

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

JEFFREY WALKER,
Petitioner,

v.

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE COUNTY
OF SAN FRANCISCO,**
Respondent,

PEOPLE OF THE STATE OF CALIFORNIA,
Real Party in Interest.

No. S 263588

Court of Appeal
No. A159563

(San Francisco County
Superior Court No. 2219428
(195989))

REQUEST FOR JUDICIAL NOTICE

Proposed Order

Attached: Exhibits A, B-1, B-2 & C

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Documents attached:	
Exhibit A: Petition for Commitment (SVP) filed in People v. Walker in San Francisco Superior Court Nos 195989 (2219428) on June 2, 2015	RJN 5-14
Exhibits From People v. Superior Court (Couthren) 41 Cal App. 5th 1001 in Court of Appeal (A155969):	
B-1 Docket	RJN 15-18
B-2 Petition for Writ of Mandate	RJN 19-35
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REQUEST FOR JUDICIAL NOTICE/DECLARATION

I Erwin F. Fredrich declare:

I was court appointed attorney of record in the trial court herein and was provided attached Exhibit A- Petition for Commitment (SVP) etc.in connection with my appointment in June 2015. It is a true and accurate copy of said document. The relevance to this case is outlined in Petitioner’s Reply Brief on the Merits filed herein today.

Exhibit B-1 is the Docket from the Court of Appel website in *People v. Superior Court (Couthren)* 41 Cal App. 5th 1001 (A155969).

Exhibit B-2 is a copy of the Writ of Mandate Petition filed by the government in *Couthren*. I am informed and believe it is a true and accurate copy of said Writ Petition. The relevance to this case is outlined in Petitioner's Reply Brief on the Merits filed herein today.

Exhibit C California Department of Corrections and Rehabilitation forms SMOS PPST 120 and SMOS PPST 121. They address "Conditions of Parole" and are true and accurate copies of documents (redacted of identifying information) declarant obtained in connection with representation of another client previously convicted of rape who was facing parole conditions. I am informed and believe that these or similar parole conditions were available in April 2016 and are currently available to impose on those released on parole who have previous sex offense convictions. The relevance to this case is outlined in Petitioner's Reply Brief on the Merits filed herein today.

California Rules of Court, Rule 8.252 and Evidence Code sections 451 thru 459 indicate that this court can and should take judicial notice of attached Exhibits A, B-1, B-2 and C. All of these Exhibits are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Evidence Code section 452(h) Exhibit A was before the probable cause hearing judge.

Exhibits B 1 and B 2 did not exist at the time of probable cause hearing.

Exhibit C are CDCR forms SMOS PPST 120 and SMOS PPST 121. They were unavailable to Petitioner at the time of the probable cause hearing but conditions of parole have been referenced in summary and conclusionary terms by Petitioner in the *Walker* appellate court briefing and in briefing in this court.

Executed on January 7, 2021 at San Francisco, California. I declare under penalty of perjury that the foregoing is true and correct.

_____/s/_____
ERWIN F. FREDRICH

CERTIFICATE OF WORD COUNT

Counsel for Petitioner hereby certifies that this Request for Judicial Notice consists of 714 words (excluding attached Exhibits and Proof of Service), according to the word count of the computer word processing program used.

Dated: January 7, 2021

_____/s/_____
ERWIN F. FREDRICH
Attorney for Petitioner,
JEFFREY WALKER

PROPOSED ORDER

GOOD CAUSE APPEARING THEREFORE, judicial notice is hereby taken of the Documents labeled Exhibits A, B-1, B-2 and C in the Request for Judicial Notice filed herein on January 7, 2021 and said documents are formally added to the record in this proceeding.

Dated:

By The Court

EXHIBIT A

Petition for Commitment (SVP) filed in People v. Walker
in San Francisco Superior Court Nos 195989 (2219428) on June 2, 2015

22

ENDORSED
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT

2015 JUN -2 PM 12: 12

CLERK OF THE COURT

BY: _____
DEPUTY CLERK

1 GEORGE GASCON (SBN 182345)
District Attorney
2 IRA H. BARG (SBN 70074)
Assistant District Attorney
3 850 Bryant Street, Room 322
San Francisco, California 94103
4 Telephone: [415] 553-1422

5 Attorneys for the Petitioner
6
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE CITY AND COUNTY OF SAN FRANCISCO
10

11)	SCN: SVP 195989
)	MCN: SVP 2219428
12)	PETITION FOR COMMITMENT
)	PURSUANT TO WELFARE &
13)	INSTITUTIONS CODE 6601,
)	ET SEQ.;
14)	
)	
15)	
)	
16)	DATE:
)	DEPT: 22
17)	TIME: 9:00 A.M.
)	
18)	

15 vs.
JEFFREY WALKER,

Petitioner,

Respondent.

