be aware of.

Great training on a topic where much is unknown. The instructors did a great job providing as much insight as possible. Each instructor was very well prepared and thoughtful in his/her approach. Much appreciated!

This was one of the most helpful trainings I have had in years. It was clear those presenting had spent a lot of time preparing and actually analyzing how these new laws would play out and what we should expect. Well done!

The speakers did a very fine training Their presentation was very organized and provided me with a good overview of the "California Racial Justice Act."

There are no easy answers on how these motions will play out as there is not yet any case law, but I feel more informed about the case law origins, what has changed, and appreciated suggestions for best practices with examples from other counties.

I felt this particular program was extremely informative – especially for someone in my shoes because I was a criminal defense attorney for 42 years and am still learning how to be an effective prosecutor. All of the presenters were extremely focused and displayed an effective methodology of delivering the substantive material. Also, the course outline and other handout materials were very helpful.

I thought this was an excellent training that really explained the new law and its implications for prosecutor's offices.

Suggestions for Future Trainings

Anything to help practically navigate all the new changes in law would be helpful.
follow up to this training in 6 mos or so to give an update on how things are playing out - what to expect – etc.

Follow up in 1 year, see how people have seen this come into play in our day-to-day cases & best practices/templates?

Suggestions for Future Trainings (continued)p

None. Will depend on how the new law plays out over the next year.

As the law takes effect it would be good to have another training on this same issue. Training on distinction between implied bias and explicit bias and how to overcome these as pertain to Penal Code section 745.

Use these speakers/ SME's again.

I'm looking forward to the jury selection training coming next year. I think an update on this training next year may be helpful once we see how different courts handle this issue.

Better lighting and camera resolution for the presenters. Some of them were hard to view and follow.

I was happy to see that peremptory challenges will be covered. Is there room to address issues on appeal more expansively?

I would suggest a follow up training on exactly the same subject area in about 6 months from now as I believe we will learn not only how motions are going to be coming in from the defense bar, but also best practices learned from various DA's offices around the state. Perhaps the training could have a longer Q and A for this purpose as well.

I look forward to an updated training on this topic as we see how things play out next year.

Looking forward to a return to in-person trainings as soon as practical.

I would like to have a follow up on this topic once we start getting more battlefield intelligence from the front lines and decisions from appellate courts.

Please keep us updated on any of the changes in this law and the procedures for compliance if we get hit with one of these motions.

Update of this same topic in about 6 months.

This was great for line prosecutors and I felt that it met my needs, but I also think similar training with a focus on senior management at different DA offices informing them of the new issues and how a centralized management plan is necessary to deal with the anticipated demands for discovery of aggregated statistical data would be helpful.

From: The New York Times <nytdirect@nytimes.com>
Sent: Monday, January 4, 2021 6:30 AM
To: Bergez. Cybele (DA)
Subject: California Today: New Laws for Californians

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The New York Times

California Today

January 4, 2021

Members of the California Legislature kneeling to honor George Floyd at the Capitol in Sacramento in June. Rich Pedroncelli/Associated Press

By Marie Tae McDermott

Good morning.

A slate of new laws that went into effect on Jan. 1 reflect the trials of the previous year, when wildfires, the pandemic and criminal justice reform were top of mind for many Californians.

Of the hundreds of bills that were signed into law, many won't be enacted until later this year. Starting in July, Californians will be prohibited from buying more than one semiautomatic rifle in a 30-day period. Proposition 19, which narrowly passed in the fall, will require people who inherit property to use it as their primary residence or have its tax value reassessed starting in February. And a flavored-tobacco ban that was set to go into effect last week now probably won't be adopted until at least 2022.

Here's a look at some of the laws that went into effect first thing in 2021.

Minimum wage

Employers must pay a minimum wage of $14 per hour, a $1 increase from last year's hourly minimum. Businesses with fewer than 26 workers must increase their hourly wage to at least $13. Some cities, like Palo Alto, Sonoma and Mountain View have already increased their minimum wages to $15 or more this year.

The hourly wage increases were set in motion in 2016 by Gov. Jerry Brown, with a law that required the state's mandatory minimum wage to be increased incrementally every year, until it reached $15 an hour in 2022. Gov. Gavin Newsom could have suspended this year's wage increase because of the pandemic, but decided against it. "Not allowing this increase to go forward will only make life harder for those Californians who have already borne a disproportionate share of the economic hardship caused by this pandemic," he said in a statement.

Expansion of paid family-leave benefits

A new law that went into effect this year expands family-leave benefits for nearly six million residents. It also ensures that Californians who work for an employer with at least five employees are included in job protection benefits. Previously, 40 percent of residents were at risk of losing their jobs if taking leave simply because their employer was too small.

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The new law also expands on the potential reasons for taking leave, making it possible for workers affected by Covid-19 to take time off to care for a parent, sibling or grandchild.

Transgender protections

The Transgender Respect, Agency and Dignity Act allows incarcerated transgender, gender-nonconforming and intersex individuals to be housed

and searched according to their gender identity. Individuals will be housed where they feel they will be the safest. State corrections officers will be required to record self-reported gender identity, gender pronouns and honorifics during intake and throughout incarceration. The law also prohibits prison workers from failing to use a person's specified gender pronouns and honorifics.

Senator Scott Wiener, who wrote the bill, called it "lifesaving legislation that will protect trans people in prison, particularly trans women who are subject to high levels of assault and harassment in men's facilities."

Increased consumer financial protections

The California Consumer Financial Protection Law gives the revamped Department of Financial Protection and Innovation, which is modeled after the federal Consumer Financial Protection Bureau, a broad set of new powers and restores certain financial protections.

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Pandemic-inspired scams that promise Covid-19 cures or aim to cheat people out of stimulus checks are on the rise throughout the state.

Workplace Covid-19 protections

The new law requires employers to take specific actions, like written notifications to employees, within one business day of a potential exposure to Covid-19 in the workplace. The notification must be written in English and another language, if applicable.

A recent outbreak at a poultry plant in the Central Valley, where I.C.U. beds have been at full capacity for weeks, has illustrated the impact of employers who are slow to report outbreaks.

Inmate firefighters

A longstanding program that relies on incarcerated individuals to fight wildfires will now allow nonviolent offenders to petition to get their records expunged and to use their training to gain employment as firefighters. Inmates were previously barred from becoming professional firefighters after release because of their criminal records.

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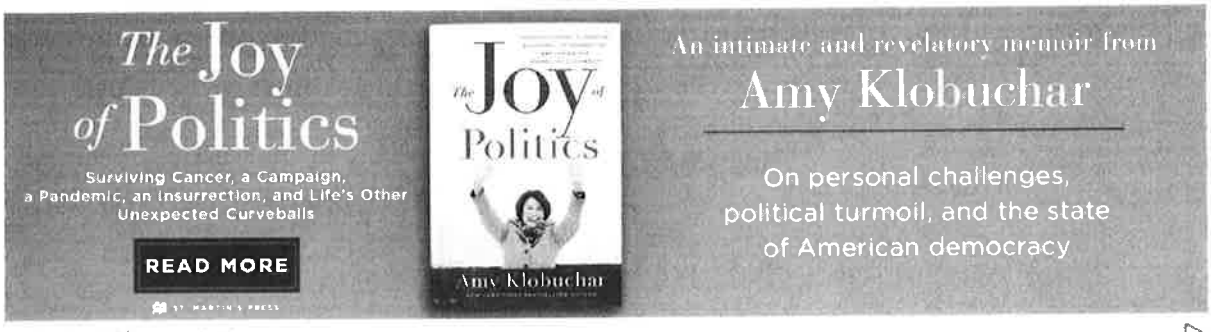

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After a devastating fire season, when many inmate firefighters were released early because of the pandemic, prisoner firefighting crews served a crucial role.

However, critics of the program compare it to slave labor, since prisoners flighting blazes on the front lines make just $1 an hour while working in treacherous conditions.

