

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

<p>██████████ Petitioner, v. SUPERIOR COURT OF THE COUNTY OF SACRAMENTO, SITTING AS A JUVENILE COURT, Respondent, PEOPLE OF THE STATE OF CALIFORNIA, Real Party in Interest.</p>	<p>CASE NO. SUPERIOR COURT OF THE COUNTY OF SACRAMENTO, SITTING AS A JUVENILE COURT, DEPARTMENT 93 Petition No.: ██████████ HON. JOGINDER DHILLON 916-875-5108</p>
---	--

PETITION FOR WRIT OF MANDATE AND
REQUEST FOR EMERGENCY RELIEF

Failure to Order a Remedy Pursuant to Penal Code § 745(e)
for a Violation of the California Racial Justice Act.

AMANDA BENSON
PUBLIC DEFENDER
700 H Street, Suite 0270
Sacramento, California 95814

*Dena Stone SBN 256215
Assistant Public Defender
Email: stonede@saccounty.gov
Ph: (916) 874-6879

Attorneys for Petitioner

*Counsel designated to receive notices under Rule 8.40(c)(2)

TABLE OF CONTENTS

Table of Contents 2

Table of Authorities..... 4

Table of Exhibits..... 6

Petition 7

 Parties..... 8

 Jurisdiction..... 8

 No Stay Requested..... 8

 Statement of the Case 8

 Statement of Facts 11

 Timeliness..... 14

 Incorporation..... 14

 Remedy Through Appeal is Inadequate..... 14

 Prayer 15

Verification..... 17

Memorandum of Points & Authorities 18

 I. Standard of Review 18

 II. The Respondent Court Incorrectly Interpreted the
Statutory Language to Conclude that Dismissal is not an
Authorized Remedy Provided for Under Penal Code section
745(e). 18

 III. The Respondent Court Erred in Failing to Issue A
Remedy for the Found Violation of the CRJA. 20

Conclusion..... 22

Brief Format Certification 23
Declaration of Service..... 24
EXHIBIT A 25
EXHIBIT B198
EXHIBIT C212
EXHIBIT D304

TABLE OF AUTHORITIES

Cases

In re Greg F. (2012) 55 Cal.4th 393 20

In re McSherry (2003) 112 Cal.App.4th 856.....18

McCleskey v. Kemp (1987) 481 U.S. 279 22

Omaha Indemnity Co. v. Superior Court
(1989) 209 Cal.App.3d 1266 15

People v. Municipal Court (Mercer)
(1979), 99 Cal. App. 3d 749, 752..... 14

People v. Robinson (1883) 64 Cal. 372, 373 14

People v. Simmons (2023) 96 Cal.App.5th 323 21, 22

Statutes

Penal Code section 148(a)(1) 9

Penal Code section 148.9(a) 9

Penal Code section 25400(a)(1) 9

Penal Code section 25400(c)(6) 9

Penal Code section 25850(a) 9

Penal Code section 25850(c)(6) 9

Penal Code section 745..... 7, 12, 15, 18

Penal Code section 745(a)10

Penal Code section 745(a)(2) 7, 10, 12, 14, 22

Penal Code section 745(c)10

Penal Code section 745(e)7, 10, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22

Penal Code section 745(e)(4).....	12
Penal Code section 745(f).....	19
Welfare and Institutions Code section 602(a)	8
Welfare and Institutions Code section 782	13, 19, 20
Welfare and Institutions Code section 782	19
Other Authorities	
Assembly Bill 2542.....	21
Sen. Comm. Pub. Saf., Analysis of AB 2542 (Kalra) 2019-20 Reg. Sess., Aug. 7, 2020	19
Rules	
California Rules of Court, Rule 8.902(a).....	14
California Rules of Court, Rule 8.853(a)	14
California Rules of Court, Rule 8.204 (c)	24
Constitutional Provisions	
Cal. Const., art. VI, § 10	18
Cal. Const., art. VI, § 13.....	22