20 PLEASE TAKE NOTICE that on the above date and time, or as soon thereafter as the
21 matter may be heard, the People will request the Court to enter an order for Commitment
22 pursuant to Welfare and Institutions Code section 6600 et seq.

23 The Department of Mental Health in an e-mail dated June 1, 2015, (see attached as,
24 Exhibit A) has requested that a petition for involuntary treatment be filed in the case of Jeffrey
25 Walker. The supporting Clinical Evaluation Summary opinion of Dr. Thomas MacSpeiden
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Ph.D, dated May 31, 2015 is attached as Exhibit B. The supporting Clinical Evaluation Summary opinion of Dr. Roger Karlsson, Ph.D, dated June 1, 2015, is attached as Exhibit C. Petitioner has good cause to believe that Jeffrey Walker is a person who is a danger to the health and safety of others and is likely to engage in sexually violent predatory criminal behavior.

The Petitioner respectfully requests this court set this matter for the commitment proceedings pursuant to Welfare and Institutions Code section 6601, et seq. A probable cause hearing pursuant to section 6602 of the Welfare and Institutions Code should commence within 10 calendar days of the date of the filing of this petition. This commitment petition is for an INDEFINITE term of commitment.

DATED: June 2, 2015

Respectfully submitted.

GEORGE GASCON
District Attorney



IRA H. BARG
Assistant District Attorney

DECLARATION OF IRA H. BARG

Ira H. Barg states and declares as follows:

1. I am an Assistant District Attorney currently assigned to the matter of People v. Jeffrey Walker, San Francisco Superior Court Nos: SVP 2219428/195989.

2. Attached hereto and incorporated herein by reference are an e-mail and two Clinical Evaluation Summary opinions. Exhibit A is the e-mail dated June 1, 2015, from Kim Perry, Associate Governmental Program Analyst, Sex Offender Commitment Program, California Department of Mental Health; The supporting Clinical Evaluation Summary opinion of Dr. MacSpeiden, Ph.D, dated May 31, 2015, is attached as Exhibit B. The supporting evaluation of Dr. Karlsson, Ph.D, dated June 1, 2015, is attached as Exhibit C.

3. I have reviewed the files in this case and the attached Clinical Evaluation Summary opinion (Exhibits B and C) and other material, and believe respondent is a sexually violent predator meeting the requirement for civil commitment under W&I Code section 6600, et. seq.

4. Respondent's controlling release date is June 11, 2015. By this petition to commit, Petitioner seeks a term of commitment indefinitely. Petitioner therefore seeks an immediate court review of this petitioner and the supporting documents, and order a probable cause hearing within 10 days of this filing pursuant to W&I Code sections 6602 and 6601.5 and order respondent detained in a secure facility as provided under that section.

I declare under penalty of perjury the foregoing is true and correct, except for those matters stated under Information & Belief.

Executed at San Francisco, California.

DATED: June 2, 2015



Ira H. Barg
Assistant District Attorney

EXHIBIT A

Barg, Ira (DAT)

From: Perry, Kimberly@DSH <Kimberly.Perry@dsh.ca.gov>
Sent: Monday, June 01, 2015 4:39 PM
To: Barg, Ira (DAT)
Cc: Fair, Chari@DSH; Christensen, Ryan@DSH
Subject: New SVP release date 6/11

Hi Ira,

We just received the positive findings on a DOP case that releases on 6/11. We do not have full evaluations for the DOP evaluations yet but we have Clinical Summaries. I can email you all the documents we have available now with the rest to come upon receipt. We will route it with the clinical summaries and hope to get certified copies to you by June 8.

Jeffrey Walker
CDCR: F11343
CII: A07153095
DOB: 9/18/1963

I will be out of the office tomorrow, please contact Chari Hug or Ryan Christensen with questions or I will get in touch with you Wednesday afternoon.

Thank you,

Kim Perry

Department of State Hospitals
Associate Governmental Program Analyst
Forensic Services Division
916.651.2090(phone)
916.651.1168 (fax)

EXHIBIT B

EXHIBIT C

APPENDIX C

CLINICAL EVALUATION SUMMARY

WIC 6600 CIVIL COMMITMENT

I. IDENTIFYING INFORMATION

Inmate Name: Jeffrey Walker
County of Commitment: Santa Clara

CDCR# F11343

II. FINDINGS (WIC 6600 criteria)

YES **NO**

A. Has the inmate been convicted of a sexually violent offense against at one or more victims?

Convicted of a qualifying offense(s)?