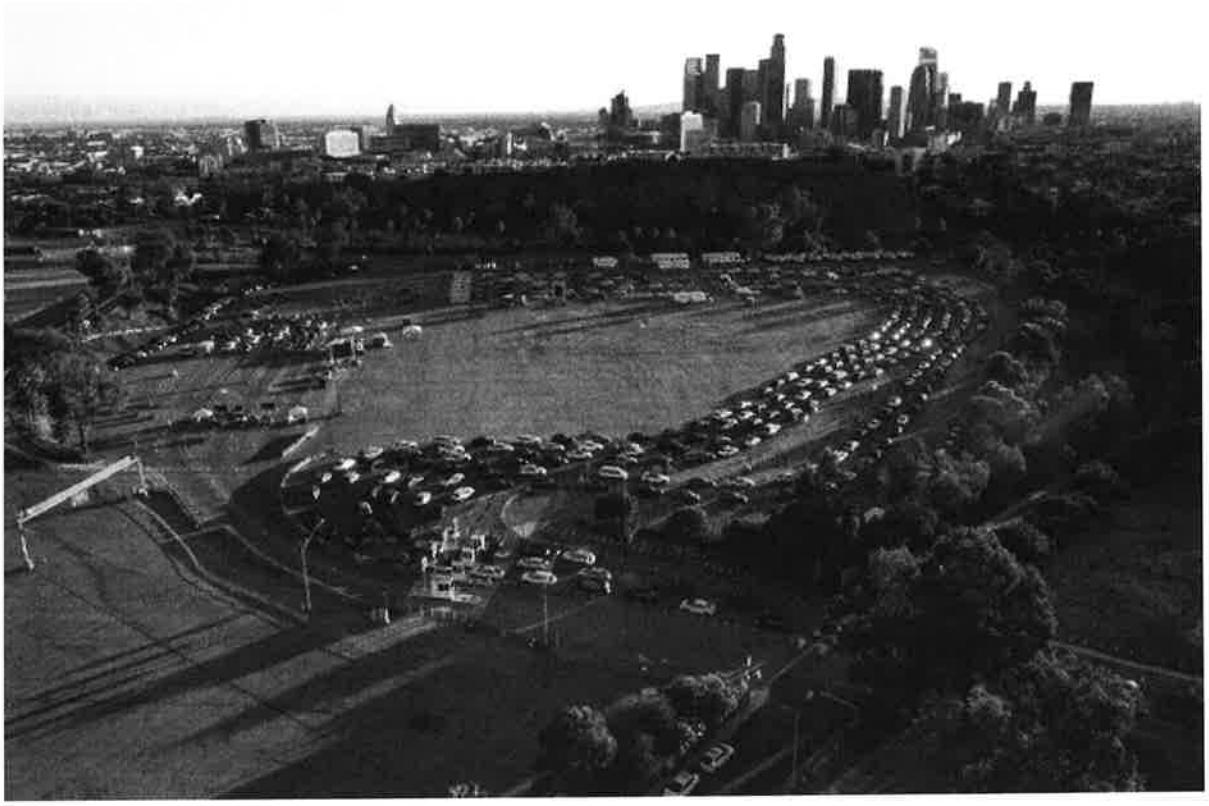
Criminal justice reform

The California Racial Justice Act expands opportunities for defendants to challenge a charge or conviction by demonstrating that there was racial bias present in their case.

For judgments issued on or after Jan. 1, challenges can be made if racially coded language is used in court or if there were displays of intentional discrimination by a lawyer, judge or juror. In addition, convictions or sentences can be challenged if there is evidence that people of one race are disproportionately charged or convicted of a specific crime or if one race is singled out to receive longer or more severe sentences.

(This article is part of the California Today newsletter. Sign up to get it delivered to your inbox.)

An update on the pandemic



Cars lined up at a Dodger Stadium testing site last week. There has been a surge in positive coronavirus cases in Los Angeles. Bing Guan/Reuters

Last Friday was the deadliest day in the course of the pandemic in California, with 585 deaths recorded on a single day. The majority of cases are in Los Angeles County, which is experiencing a surge from Thanksgiving and Christmas festivities. The weekly average of new cases per day in the county is at its highest yet, at 16,193. That's one new case every six seconds, Mayor Eric Garcetti said Sunday on the CBS program "Face the Nation."

"This is a virus that preys off of our weakness, preys off of our exhaustion," Mr. Garcetti said. "I think the vaccine has made everybody so hopeful that they can relax their behavior. We cannot let up."

The surge has caused cases in homeless shelters to spike as well, with the amount of infections doubling among the homeless population since last month.

[See the latest case numbers in the state.]

- **A new variant of the coronavirus has been discovered in Big Bear** after one person had contact with a traveler from Britain. [Los Angeles Times]
- An outbreak at a San Jose hospital may be linked to someone **who wore an inflatable costume inside the hospital's emergency department.** [The New York Times]
- Bay Area intensive care units reported their lowest availability yet, at close to 5 percent. In Santa Clara County, **some ambulances waited for up to seven hours for patient beds to open up.** [San Francisco Chronicle]
- In the San Joaquin Valley, **medical professionals fear that many in the public still fail to grasp the dangers of Covid-19**. [The New Yorker]

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From: The New York Times <nytdirect@nytimes.com>
Sent: Monday, January 4, 2021 6:30 AM
To: Barry. Barbara (DA)
Subject: California Today: New Laws for Californians

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California Today

January 4, 2021

Members of the California Legislature kneeling to honor George Floyd at the Capitol in Sacramento in June. Rich Pedroncelli/Associated Press

By Marie Tae McDermott

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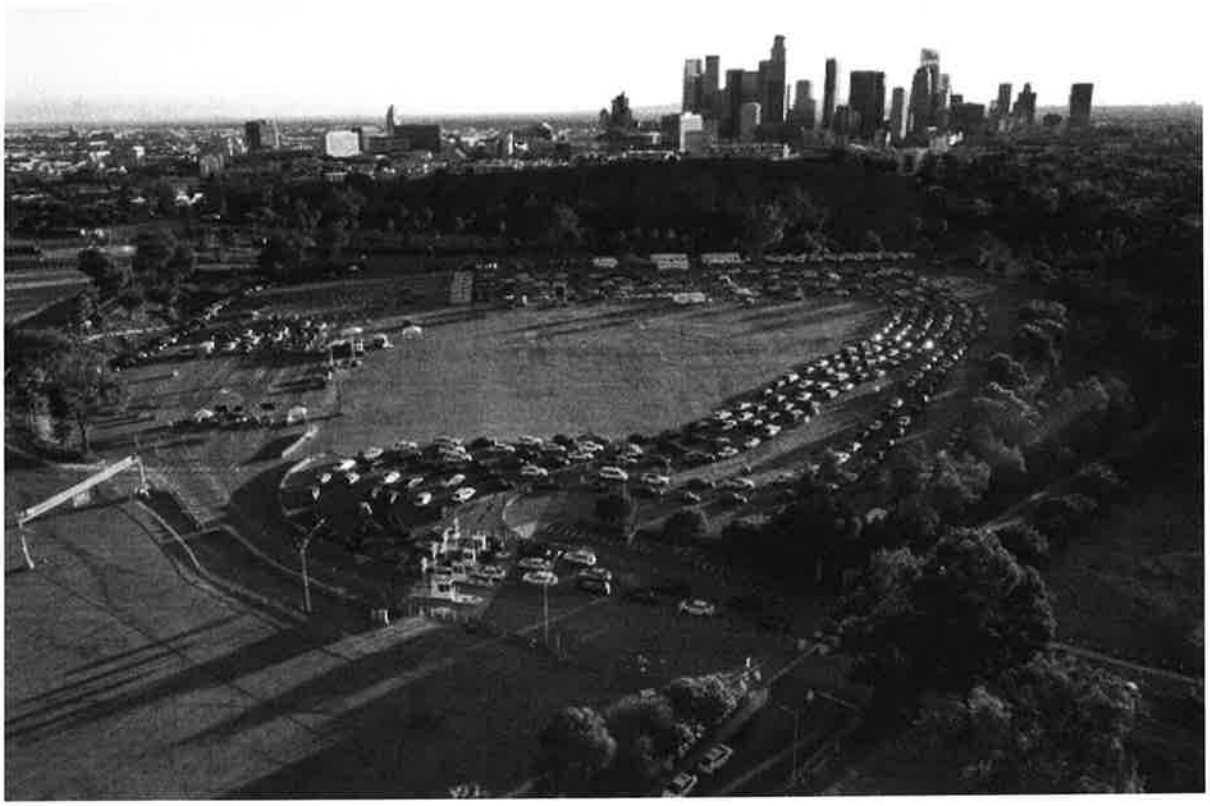
(This article is part of the California Today newsletter. Sign up to get it delivered to your inbox.)

An update on the pandemic



Cars lined up at a Dodger Stadium testing site last week. There has been a surge in positive coronavirus cases in Los Angeles. Bing Guan/Reuters

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"This is a virus that preys off of our weakness, preys off of our exhaustion," Mr. Garcetti said. "I think the vaccine has made everybody so hopeful that they can relax their behavior. We cannot let up."

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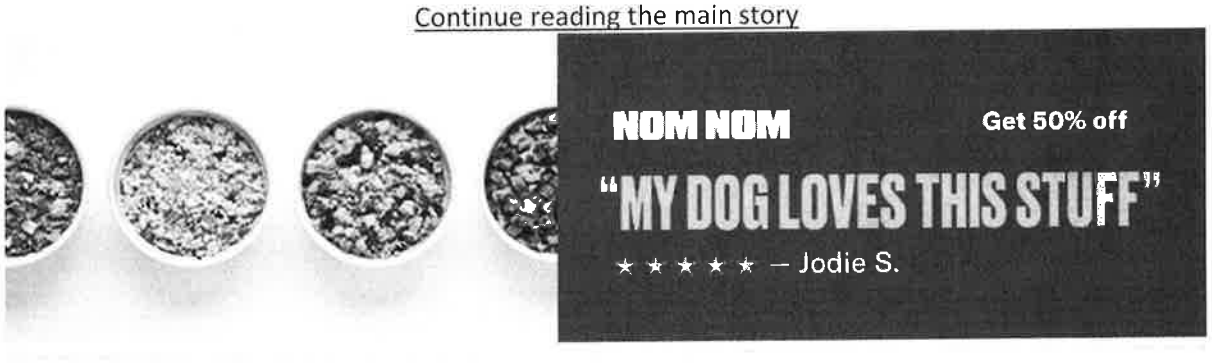

The New York Times

California Today

January 4, 2021

Members of the California Legislature kneeling to honor George Floyd at the Capitol in Sacramento in June. Rich Pedroncelli/Associated Press

By Marie Tae McDermott

Good morning.