TABLE OF EXHIBITS

Exhibit A:	Records of relevant documents from the court's file in Superior Court Juvenile Petition Number [REDACTED], including minutes, orders, pleadings, and the petition.	25-197
Exhibit B:	Reporter's Transcript from the juvenile proceeding held July 26, 2023.	198-211
Exhibit C:	Reporter's Transcript from the hearing pursuant to Penal Code section 745(c) held October 27, 2023.	212-303
Exhibit D:	Reporter's Transcript from the hearing addressing remedies pursuant to Penal Code section 745(e) held December 12, 2023.	304-342

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

<p>██████████ Petitioner, v. SUPERIOR COURT OF THE COUNTY OF SACRAMENTO, SITTING AS A JUVENILE COURT, Respondent, PEOPLE OF THE STATE OF CALIFORNIA, Real Party in Interest.</p>	<p>CASE NO. SUPERIOR COURT OF THE COUNTY OF SACRAMENTO, SITTING AS A JUVENILE COURT, DEPARTMENT 93 Petition No.: ██████████ HON. JOGINDER DHILLON 916-875-5108</p>
---	--

PETITION

The magistrate in this case erred in (1) concluding that dismissal is not an available remedy pursuant to Penal Code section 745(e) and (2) failing to issue a remedy for a sustained violation of Penal Code section 745(a)(2) of the California Racial Justice Act (hereafter CRJA), as required by Penal Code section 745(e).

This ruling conflicts with the intent of the CRJA to remedy harm to the integrity of, and eliminate any racial bias from, the criminal justice system.

Petitioner ██████████ by and through counsel, respectfully petitions this court for a writ of mandate directed to Respondent Superior Court of the County of Sacramento, Sitting as the Juvenile Court, requiring it to (1) vacate its December 12, 2023 orders denying Petitioner's motions to dismiss and motion to reduce Counts

1 and 2 to misdemeanors for violation of the California Racial Justice Act (Penal Code sections 745(e) and 745(e)(1)(c)), and (2) enter a new and different order granting the motion to dismiss or, alternatively, the motion to reduce Counts 1 and 2 to misdemeanors.

Parties

Petitioner is the Minor in the above-entitled action now pending before Respondent Superior Court of the County of Sacramento, Sitting as the Juvenile Court. Respondent is Department 93 of the Superior Court of the County of Sacramento, Sitting as the Juvenile Court. The petitioner in the above actions is the District Attorney of Sacramento County and represents Real Party in Interest.

Jurisdiction

All of the proceedings about which this petition is concerned occurred within the territorial jurisdiction of Respondent Superior Court of the County of Sacramento, Sitting as the Juvenile Court, and of the Court of Appeal of the State of California, Third Appellate District.

No Stay Requested

Petitioner is not seeking a stay of proceedings at this time.

Statement of the Case

[REDACTED]

[REDACTED]

[REDACTED]

On June 16, 2023, Petitioner was arraigned on Petition [REDACTED] in Superior Court of Sacramento County, Sitting as the Juvenile Court, and ordered detained. (Exh. A, pp. 196-197.) A Suitability Hearing and Motion to Modify Custody Status was set for June 30, 2023. On June 20, 2023, the minor's counsel made an oral motion to release [REDACTED] on electronic monitoring before the Honorable Judge Renard Shepard [hereinafter "Judge Shepard", which was denied. (Exh. A, p. 192.) On July 13, 2023, the minor's counsel made another oral motion to release [REDACTED] on electronic monitoring, this time before the Honorable Judge Joginder Dhillon, which was denied. (Exh. A, p. 167.)

On July 26, 2023, the minor's counsel made another oral motion to release [REDACTED] on electronic monitoring before Judge Shepard, which was denied. (Exh. A, p. 165.) During the discussion on the record, Judge Shepard called the Petitioner a "gang banger"

multiple times, followed by stating that the Petitioner has “got it in his blood, in his culture.” (Exh. B, p. 9:1-10:4.)

On July 31, 2023, the Petitioner filed a motion to dismiss for violation of Penal Code section 745(a). (Exh. A, pp. 169-191.) On August 1, 2023, Judge Dhillon granted minor’s release to his mother’s custody with an electronic monitor. (Exh. A, pp. 156-157.)

On August 18, 2023, the Real Party in Interest filed their Opposition to minor’s motion pursuant to Penal Code section 745(a). (Exh. A, pp. 117-136.) On August 29, 2023, the Petitioner filed a Response to the August 18, 2023 Opposition. (Exh. A, pp. 137-154.)