1.

Use of force, fear, etc., and/or victim < 14 years old?

2.

B. Does the inmate have a diagnosable mental disorder that predisposes person to the commission of criminal sexual acts?

(If YES, specify)

3.

Axis I

Axis II

Antisocial Personality Disorder

C. Is the inmate likely to engage in sexually violent predatory criminal behavior as a result of his/her diagnosed mental disorder without appropriate treatment and custody?

4.

III. CONCLUSION

Based on the above information, in my opinion the inmate:

MEETS

DOES NOT MEET

the criteria as a sexually violent predator as described in section 6600(a) of the Welfare and Institutions Code. (If a NO response is marked for any of the above questions (1-4), then the inmate does not meet criteria)

SIGNATURE

Roger Karlsson PhD, ABPP

PRINT NAME

DATE

6/1/13

LICENSE NUMBER

21331

EXHIBIT B-1

Docket From People v. Superior Court (Couthren) 41 Cal App. 5th
1001 in Court of Appeal (A155969)

Appellate Courts Case Information

1st Appellate District

Change court ▼

Court data last updated: 01/02/2021 11:30 AM

Docket (Register of Actions)

The People v. Superior Court for the County of Mendocino
Division 1
Case Number A155969

Date	Description Notes
12/13/2018	Filed Mandate Request for Immediate Stay petition for writ of:
12/13/2018	Exhibits Exhibits A - L lodged.
12/13/2018	Filed proof of service.
12/13/2018	Stay order filed. Pending further consideration of the petition for writ of mandate on file herein, the court hereby temporarily STAYS enforcement of the November 30, 2018 order (filed December 10, 2018) of the Mendocino County Superior Court in People of the State of California v. John Lann Couthren, case number SCUJ-CRCR-95-20535. Real party in interest shall not be released from custody pending further order of this court. Real party in interest may serve and file points and authorities in opposition to the petition on or before December 21, 2018. Petitioner/Appellant may serve and file reply points and authorities on or before December 28, 2018. We advise the parties that this court might proceed by issuing a peremptory writ in the first instance. (See Palma v. U.S. Industrial Fasteners, Inc. (1984) 36 Cal.3d 171, 177-180.) Generally the court will employ "the accelerated Palma procedure ... only when petitioner's entitlement to relief is so obvious that no purpose could reasonably be served by plenary consideration of the issue ... or where there is an unusual urgency requiring acceleration of the normal process." (Ng v. Superior Court (1992) 4 Cal.4th 29, 35.) Before: Humes, P.J., and Margulies, J.
12/20/2018	Requested - extension of Opposition filed. Requested for 01/22/2019 By 32 Day(s) time.
12/24/2018	Granted - extension of Opposition filed. Due on 01/22/2019 By 32 Day(s) time.

FURTHER EXTENSIONS ARE NOT CONTEMPLATED

RJN016

01/22/2019 Opposition filed.

01/28/2019 Reply filed to: Reply to Opposition to Petition for Writ of Mandate

02/06/2019 Issued order to show cause. BY THE COURT:
ORDER TO SHOW CAUSE
Good cause appearing from the petition for writ of mandate on file in this action, IT IS ORDERED that respondent superior court show cause before this court on when the matter is ordered on calendar, why the relief requested in the petition should not be granted. The return to the petition shall be served and filed within thirty (30) days of the issuance of this order to show cause. The reply to the return shall be served and filed within fifteen (15) days after the filing of the return. (Cal. Rules of Court, rule 8.487(b).)
This order to show cause is to be served and filed on or before Friday, February 8, 2019. It shall be deemed served upon mailing by the clerk of this court of certified copies of this order to all parties to this proceeding and to respondent superior court.
The justices will be familiar with the facts and issues, will have conferred among themselves on the case, and will not require oral argument. If oral argument is requested, the request must be served and filed on or before Friday, March 1, 2019. If no request for oral argument is filed on or before that date, the matter will be submitted at such time as the court approves the waiver and the time for filing all briefs and papers has expired. (California Rules of Court, rule 8.256(d)(1).) If oral argument is requested, the court will notify the parties of the exact date and time set for oral argument, which will occur before Division One of this court at the courtroom located on the fourth floor of the State Building, 350 McAllister Street, San Francisco, California.***Served Electronically and USPS***

03/05/2019 Argument waived by: (no response - 10 day notice)

03/22/2019 Requested - extension of Written return filed. Requested for 04/11/2019 By 31 Day(s) time.