A slate of new laws that went into effect on Jan. 1 reflect the trials of the previous year, when wildfires, the pandemic and criminal justice reform were top of mind for many Californians.

Of the hundreds of bills that were signed into law, many won't be enacted until later this year. Starting in July, Californians will be prohibited from buying more than one semiautomatic rifle in a 30-day period. Proposition 19, which narrowly passed in the fall, will require people who inherit property to use it as their primary residence or have its tax value reassessed starting in February. And a flavored-tobacco ban that was set to go into effect last week now probably won't be adopted until at least 2022.

Here's a look at some of the laws that went into effect first thing in 2021.

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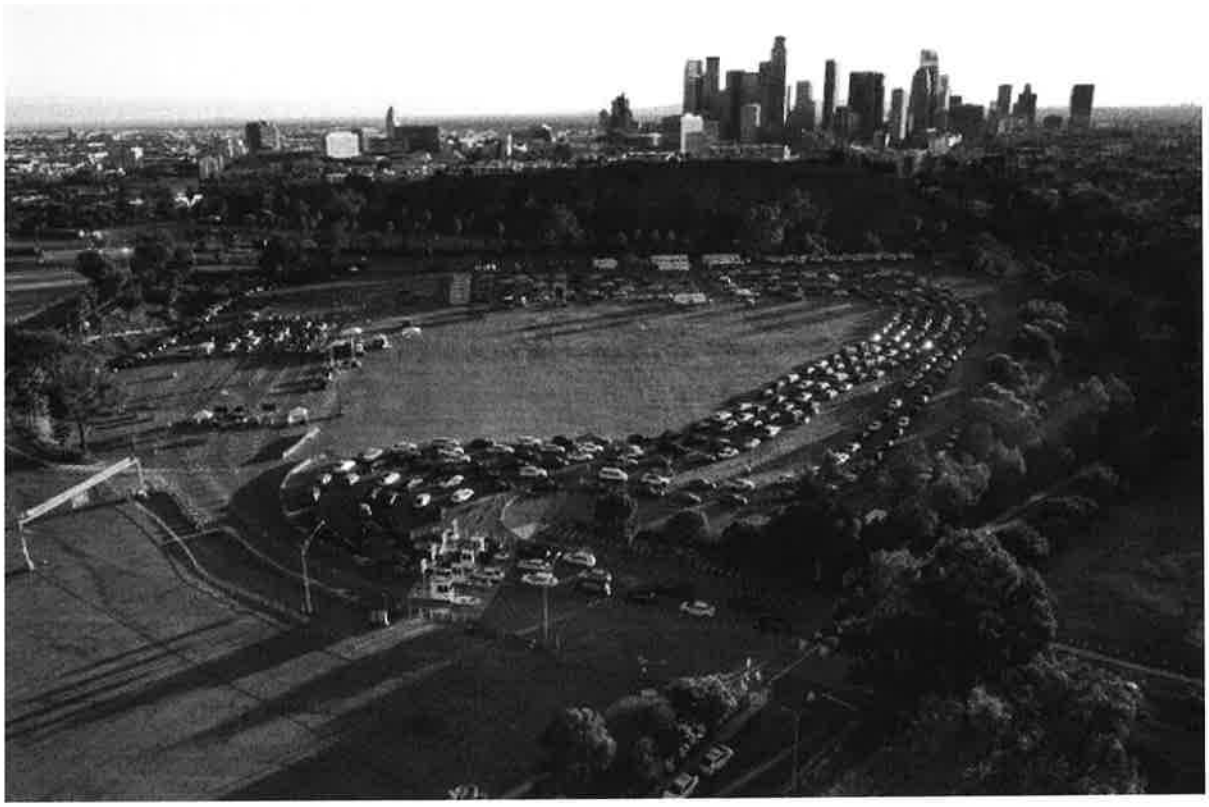

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Sent: Sunday, December 20, 2020 3:13 AM
To: Brown. David (DA)
Subject: CDAA Weekly Consolidated Digest for Sunday, December 13, 2020 (ET) to Saturday, December 19, 2020 (ET)

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Discussions

Register Now for January's Memory, Suggestibility & Questioning Strategies...

1 Regan Steele wrote on 12-18 03:27 PM ET

Memory, Suggestibility & Questioning Strategies Click HERE for information and to register This interactive CDAA-CPOA team training covers memory science, then moves into the practical implications for interviewers. This will include how to work with memory in interviews to obtain the fullest,... **more**

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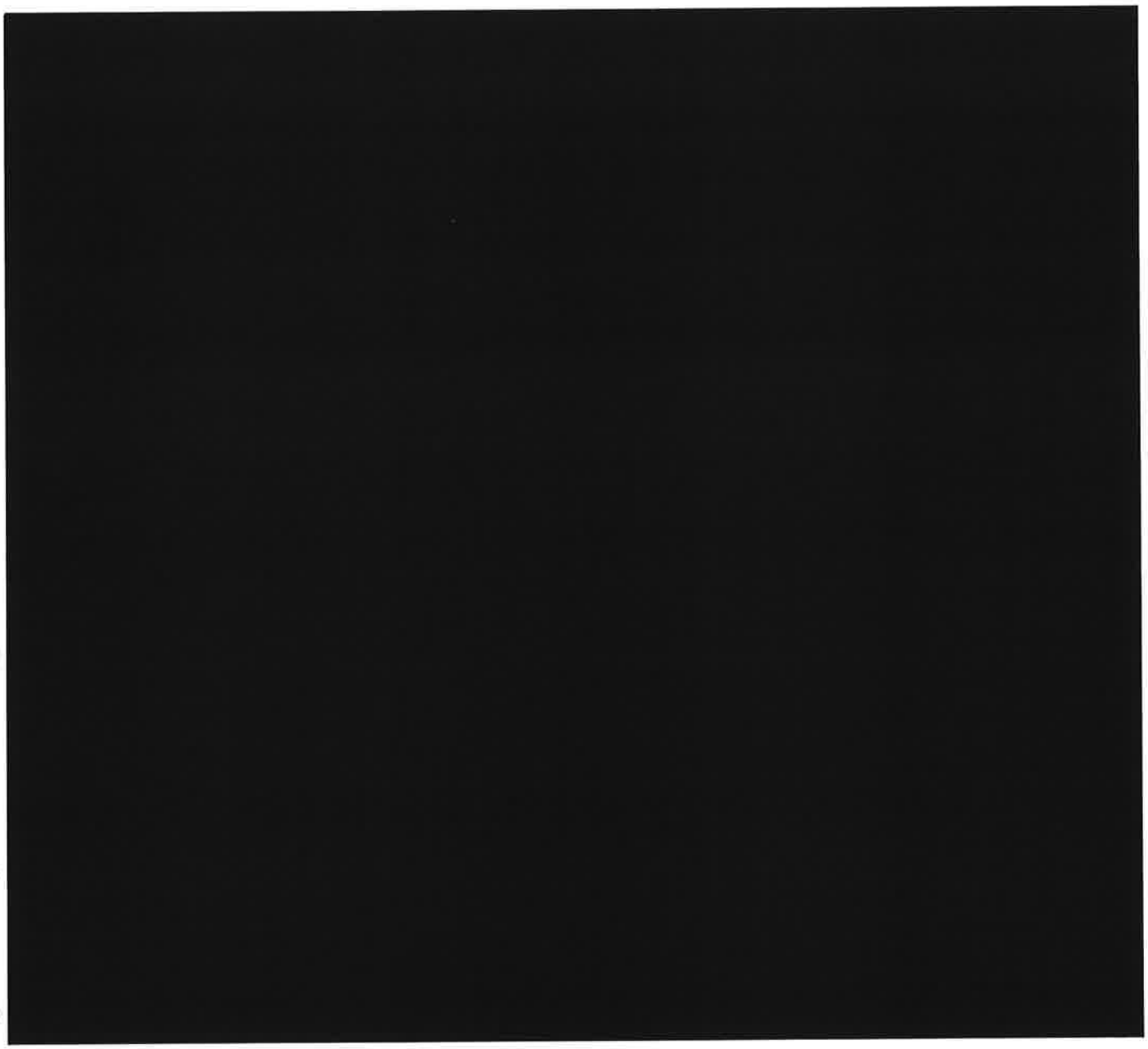