On August 30, 2023, after hearing argument from the Petitioner and the Real Party in Interest, Judge Dhillon found that the Petitioner had made a prima facie showing that a violation of Penal Code section 745(a) had occurred and ordered a hearing pursuant to Penal Code section 745(c). (Exh. A, pp. 114-115.)

On October 27, 2023, the Respondent Court, conducted a hearing pursuant to Penal Code section 745(c) and found that the language used on July 26, 2023 by Judge Shepard violated Penal Code section 745(a)(2). (Exh. C, p. 85:19-27.)

The Respondent Court ordered a separate hearing regarding remedies pursuant to Penal Code section 745(e) for December 12, 2023 and ordered a briefing schedule for both counsel. (Exh. A, pp. 98-99.) On December 12, 2023, the Respondent Court denied the Petitioner’s motion to dismiss and did not issue any remedy to the violation of Penal Code section 745(a)(2). (Exh. A, p. 97.)

Statement of Facts

During the hearing on July 26, 2023, counsel for the Petitioner requested the Respondent Court to allow a mentor and Petitioner's mother to be heard; Judge Shepard responded to the request by saying "I don't need to hear from anyone." (Exh. B, p. 206:27-28.) Judge Shepard substantiated his denial of Petitioner's request by stating "[t]his is a serious criminal we're talking about. ... This is a serious gang banger we are dealing with." (Exh. B, p. 207:1-2; 15-16.) Continuing his statements, Judge Shepard stated "We have got the gangbanger here. ... There's terror in the streets with teenagers like him ...". (Exh. B, p. 207:26-28.) Judge Shepard finally stated that Petitioner "is a serious gang banger. He's got it in his blood, in his culture. He can't get it out of his system." (Exh. B, p. 208:3-4, emphasis added.)

Petitioner filed a motion to dismiss for violation of Penal Code section 745(a) on July 31, 2023 (Exh. A, pp. 169-191.) and the Real Party in Interest filed their opposition on August 28, 2023. (Exh. A, pp. 117-136.) Judge Dhillon ordered a hearing pursuant to Penal Code section 745(c), to be heard on October 27, 2023. (Exh. A, pp. 137-154.)

During the October 27, 2023, the Petitioner presented evidence through the testimony of Dr. Gabriela Medina Falzone and Professor Mary Bowman. (Exh. A, p. 101-102.) After argument, Judge Dhillon ruled that the language used by Judge Shepard, specifically the repeated references to the term "gangbanger," "were the kinds of language, and reflected potential bias or animus that the

Legislature intended to address ..." and therefore, violated Penal Code section 745(a)(2). (Exh. C, p. 297:19-27.)

The Respondent Court ordered a separate hearing regarding remedies pursuant to Penal Code section 745(e) on December 12, 2023 and ordered a briefing schedule for both counsel. (Exh. A, pp. 98-99.) The Petitioner filed his Brief regarding Remedies pursuant to Penal Code section 745(e) on November 13, 2023. (Exh. A, pp. 76-84.) The Real Party in Interest did not provide a brief related to remedies.

During the December 12, 2023 hearing regarding remedies for a sustained violation of Penal Code section 745(a)(2), the Respondent Court denied the Petitioner's motion to dismiss. (Exh. A, p. 97.) In denying Petitioner's motion to dismiss, Judge Dhillon stated "[t]he Court doesn't believe that dismissal is a remedy provided by this (Penal Code section 745) statute." (Exh. D, 330:27-28.) Reaching his conclusion, Judge Dhillon relied on legislative history that "included dismissal in an earlier version, and that was no longer in the final version that was passed and signed into law." (Exh. D, 312:3-5.) Judge Dhillon concluded that "the Legislature contemplated dismissal, and they rejected it. And they gave us a specific list, which does not include dismissal. It includes lesser forms of relief." (Exh. D, 312:6-8.)