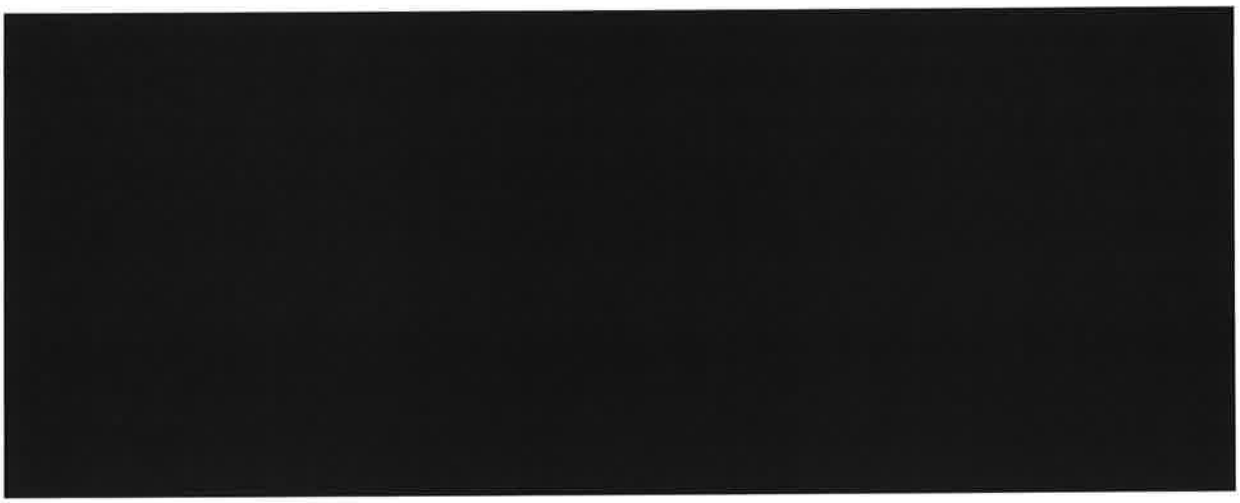

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To: Mulcahy, Kelly (DA)
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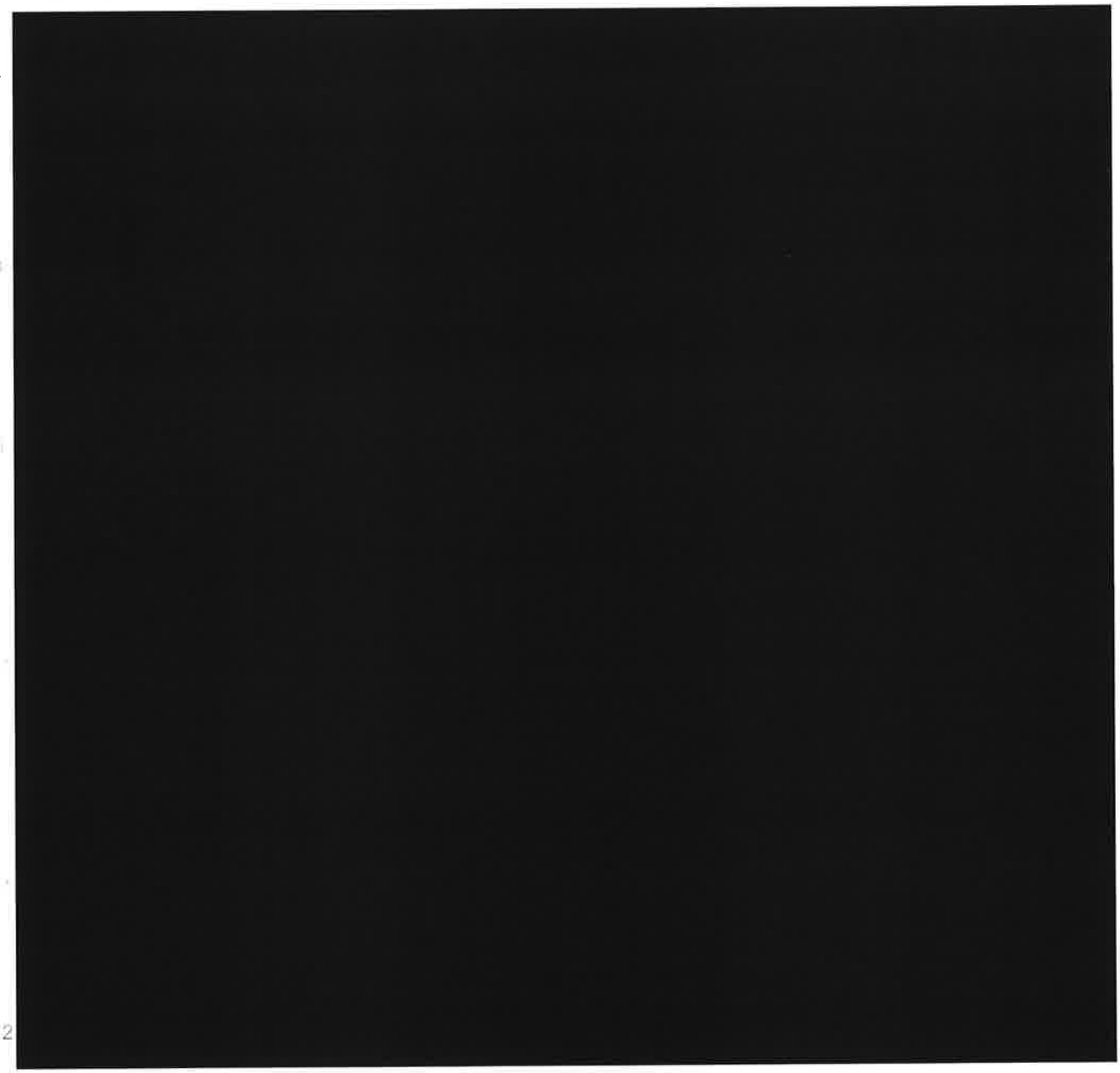

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From: Baylis. Mercy (DA)
Sent: Thursday, December 17, 2020 11:56 AM
To: Jaynes. Justin (DA)
Cc: DA Purchasing
Subject: RE: AB 2542 training

No, she hasn't forwarded it to us. Only the confirmation email.

~Mercy Baylis
916.874.8847

From: Jaynes. Justin (DA) <jaynesJ@sacda.org>
Sent: Thursday, December 17, 2020 11:33 AM
To: Baylis. Mercy (DA) <BaylisM@sacda.org>
Cc: DA Purchasing <DAPurchasing@sacda.org>
Subject: FW: AB 2542 training

Have we received Anna's invoice? She would have gotten it the next day (sent to her email). If not, I can reach out to her.

Thank you

Justin Jaynes | Accounting Technician
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814 |p: 916.874.8106
JaynesJ@sacda.org |www.sacda.org |facebook.com/SacCountyDA
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From: Baylis. Mercy (DA) <BaylisM@sacda.org>
Sent: Friday, December 11, 2020 8:14 AM
To: Zepeda. Anna (DA) <ZepedaA@sacda.org>
Cc: DA Purchasing <DAPurchasing@sacda.org>; Jaynes. Justin (DA) <jaynesJ@sacda.org>
Subject: RE: AB 2542 training

Hi Anna,

We're finalizing the payment right now. So, what I'll need you to do is to register directly on the CDAA website from your account and select the "Pay Later" option. When you get the invoice, please forward it to us.

Thanks.

~Mercy Baylis
916.874.8847

From: Zepeda. Anna (DA) <ZepedaA@sacda.org>
Sent: Thursday, December 10, 2020 10:45 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: AB 2542 training

Hello,

I was wondering if there is a way that I can still sign up for the above training? I would like to attend if possible.

Best,
Anna Zepeda

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From: Suzanne Hunter via California District Attorneys Association <Mail@ConnectedCommunity.org>
Sent: Wednesday, December 16, 2020 5:21 PM
To: Whaley. Doug (DA)
Subject: CDAA News and Updates : IT'S (ALMOST) YOUR LAST CHANCE TO REGISTER FOR THE RACIAL JUSTICE ACT TRAINING!

CDAA News and Updates

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Dec 16, 2020 8:21 PM
Suzanne Hunter

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December 18, 2020 • 10:00 a.m. - 12:00 noonThis two-hour session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, the panelists will address questions and ideas for implementation in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions during the Q & A segment.

Join knowledgeable panelists for the training and discussion! Tuition is only $25!

Space is limited. Registration will close at 5:00 PM on December 17. Click HERE to register.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

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To: Walter. Amber (DA)
Subject: Today's webinar (in case you did not receive the email I sent via Outlook)
Attachments: 2020-Legislative-Digest Index by Statute.pdf; New Laws for Prosecutors 2020 Handout.pdf

Dear Amber,

Good morning.

Thank you for registering for the *New Laws for Prosecutors Webinar* to be broadcasted today, December 16, 2020, at 10:00 a.m. Attached is the PowerPoint handout along with a pdf of the Leg. Digest Index to make it easy for you to connect recently enacted legislation discussed during the webinar with the code sections with which each corresponds. If you do not yet have CDAA's 2020 Legislative Digest, please avail yourself of this valuable resource, which you can access here: https://www.cdaa.org/wp-content/uploads/2020-Legislative-Digest.pdf.

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- To log in for this webinar anytime after 9:00 a.m., go to **https://webinars.cdaa.org/products/new-laws-for-prosecutors-webinar-4.** Or click the Get More Information and Attend the Event link tomorrow at the bottom of the reminder email reminder(s) you have received from "CDAA Webinars [cdaa@commpartners.com]."
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- **You can also access the Elevate platform's help site at https://help.commpartners.com/support/home for instructions & tutorials.**
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From: shunter@cdaa.org
Sent: Wednesday, December 16, 2020 9:09 AM
To: Satchell. Sonia (DA)
Subject: Today's webinar (in case you did not receive the email I sent via Outlook)
Attachments: 2020-Legislative-Digest Index by Statute.pdf; New Laws for Prosecutors 2020 Handout.pdf

Dear Sonia,

Good morning.

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From: Suzanne Hunter <shunter@cdaa.org>
Sent: Wednesday, December 16, 2020 9:06 AM
Subject: Today's New Laws for Prosecutors Webinar
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
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From: shunter@cdaa.org
Sent: Tuesday, December 15, 2020 10:46 AM
To: Walter. Amber (DA)
Subject: Tomorrow's Webinar (second email in case you did not receive the email sent earlier today.)
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

Dear Amber,

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Sent: Tuesday, December 15, 2020 10:46 AM
To: Sydow. Teresa (DA)
Subject: Tomorrow's Webinar (second email in case you did not receive the email sent earlier today.)
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

Dear Teresa,

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From: shunter@cdaa.org
Sent: Tuesday, December 15, 2020 10:45 AM
To: Satchell. Sonia (DA)
Subject: Tomorrow's Webinar (second email in case you did not receive the email sent earlier today.)
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

Dear Sonia,

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From: shunter@cdaa.org
Sent: Tuesday, December 15, 2020 10:44 AM
To: Huggins. Ross (DA)
Subject: Tomorrow's Webinar (second email in case you did not receive the email sent earlier today.)
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

Dear Ross,

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Sent: Tuesday, December 15, 2020 9:52 AM
Subject: Tomorrow's New Laws for Prosecutors Webinar
Attachments: New Laws for Prosecutors 2020 Handout.pdf; 2020-Legislative-Digest Index by Statute.pdf

Good morning

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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
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From: Suzanne Hunter <shunter@cdaa.org>
Sent: Tuesday, December 8, 2020 3:25 PM
Subject: Tomorrow's New Laws for Prosecutors Webinar
Attachments: New Laws for Prosecutors 2020 Handout.pdf

Good afternoon,

Thank you for registering for the *New Laws for Prosecutors Webinar* to be broadcasted tomorrow, December 8, 2020, at 12:00 p.m. Attached is the handout. If you do not yet have CDAA's 2020 Legislative Digest, please avail yourself of this valuable resource. You can access it here: https://www.cdaa.org/wp-content/uploads/2020-Legislative-Digest.pdf.

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Director of Grant Training
California District Attorneys Association
NOTE OUR NEW ADDRESS: 2495 Natomas Park Drive, Suite 575| Sacramento, CA 95833
916.443.2017 | shunter@cdaa.org | https://www.cdaa.org
Like CDAA on Facebook and follow us on Twitter

From: Stafford. Elise (DA)
Sent: Friday, December 4, 2020 1:03 PM
To: Baylis. Mercy (DA)
Subject: RE: Ab 2542 training

Thank you!

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:38 AM
To: Stafford. Elise (DA) <StaffordE@sacda.org>
Subject: RE: Ab 2542 training

Hi Elise,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Stafford. Elise (DA) <StaffordE@sacda.org>
Sent: Thursday, December 3, 2020 4:57 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Ab 2542 training

Helli was told to email this email to purchase and sign me up for the upcoming cdaa training on ab2542 on Dec 18th. Please let me know what information you need from me.
Thanks

Elise Stafford.

Get Outlook for Android

From: Dozier. Ruanne (DA)
Sent: Friday, December 4, 2020 12:26 PM
To: Baylis. Mercy (DA)
Subject: RE: Valuable CDAA Training

Thanks Mercy!

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:45 AM
To: Dozier. Ruanne (DA) <DozierR@sacda.org>
Subject: RE: Valuable CDAA Training

Hi Ruanne,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

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From: Dozier. Ruanne (DA) <DozierR@sacda.org>
Sent: Friday, December 4, 2020 7:29 AM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Fwd: Valuable CDAA Training

Please sign me up. Thank you!

Sent from my iPad

Begin forwarded message:

From: "Blazina. Mike (DA)" <BlazinaM@sacda.org>
Date: November 18, 2020 at 5:30:09 PM PST
To: "DA DDAs (R)" <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to

do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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Michael Blazina | Assistant District Attorney
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916.874.5294 | blazinam@sacda.org
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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

There is still much to learn about the interpretation of the language of this law and our responsibilities related to its implementation. I am forwarding the notice from CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December**

18, 2020 • 10:00 a.m. - 12:00 noon. I encourage all of you to make your best effort to "attend" this very important distance training event.

Thank you.

Anne Marie

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Answering the Call- Avoiding Bias in Prosecution
December 18, 2020 • 10:00 a.m. - 12:00 noon

This two-hour session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, a panel discussion will address questions and ideas for implementation in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions throughout the presentation and participate during the planned Q & A segment.

Join knowledgeable panelists for the training and discussion! Tuition is only $25! Space is limited, though, so register soon by clicking **HERE**.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017

shunter@cdaa.org

From: Restrepo. Michelle (DA)
Sent: Friday, December 4, 2020 12:19 PM
To: Baylis. Mercy (DA)
Subject: Re: Webinar

Thanks Mercy!

Sent from my iPhone

> On Dec 4, 2020, at 11:35 AM, Baylis. Mercy (DA) <BaylisM@sacda.org> wrote:
>
> Got it!
>
> We're registering on Monday. Hopefully, we'll have confirmation for you by the end of the week. CDAA is aware that we are registering a large group.
>
> Thanks.
>
> ~Mercy Baylis
> 916.874.8847
>
> -----Original Message-----
> From: Restrepo. Michelle (DA) <RestrepoM@sacda.org>
> Sent: Thursday, December 3, 2020 4:51 PM
> To: DA Purchasing <DAPurchasing@sacda.org>
> Subject: Re: Webinar
>
> Sorry 12-18 for AB 2542
>
> Sent from my iPhone
>
>> On Dec 3, 2020, at 4:50 PM, Restrepo. Michelle (DA) <RestrepoM@sacda.org> wrote:
>>
>> Please sign me up for the webinar on 12/10.
>>
>> Thanks! Michelle
>>
>> Sent from my iPhone

From: Galata. Anissa (DA)
Sent: Friday, December 4, 2020 11:58 AM
To: Baylis. Mercy (DA)
Subject: Re: Webinar on AB2542 answering the call avoiding bias in prosecution

Thank you!

On Dec 4, 2020, at 11:38 AM, Baylis. Mercy (DA) <BaylisM@sacda.org> wrote:

Hi Anissa,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

<image001.png> **Mercy Baylis** | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
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From: Galata. Anissa (DA) <GalataA@sacda.org>
Sent: Thursday, December 3, 2020 5:02 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Webinar on AB2542 answering the call avoiding bias in prosecution

Hello

I would like to sign up for this webinar . Please let me know what I need to do. Thank you.

- Anissa Galata

From: Orozco. Quirina (DA)
Sent: Friday, December 4, 2020 11:47 AM
To: Baylis. Mercy (DA)
Subject: RE: Valuable CDAA Training

Thank you so much, Mercy!

Q

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:40 AM
To: Orozco. Quirina (DA) <OrozcoQ@sacda.org>
Subject: RE: Valuable CDAA Training

Hi Q!

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Thanks.

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From: Orozco. Quirina (DA) <OrozcoQ@sacda.org>
Sent: Thursday, December 3, 2020 5:20 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: FW: Valuable CDAA Training

I would like to sign up for this training, if there are still spaces available. ☺

Quirina

From: Blazina. Mike (DA)
Sent: Thursday, December 3, 2020 4:31 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

This is a reminder about the upcoming CDAA remote training, *Answering the Call-Avoiding Bias in Prosecution*, that is scheduled for December 18, 2020, from 10:00 a.m. to 12:00 noon. CDAA is holding spots for us, but the deadline to be guaranteed a spot is tomorrow, Friday, December 4, by 5:00 p.m. So if you haven't signed up yet and would like to attend, don't delay. Further details and instructions for getting registered are below.

From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Wednesday, November 18, 2020 5:30 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

There is still much to learn about the interpretation of the language of this law and our responsibilities related to its implementation. I am forwarding the notice from CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon.** I encourage all of you to make your best effort to "attend" this very important distance training event.

Thank you.

Anne Marie

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December 18, 2020 • 10:00 a.m. - 12:00 noon

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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:44 AM
To: Ericson. Teal (DA)
Subject: RE: Valuable CDAA Training

Hi Teal,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

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From: Ericson. Teal (DA) <EricsonT@sacda.org>
Sent: Thursday, December 3, 2020 9:29 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Fwd: Valuable CDAA Training

Good evening, will you please sign me up for the 12/18 Eliminating Bias training if it's still available?

Thank you,
Teal Ericson

Get Outlook for iOS

From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Thursday, December 3, 2020 4:31:25 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

This is a reminder about the upcoming CDAA remote training, *Answering the Call-Avoiding Bias in Prosecution*, that is scheduled for December 18, 2020, from 10:00 a.m. to 12:00 noon. CDAA is holding spots for us, but the deadline to be

guaranteed a spot is tomorrow, Friday, December 4, by 5:00 p.m. So if you haven't signed up yet and would like to attend, don't delay. Further details and instructions for getting registered are below.