Petitioner argued that Penal Code section 745(e)(4) allows for any remedy available to the Court, including dismissal (Exh. D, 312:10-11) and that "because (e)(4) exists ... there was no need to duplicate or repeat law that is available statutorily to the Court." (Exh. D, 313:1-3.) Judge Dhillon did not find this interpretation to be

reasonable or consistent with “the language and the history here.” (Exh. D, 313:5-7.) Instead, Judge Dhillon interpreted the statute to say that the “Court doesn’t lose its authority to grant dismissal under 782 or any other provision of law” not that the list of remedies under Penal Code section 745(e) is expanded to include any other authorities in the Court’s power. (Exh. D, 312:13-18.) Because the Legislature was “very clear as to the kinds of remedies they were seeking – reseal a juror, declare a mistrial, discharge a panel – none of which apply ... it would appear that [the Legislature] considered something broader, but they narrowed it.” (Exh. D, 313:9-17.)

Judge Dhillon also pointed out that Petitioner’s motion to dismiss for violation of Penal Code section 745(a) did not ask for “anything else” or ask for the Court to “do the things that are listed within the statute.” (Exh. D, p. 319:14-25.) “I’m not going through a harmless error analysis; I’m just ruling on the motion to dismiss.” (Exh. D, 319:28-16:1.)

After denying the motion to dismiss, minor’s counsel made a motion to reduce Counts 1 and 2 pursuant to Penal Code section 745(e)(1)(c) (Exh. D, 331:10-16). The Respondent Court denied this motion as well, finding that it wouldn’t be in the interest of justice and wasn’t specific to the violation that was found. (Exh. D, 329:26-330:1.) Additionally, the Respondent Court found that none of the remedies outlined in Penal Code section 745(e) were specific to the violation that was found and as such, no order imposing a remedy for the violation of the California Racial Justice Act was made. (Exh. D, 331:10-16.)

Timeliness

A petition for writ of mandamus must be filed within the same statutory period as prescribed for appeals. (People v. Municipal Court (Mercer) (1979) 99 Cal. App. 3d 749, 752; Cal. Rules of Ct. Rules 8.853(a), 8.902(a).) As the Supreme Court stated it in People v. Robinson, “unless circumstances of an extraordinary character be shown to have intervened, the remedy through a writ of certiorari should be held to be barred by the lapse of the same length of time that bars an appeal from a final judgment.” (People v. Robinson (1883) 64 Cal. 372, 373). The time period for filing a notice of appeal in a juvenile petition is 60 calendar days. (Cal Rules of Ct 8.406(a)(1).)

In this case, the Superior Court denied Petitioner’s motion to dismiss for violation of the California Racial Justice Act on December 12, 2023, resulting a filing deadline of February 9, 2024; therefore, Petitioner’s filing is timely.

Incorporation

Petitioner respectfully requests to incorporate the concurrently-filed exhibits.

Remedy Through Appeal is Inadequate

This Court may issue a writ of mandate directing respondent superior court to grant Petitioner’s motion to dismiss and/or issue another remedy for a violation of Penal Code section 745(a)(2), pursuant to the California Racial Justice Act. (Penal Code section

745(e).) In deciding whether to issue mandamus, this Court should consider the following factors:

1. The issue tendered in the writ petition is of widespread interest and/or presents a significant and novel constitutional issue;
2. The trial court's order violated the protections of Penal Code section 745;
3. Conflicting trial court interpretations of the law require a resolution of the conflict;
4. The trial court's order is both clearly erroneous as a matter of law and substantially prejudices petitioner's case;
5. The party seeking the writ lacks an adequate means, such as a direct appeal, by which to attain relief; and
6. The petitioner will suffer harm or prejudice in a manner that cannot be corrected on appeal.

(Omaha Indemnity Co. v. Superior Court (1989) 209 Cal.App.3d 1266, 1273-1274 [citations omitted].)

Petitioner's case presents a significant and novel constitutional issue. Petitioner also faces severe prejudice if forced to wait for appellate review.