From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Wednesday, November 18, 2020 5:30 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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Sacramento District Attorney's Office
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916.874.5294 | blazinam@sacda.org
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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
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From: Schubert. Anne Marie (DA)

Sent: Wednesday, November 18, 2020 1:47 PM

To: DA DDAs (R) <DDA@sacda.org>

Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

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Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
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schuberta@sacda.org| www.sacda.org

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Answering the Call-

Avoiding Bias in Prosecution

December 18, 2020 • 10:00 a.m. - 12:00 noon

This two-hour session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, a panel discussion will address questions and ideas for implementation in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions throughout the presentation and participate during the planned Q & A segment.

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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017

shunter@cdaa.org

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:42 AM
To: Miller. Lauren (DA)
Subject: RE: Valuable CDAA Training

Hi Lauren,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

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From: Miller. Lauren (DA) <MillerLa@sacda.org>
Sent: Thursday, December 3, 2020 6:03 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Fwd: Valuable CDAA Training

I would like to sign up for this.

Begin forwarded message:

From: "Blazina. Mike (DA)" <BlazinaM@sacda.org>
Date: December 3, 2020 at 4:31:29 PM PST
To: "DA DDAs (R)" <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

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From: Schubert. Anne Marie (DA)
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Subject: Valuable CDAA Training

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Suzanne Hunter
Director of Grant Training

California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:39 AM
To: Ma. Jonathan (DA)
Subject: RE: Valuable CDAA Training

Hi Jonathan,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

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Thanks.

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916.874.8847 | BaylisM@sacda.org
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~Mercy Baylis
916.874.8847

From: Ma. Jonathan (DA) <MaJ@sacda.org>
Sent: Thursday, December 3, 2020 5:16 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Fwd: Valuable CDAA Training

Good evening

I would like to attend this training, can you sign me up? Thank you

Sent from my iPhone

Begin forwarded message:

From: "Blazina. Mike (DA)" <BlazinaM@sacda.org>
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To: "DA DDAs (R)" <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

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To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

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shunter@cdaa.org

From: Davis. Tate (DA)
Sent: Friday, December 4, 2020 11:29 AM
To: Baylis. Mercy (DA)
Subject: RE: 12-18-20 CDAA Training Answering the Call-Avoiding Bias

Thanks!

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:28 AM
To: Davis. Tate (DA) <DavisT@sacda.org>
Subject: RE: 12-18-20 CDAA Training Answering the Call-Avoiding Bias

Hi Tate,

I have already received your request. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

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Thanks.

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916.874.8847 | BaylisM@sacda.org
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From: Davis. Tate (DA) <DavisT@sacda.org>
Sent: Thursday, December 3, 2020 4:40 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: 12-18-20 CDAA Training Answering the Call-Avoiding Bias

Hello

I would like to "attend" this training. Mike Blazina notified us to notify you that we would like to attend.

Please register me for this training. Per Mike, the office will pay for the training.

"CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon."**

Thank you,
Tate

Tate Davis
Lead Attorney Felony Prosecution Team One
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
davist@sacda.org| www.sacda.org
(916) 874-6271
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From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:26 AM
To: Ilharreguy. Richard (DA)
Subject: RE: Valuable CDAA Training

Hi Richard,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Ilharreguy. Richard (DA) <IlharreguyR@sacda.org>
Sent: Thursday, December 3, 2020 4:34 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: FW: Valuable CDAA Training

Good Afternoon,
I would like to attend the CDAA webinar listed below. Please let me know if I need to provide anything further.

Thank you,
Richard Ilharreguy

From: Blazina. Mike (DA)
Sent: Thursday, December 3, 2020 4:31 PM
To: DA DDAs (R)
Subject: FW: Valuable CDAA Training

This is a reminder about the upcoming CDAA remote training, *Answering the Call-Avoiding Bias in Prosecution*, that is scheduled for December 18, 2020, from 10:00 a.m. to 12:00 noon. CDAA is holding spots for us, but the deadline to be guaranteed a spot is tomorrow, Friday, December 4, by 5:00 p.m. So if you haven't signed up yet and would like to attend, don't delay. Further details and instructions for getting registered are below.

From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Wednesday, November 18, 2020 5:30 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

If you already purchased this webinar on your own and would like reimbursement, email DAPurchasing@sacda.org as well. You will receive instructions what to do.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

There is still much to learn about the interpretation of the language of this law and our responsibilities related to its implementation. I am forwarding the notice from CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon.** I encourage all of you to make your best effort to "attend" this very important distance training event.

Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
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schuberta@sacda.org | www.sacda.org
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Answering the Call-Avoiding Bias in Prosecution
December 18, 2020 • 10:00 a.m. - 12:00 noon

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Join knowledgeable panelists for the training and discussion! Tuition is only $25! Space is limited, though, so register soon by clicking **HERE**.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Baylis. Mercy (DA)
Sent: Friday, December 4, 2020 11:25 AM
To: Ng. Brad (DA)
Subject: RE: Valuable CDAA Training

Hi Brad,

Your email has been received and your interest is noted. We have already been in contact with CDAA and will be doing a mass registration on Monday. We will let you know when your registration has been formalized, hopefully by the end of next week.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Ng. Brad (DA) <NgB@sacda.org>
Sent: Thursday, December 3, 2020 4:34 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: RE: Valuable CDAA Training

Per Mike Blazina's email (see below), please sign me up for the CDAA webinar on "Answering the Call – Avoiding Bias in Prosecution" for December 18, 2020.

Let me know if you need any additional information from me.

Thanks!

-Brad

Brad Ng | Deputy District Attorney
Gangs and Hate Crimes Division
Sacramento County District Attorney's Office
901 G Street | Sacramento, California 95814
Desk 916.874.6636 | Fax 916.321.2209

From: Blazina. Mike (DA)
Sent: Thursday, December 3, 2020 4:31 PM

To: DA DDAs (R) <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

This is a reminder about the upcoming CDAA remote training, *Answering the Call-Avoiding Bias in Prosecution*, that is scheduled for December 18, 2020, from 10:00 a.m. to 12:00 noon. CDAA is holding spots for us, but the deadline to be guaranteed a spot is tomorrow, Friday, December 4, by 5:00 p.m. So if you haven't signed up yet and would like to attend, don't delay. Further details and instructions for getting registered are below.

From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Wednesday, November 18, 2020 5:30 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

There is still much to learn about the interpretation of the language of this law and our responsibilities related to its implementation. I am forwarding the notice from CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon.** I encourage all of you to make your best effort to "attend" this very important distance training event.

Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
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Answering the Call-Avoiding Bias in Prosecution
December 18, 2020 • 10:00 a.m. - 12:00 noon

This two-hour session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, a panel discussion will address questions and ideas for implementation

in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions throughout the presentation and participate during the planned Q & A segment.

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Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Jaynes. Justin (DA)
Sent: Friday, December 4, 2020 8:05 AM
To: Beardsley. Rochelle (DA)
Subject: RE: Valuable CDAA Training

Good morning Rochelle,

DDA's have today to let us know if they want to attend. Monday we will be registering everyone. Please let me know if you have any other questions, or concerns.

Thank you

Justin Jaynes | Accounting Technician
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814 |p: 916.874.8106
JaynesJ@sacda.org |www.sacda.org |facebook.com/SacCountyDA
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From: Beardsley. Rochelle (DA) <BeardsleyR@sacda.org>
Sent: Thursday, December 3, 2020 4:54 PM
To: Jaynes. Justin (DA) <jaynesJ@sacda.org>
Subject: FW: Valuable CDAA Training

Hi Justin-

I am just confirming I am signed up for this training right?

Rochelle Beardsley | Supervising Deputy District Attorney
Community Outreach and Media Relations Unit
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.876.4130 | Beardsleyr@sacda.org
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From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Thursday, December 3, 2020 4:31 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: FW: Valuable CDAA Training

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From: Blazina. Mike (DA) <BlazinaM@sacda.org>
Sent: Wednesday, November 18, 2020 5:30 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do this, as it is really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
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916.874.5294 | blazinam@sacda.org
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From: Blazina. Mike (DA)
Sent: Wednesday, November 18, 2020 4:24 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: RE: Valuable CDAA Training

The office will cover the expense of this training.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

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Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
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Answering the Call-Avoiding Bias in Prosecution
December 18, 2020 • 10:00 a.m. - 12:00 noon

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Join knowledgeable panelists for the training and discussion! Tuition is only $25! Space is limited, though, so register soon by clicking **HERE**.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Kubochi. Alissa (DA)
Sent: Thursday, December 3, 2020 2:48 PM
To: Baylis. Mercy (DA)
Subject: Re: CDAA AB 2542

Hello,

Wonderful. Thank you so much.

Ali

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From: Baylis. Mercy (DA) <BaylisM@sacda.org>
Sent: Thursday, December 3, 2020 2:47:01 PM
To: Kubochi. Alissa (DA) <KubochiA@sacda.org>
Subject: RE: CDAA AB 2542

Hi Ali,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Kubochi. Alissa (DA) <KubochiA@sacda.org>
Sent: Thursday, December 3, 2020 2:45 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: CDAA AB 2542

Good afternoon,

Per Mr. Blazina's email, I would like to sign up for the CDAA AB 2542 webinar. Please let me know if you need any other information on my end.

Thank you,
Ali

Ali Kubochi | Deputy District Attorney
Sacramento District Attorney's Office
Justice, Training and Integrity Unit
901 G Street | Sacramento, CA 95814
916.874.8049 | kubochiA@sacda.org
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From: Baylis. Mercy (DA)
Sent: Wednesday, December 2, 2020 3:55 PM
To: Clark. Kelly (DA)
Subject: RE: CDAA Training

Hi Kelly,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Clark. Kelly (DA) <ClarkKe@sacda.org>
Sent: Wednesday, December 2, 2020 1:16 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: CDAA Training

Good Afternoon,

I would like you to sign me up for this training. Is there anything else I need to do?

Kelly

Kelly Lynne Clark | Lead Deputy District Attorney
Misdemeanor Unit
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6541 | clarkke@sacda.org
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the form of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, ethnicity or national origin; or the race, ethnicity or national origin of the victims.

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Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
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NEW
Answering the Call-Avoiding Bias in Prosecution
December 18, 2020 • 10:00 a.m. - 12:00 noon

This two-hour session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, a panel discussion will address questions and ideas for implementation in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions throughout the presentation and participate during the planned Q & A segment.
Join knowledgeable panelists for the training and discussion! Tuition is only $25! Space is limited, though, so register soon by clicking HERE.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

From: Baylis. Mercy (DA)
Sent: Wednesday, December 2, 2020 3:53 PM
To: Greco. Sheri (DA)
Subject: RE: AB 2542 Webinar

Hi Sheri,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Greco. Sheri (DA) <GrecoS@sacda.org>
Sent: Tuesday, December 1, 2020 9:17 AM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: AB 2542 Webinar

I would like to sign up for the CDAA Webinar on 12/18.

Thank you,

Sheri Greco

From: Morgan. Brian (DA)
Sent: Thursday, November 19, 2020 2:16 PM
To: Baylis. Mercy (DA)
Subject: RE: CDAA AB 2542 Training

Thank you!

From: Baylis. Mercy (DA) <BaylisM@sacda.org>
Sent: Thursday, November 19, 2020 10:56 AM
To: Morgan. Brian (DA) <MorganB@sacda.org>
Subject: RE: CDAA AB 2542 Training

Hi Brian,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Morgan. Brian (DA) <MorganB@sacda.org>
Sent: Thursday, November 19, 2020 10:52 AM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: CDAA AB 2542 Training

Please sign me up for CDAA AB 2542 training on 12/18/20.
Thank you,
Brian Morgan

From: Baylis. Mercy (DA)
Sent: Thursday, November 19, 2020 10:21 AM
To: Alexander. Samuel (DA)
Subject: RE: AB 2542 training

Hi Sam,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Alexander. Samuel (DA) <AlexanderSa@sacda.org>
Sent: Thursday, November 19, 2020 8:49 AM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: AB 2542 training

Please sign me up.

Thank you.

Samuel Alexander | Deputy District Attorney
Sacramento District Attorney's Office
Gangs and Hate Crimes Unit
906 G Street | Sacramento, CA 95814
Desk: 916.874.5956| Fax: 916.321.2209
E-mail: alexandersa@sacda.org
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From: Grimes. TeriAnn (DA)
Sent: Thursday, November 19, 2020 9:59 AM
To: Baylis. Mercy (DA)
Subject: Re: Training

Thank you!

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From: Baylis. Mercy (DA) <BaylisM@sacda.org>
Sent: Thursday, November 19, 2020 9:37:39 AM
To: Grimes. TeriAnn (DA) <GrimesT@sacda.org>
Subject: RE: Training

Hi TeriAnn,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Grimes. TeriAnn (DA) <GrimesT@sacda.org>
Sent: Wednesday, November 18, 2020 5:45 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Training

Good Evening,

I would like to attend the training mentioned in AnneMarie and Mike's email below. Please tell me what you need form me to sign up for this.

Thank you,

TeriAnn Grimes | Deputy District Attorney
Sacramento County District Attorney's Office
901 G Street Sacramento Ca 95814
916-874-8980 | grimest@sacda.org
seek justice. serve justice. do justice.

Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for th cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do t really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

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Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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From: Schubert. Anne Marie (DA)
Sent: Wednesday, November 18, 2020 1:47 PM
To: DA DDAs (R) <DDA@sacda.org>
Subject: Valuable CDAA Training

Hi Everyone:

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Thank you.

Anne Marie

Anne Marie Schubert | District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
schuberta@sacda.org| www.sacda.org
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From: Newton. Casey (DA)
Sent: Thursday, November 19, 2020 9:53 AM
To: Baylis. Mercy (DA)
Subject: RE: Training Sign Up

Ok thanks Mercy!
Hope all is well have a great thanksgiving.
Casey

From: Baylis. Mercy (DA)
Sent: Thursday, November 19, 2020 9:52 AM
To: Newton. Casey (DA) <NewtonC@sacda.org>
Subject: RE: Training Sign Up

Hi Casey,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Newton. Casey (DA) <NewtonC@sacda.org>
Sent: Thursday, November 19, 2020 8:00 AM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: Training Sign Up

Hello,
Please register me for the training:

on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon.**

Thank you!
Casey

From: Baylis. Mercy (DA)
Sent: Thursday, November 19, 2020 9:35 AM
To: Choe. Stephen (DA)
Subject: RE: two hour remote training session on AB 2542

Hi Stephen,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

Mercy Baylis | Assoc. Administrative Analyst II
Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
seek justice. serve justice. do justice.

From: Choe. Stephen (DA) <ChoeS@sacda.org>
Sent: Wednesday, November 18, 2020 5:38 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: two hour remote training session on AB 2542

Please sign me up for the training described below. Thank you.

Steve C.

Stephen Choe | Deputy District Attorney
Mental Health Unit | SVP, NGI, MDO
Sacramento County District Attorney's Office
906 G Street | Sacramento, CA 95814
(916) 875-4526 | ChoeS@sacda.org
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Email DAPurchasing@sacda.org if you would like the office to sign you up for this webinar and pay for the cost. Please, please, please do NOT wait until the day of, or a couple of days before, the webinar to do th really difficult for our office to make those arrangements in that expedited a fashion. Sign up early.

If you already purchased this webinar on your own and would like reimbursement, email DAPurchasing@ as well. You will receive instructions what to do.

Michael Blazina | Assistant District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.5294 | blazinam@sacda.org
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Hi Everyone:

Assembly Bill 2542 will become effective on January 1, 2021, in the of Penal Code section 745. It allows defendants to challenge their prosecution and/or conviction if they believe any part of their prosecution, conviction or sentence was the result of their race, et or national origin; or the race, ethnicity or national origin of the vi

There is still much to learn about the interpretation of the languag this law and our responsibilities related to its implementation. I an forwarding the notice from CDAA announcing a two hour remote t session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - noon.** I encourage all of you to make your best effort to "attend" t important distance training event.

Thank you.

Anne Marie

Anne Marie Schubert | **District Attorney**
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
schuberta@sacda.org| www.sacda.org
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From: Baylis. Mercy (DA)
Sent: Thursday, November 19, 2020 9:32 AM
To: Pongratz. A.J. (DA)
Subject: RE: I would like to be registered in the AB 2542 entitled Answering the Call-Avoiding Bias in Prosecution Webinar!

Hi A.J.,

Your email has been received and your interest is noted. We have already been in contact with CDAA and are working on a mass registration for our office. We will let you know when your registration has been formalized.

Please don't hesitate to reach out to me with any questions.

Thanks.

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Sacramento County District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.8847 | BaylisM@sacda.org
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From: Pongratz. A.J. (DA) <PongratzA@sacda.org>
Sent: Wednesday, November 18, 2020 5:36 PM
To: DA Purchasing <DAPurchasing@sacda.org>
Subject: I would like to be registered in the AB 2542 entitled Answering the Call-Avoiding Bias in Prosecution Webinar!

Good evening,

I would like to be registered in the AB 2542 entitled Answering the Call-Avoiding Bias in Prosecution Webinar on December 18, 2020.

My full name is Anthony James Pongratz and my Bar # is 131205.

Please sign me up for the Webinar.

Best regards,

A.J.

A.J. Pongratz | Deputy District Attorney
Sacramento District Attorney's Office
901 G Street | Sacramento, CA 95814
916.874.6256| PongratzA@sacda.org
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From: Chavez. Melissa (DA)
Sent: Wednesday, November 18, 2020 6:21 PM
To: Jaynes. Justin (DA)
Cc: Baylis. Mercy (DA);Moore. Christina (DA)
Subject: CDAA Training

Justin,

We have a bunch of people who want to attend the $25 CDDA webinar below.

CDAA announcing a two hour remote training session on AB 2542 entitled **Answering the Call-Avoiding Bias in Prosecution.** It is scheduled for **December 18, 2020 • 10:00 a.m. - 12:00 noon.**

Can you fond out if there is a maximum number of attendees? We want to know if time is of the essence when registering folks.

Can you find out if CDAA will accept a check since we will have so many attendees? We can pay it on claim and break out applicable cost centers without impacting the pcard limits.