Prayer

WHEREFORE, Petitioner prays that:

1. That this Court issue a peremptory writ of mandate directing the lower court to vacate its December 12, 2023 order denying Petitioner's motion to dismiss for violation of the California Racial Justice Act (Penal Code

section 745(e)), and instead enter a new and different order granting the motion; or, in the alternative, respondent court should be ordered to show cause at a time and place specified by this Court why a peremptory writ granting such relief should not issue;

2. Alternatively, this Court issue a preemptory writ of mandate directing the lower court to vacate its December 12, 2023 order denying Petitioner's motion to reduce Counts 1 and 2 to misdemeanors as a remedy for a violation of the California Racial Justice Act (Penal Code section 745(e)(1)(c)) and instead enter a new and different order granting the motion; or, in the alternative, respondent court should be ordered to show cause at a time and place specified by this Court why a peremptory writ granting such relief should not issue;
3. That this Court grant Petitioner any other and further relief as may be appropriate and just.

Dated: February 9, 2024

Respectfully submitted,

/s/ Dena Stone

Dena Stone
Assistant Public Defender

VERIFICATION

I, Dena Stone, declare I am an Assistant Public Defender, duly licensed to practice law in the State of California. I have been assigned to represent petitioner in this action. I make this verification because I am more familiar with the facts set forth in the petition than is petitioner.

All facts alleged in the above petition not otherwise supported by citations to the record, declarations, exhibits or other documents are true of my own personal knowledge or upon information and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 9, 2024, in Sacramento, Sacramento County, California.

Signed,

/s/ Dena Stone

Dena Stone
Assistant Public Defender

MEMORANDUM OF POINTS & AUTHORITIES

I. Standard of Review

Writ of mandamus is the appropriate remedy to address an unlawful order by a Superior Court judge or magistrate. (In re McSherry (2003) 112 Cal.App.4th 856, 859.)

This Court has original jurisdiction over this petition in proceedings for extraordinary relief, including writ of mandamus. (Cal. Const., art. VI, § 10.) The Court may grant the writ without an evidentiary hearing if the established facts justify relief. (McSherry, supra, 112 Cal.App.4th at 859.)

II. The Respondent Court Incorrectly Interpreted the Statutory Language to Conclude that Dismissal is not an Authorized Remedy Provided for Under Penal Code section 745(e).

Penal Code section 745 clearly requires that when a violation of the CRJA is found, the court “shall impose a remedy specific to the violation” found within a list of four subsections. (Pen. Code, § 745(e).) For a violation of Penal Code section 745(a) that occurs prior to the entry of judgment, there are four types of remedies outlined. (Pen. Code, § 745(e)(1).) Where a violation occurs after entry of judgment, Penal Code section 745(e) (2) addresses two types of remedies specific to after judgment has been entered. Not limiting the court to those specific remedies, Penal Code section 745(e)(4) states that 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.” (Pen. Code, § 745(e)(4).)

In the Committee Notes from the August 7, 2020 Senate Committee on Public Safety hearing, it was specifically noted that existing law, citing Penal Code section 1385, “[p]rovides the trial court broad authority to dismiss a case in the interests of justice, except as specified. (Sen. Comm. Pub. Saf., Analysis of AB 2542 (Kalra) 2019-20 Reg. Sess., Aug. 7, 2020, at p. 3.) Expanding upon existing law regarding dismissal authority, the author of Assembly Bill 2542 wrote that “[u]nder the bill’s provisions, if a prosecutor, judge, or defense attorney is found to have used racially discriminatory language or exhibited racial bias during trial, the remedies could include ordering a new trial or potential dismissal or reduction of charges.” (Sen. Comm. Pub. Saf., Analysis of AB 2542 (Kalra) 2019-20 Reg. Sess., Aug. 7, 2020, at p. 9.)

Penal Code section 745(f) incorporates the “juvenile delinquency system” specifically applying the CRJA in juvenile adjudications and dispositions. Although a judge in juvenile court has authority to dismiss a petition under Welfare and Institutions Code section 782, the Court’s dismissal power is not solely dependent upon this statute alone. The CRJA explains that its remedies must be applied “notwithstanding any other law.” (Pen. Code, § 745(e).) As the California Supreme Court explained in dealing with Welfare and Institutions Code sections 782 and 733, “[w]hen the Legislature intends for a statute to prevail over all contrary law, it typically signals this intent by using phrases like ‘notwithstanding any other law’ ...” (In re Greg F. (2012) 55 Cal.4th 393, 406 citing *Molenda v. Department of Motor Vehicles* (2009) 172 Cal.App.4th 974, 995 and *Caliber Bodyworks, Inc. v. Superior*

Court (2005) 134 Cal.App.4th 365, 386.) The Legislature intended the CRJA to be its own source of dismissal power. This is because the CRJA not only gives a criminal defendant (or a minor) remedy, but is, by design, curing the system itself. Welfare and Institutions Code section 782 is targeted to an individual minor; however, the CRJA is systemic.