Melissa Tefertiller Chavez
916.874.5910
ChavezM@sacda.org

From: Asian Pacific Islander American Public Affairs (APAPA) <news@asian-pacific-islander-american-public.ccsend.com> on behalf of Asian Pacific Islander American Public Affairs (APAPA) <news@apapa.org>
Sent: Thursday, October 1, 2020 5:17 PM
To: Ho. Thienvu (DA)
Subject: California Governor Gavin Newsom Signs Momentous Legislation to Advance Racial Justice

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California Governor Gavin Newsom Signs Momentous Legislation to Advance Racial Justice

Sacramento, CA - California Governor Gavin Newsom just signed Assembly Bill (AB) 3121, making California the first state in the nation to implement a law to study and create proposals on reparations for slavery through a California task force. Governor Newsom also signed AB 3070 into law to prohibit the removal of a prospective juror based on their race, ethnicity, gender, sexual orientation, national origin, or religion. Both AB 3121 and AB 3070 were introduced by California State Assemblymember Shirley Weber (D-San Diego).

In addition to AB 3121 and AB 3070, Governor Newsom also signed AB 2542 and AB 979. AB 2542, by California State Assemblymember Ash Kalra (D-San Jose), will prohibit the use of race, ethnicity or national origin to seek or obtain convictions or impose sentences. AB 979, by Assemblymember Chris Holden (D-Pasadena), will require corporate Boards of Directors to include members from underrepresented communities.

APAPA members, under Buck Gee's leadership, were a part of this effort on behalf of AB 979.

APAPA applauds Governor Newsom and his administration's leadership, dedication, and commitment to advancing racial and social equity.

To read the Governor's Press Release, please visit: https://www.gov.ca.gov/2020/09/30/governor-newsom-signs-landmark-legislation-to-advance-racial-justice-and-californias-fight-against-systemic-racism-bias-in-our-legal-system/

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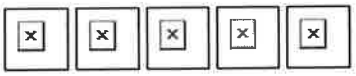

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Sent: Thursday, October 1, 2020 5:17 PM
To: Schubert. Anne Marie (DA)
Subject: California Governor Gavin Newsom Signs Momentous Legislation to Advance Racial Justice

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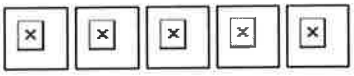

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Sent: Wednesday, September 23, 2020 6:15 AM
To: Whittaker. Kim (DA)
Subject: What new Placer County health officer is saying + Local woman awarded 2020 Carnegie Medal + Opinion: How to resolve SCUSD crisis

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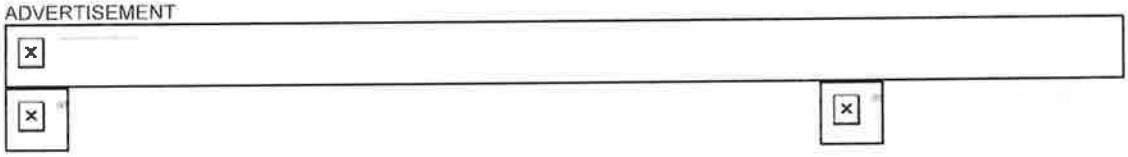

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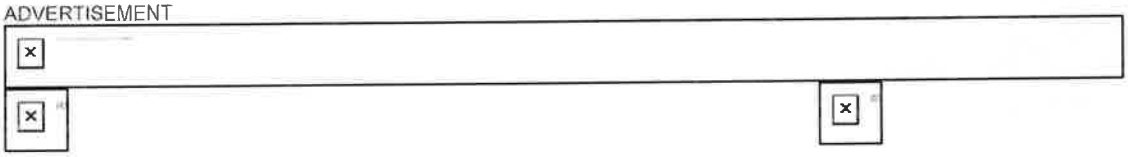

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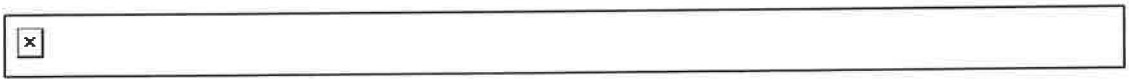

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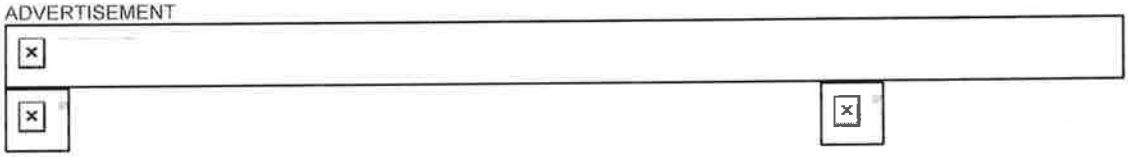

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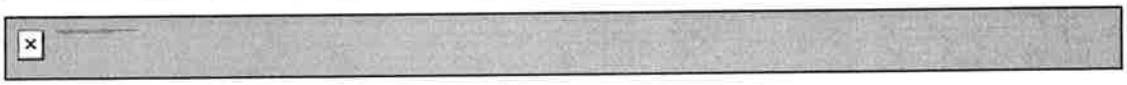

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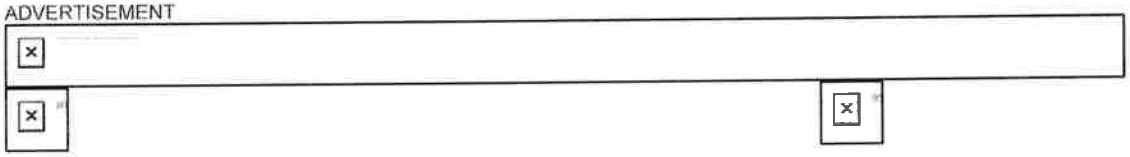

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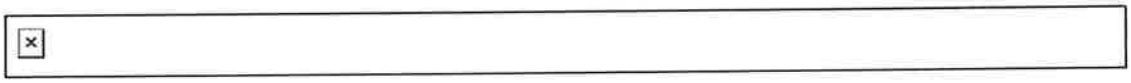

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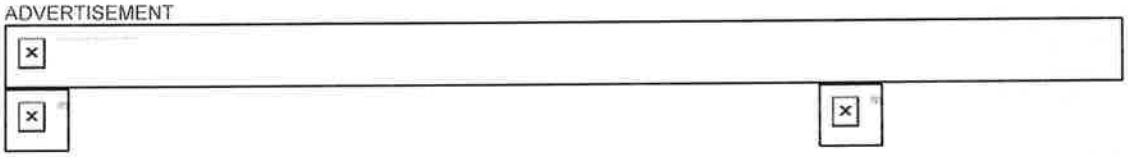

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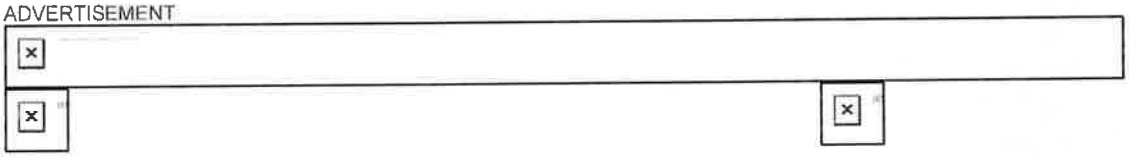

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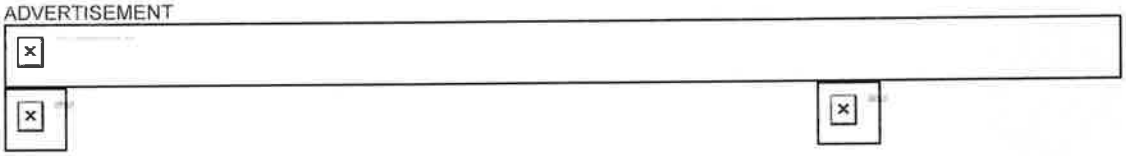

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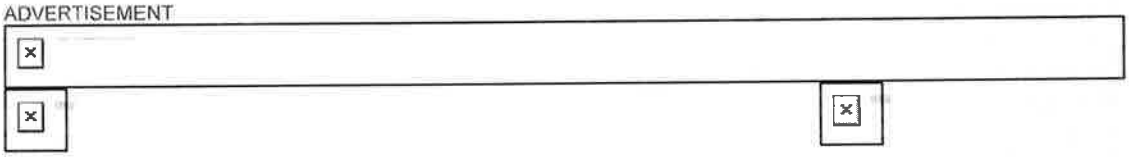

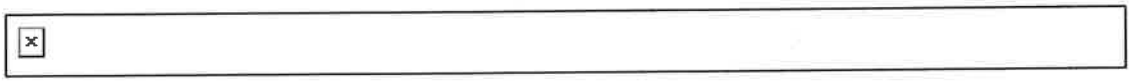

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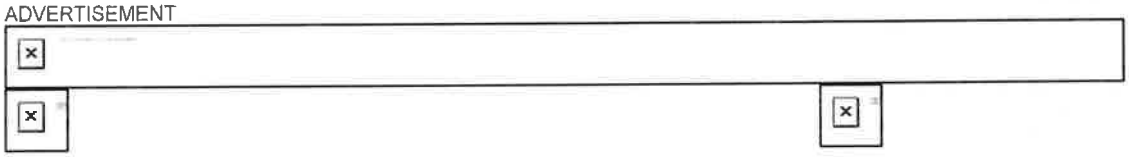

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