The Respondent Court elected to interpret the authority granted by the CRJA to be limited to those remedies enumerated in Penal Code section 745(e), essentially ignoring the fourth enumerated remedy. When considering the Legislative intent of the CRJA with the language of the statute, it is clear that a dismissal of proceedings (whether in adult or juvenile systems) is a remedy available to the court when a violation of Penal Code section 745(a) is found by a preponderance of the evidence.

III. The Respondent Court Erred in Failing to Issue A Remedy for the Found Violation of the CRJA.

A Racial Justice Act violation is, by definition, a miscarriage of justice that our laws require this court to remedy. (Pen. Code, § 745(e); Assemb. Bill 2542, § 2(i).) “[R]acism 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.” (People v. Simmons (2023) 96 Cal.App.5th 323, 337, citing Assemb. Bill 2542, § 2(i), [emphasis in Simmons].) To determine the appropriate remedy, the court is guided by two premises. First, our laws require that, once a violation

has been established, the trial must impose one of several enumerated remedies. (Pen. Code, § 745(e).) Second, the imposition of the remedy is without regard to prejudice to the defendant nor with regard to the ill will of the violator or even the origin of the racial animus. (Pen. Code, § 745; Simmons, supra, at 337.)

As to the first premise, the Legislature expressly declares that a violation must be remedied. (Pen. Code, § 745(e)(1).) [“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...”].) Under the CRJA, there is no question of prejudice or harmless error or “discriminatory purpose.” (See *McCleskey v. Kemp* (1987) 481 U.S. 279, 295-99.) A CRJA violation is so poisonous to due process, that it is coterminous with a miscarriage of justice. Under the Constitution of the State of California, a dismissal can only be granted where the court is “of the opinion that the error complained of has resulted in a miscarriage of justice.” (Cal. Const., art. VI, § 13.) “The RJA represents the Legislature’s express determination” that racism presumptively violates the constitution—that racism is presumptively a miscarriage of justice. (Simmons, supra, at 338.)

The Respondent Court essentially found the violation of the CRJA to be harmless error by pointing out that the Judge who made the prohibited statements was no longer involved in the proceedings and the Petitioner was released from custody shortly after the violation occurred. Although stating that it was not applying a harmless error analysis, it is clear from the failure to issue any

remedy for the violation that the Respondent did apply a harmless error analysis. This is in contradiction to Simmons, the first and only case addressing Penal Code section 745(e).

In a case such as this, the law makes no room to rebut the racial animus the Petitioner has suffered, thereby requiring a remedy be ordered pursuant to Penal Code section 745(e). The Respondent Court erred by failing to issue any remedy for the miscarriage of justice that occurred in Petitioner's case.

CONCLUSION

The lower court incorrectly interpreted the statutory language to wrongly conclude that dismissal is not authorized as a remedy under Penal Code section 745(e) by and erred in denying Petitioner any remedy pursuant to Penal Code section 745(e). This Court should reverse the respondent's order and issue a writ of mandate granting the Petitioner's motion to dismiss, or alternatively, reverse the respondent's order and remand the matter to the lower court to enter an order issuing a remedy pursuant to Penal Code section 745(e).

Dated: February 9, 2024

Respectfully submitted,

/s/ Dena Stone

Dena Stone
Assistant Public Defender

BRIEF FORMAT CERTIFICATION

Pursuant to California Rules of Court, Rule 8.204(c), I certify that the foregoing brief is in 13-point, Georgia Font, a conventional roman typeface and contains 3560 words, according to the word-count function of Microsoft Word, which was used to prepare the brief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on February 9, 2024, in Sacramento, California.

Signed,

/s/ Dena Stone

Dena Stone
Assistant Public Defender