03/26/2019 Granted - extension of Written return filed. Due on 04/08/2019 By 28 Day(s) time.

04/05/2019 Written return filed.

04/16/2019 Reply filed to: Reply to Return to Petition for Writ of Mandate

04/24/2019 Order filed. BY THE COURT:
Appellant's motion to defer briefing pending resolution of the writ proceeding, filed on April 4, 2019, is granted. Briefing is stayed pending resolution of A155969 and further order of this court. The clerk of this court shall file a copy of this order in case number A155969.***Served Electronically***

09/11/2019 Filed additional cites for oral argument. (by Public Defender)

11/07/2019 Opinion filed. (Signed Published) The petition is denied. The stay previously issued by this court will be dissolved upon the finality of this decision.***Served Electronically***

01/08/2020 Remittitur issued.

01/08/2020 Case
complete.

Click here to request automatic e-mail notifications about this case.

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EXHIBIT B-2

Government's Petition for Writ of Mandate From People v. Superior
Court (Couthren) 41 Cal App. 5th 1001 in Court of Appeal
(A155969)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT, DIVISION _____

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Petitioner,

v.

**MENDOCINO COUNTY SUPERIOR
COURT,**

Respondent,

JOHN LANN COUTHREN,

Real Party in Interest.

Case No. A _____

**IMMEDIATE STAY
REQUESTED**

Mendocino County Superior Court, Case No. SCUJ-CRCR-95-20535
The Honorable Cindee Mayfield, Judge

PETITION FOR WRIT OF MANDATE

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GERALD A. ENGLER
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JEFFREY M. LAURENCE
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Attorneys for Petitioner

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TO THE HONORABLE JUSTICES OF THE CALIFORNIA
COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION __

The People of the State of California request a writ of mandate commanding the Mendocino County Superior Court to vacate its order dismissing the Sexually Violent Predator (SVP) petition against real party in interest John Lann Couthren. The People further request an immediate stay of Couthren's release pending a final ruling on this petition. Absent a stay, Couthren will be released from custody as soon as the county jail receives and processes respondent court's dismissal order.

Petitioner alleges as follows:

I.

On March 13, 2018, the Mendocino County District Attorney filed a petition to commit Couthren as an SVP pursuant to Welfare and Institutions Code sections 6600, et. seq.¹ (Exh. A.) The probable cause hearing was set for November 26, 2018 (§ 6602). (Exh. H at p. 2.)

II.

On September 18, 2018, defense counsel emailed the prosecutor and inquired, "Who are the 2 docs you plan on submitting on for Couthren?" (Exh. F.) The prosecutor replied the same day, stating, "The probable cause hearing will be submitted on all the doctor reports. Dr. Hartley, Dr. Korpi, Dr. Flinton. We have also filed Dr. Kokobun's report for the court's information, but we are not in agreement with that conclusion." (Exh. F.)

III.

At the probable cause hearing on November 26, 2018, the court admitted four certified expert evaluations as People's Exhibits 2 through 5.

¹ All further references are to the Welfare and Institutions Code unless otherwise noted.

(Exhs. B-E.). Three of the four experts concluded that Couthren qualified as an SVP. (See § 6601, subd. (d)-(g).) Neither the People nor the defense called any live witnesses. (Exh. I.) Defense counsel argued that, to the extent the evaluations were proffered to prove that he suffered from a mental disorder or was likely to reoffend if released, they constituted inadmissible hearsay. (Exh. G.) The court took the matter under submission. (Exh. I.)

IV.

On December 10, 2018, respondent court filed a written order finding that the People “met their burden of establishing that Mr. Couthren had committed sexually violent offenses against at least two victims.” (Exh. H at p. 4.) The court further concluded that “the People failed to produce admissible evidence on the remaining elements.” (Exh. H at p. 4.) The court dismissed the SVP petition. (Exh. H at p. 6.)

V.

On December 11, 2018, the People filed, in the superior court, a motion to briefly stay the dismissal order to allow the People time to seek review of the ruling. (Exh. J.) The People requested a hearing be set for December 14, 2018, at 9:00 a.m. (Exh. J.)

VI.

On December 12, 2018, the People filed a timely notice of appeal. (Exh. L.)

VII.

Respondent court erred in dismissing the SVP petition. The People presented admissible documentary evidence establishing probable cause that Couthren qualified as an SVP. The court incorrectly concluded that the expert documentary reports constituted inadmissible hearsay. However, case law establishes that documentary evidence is admissible at the

probable cause hearing so long as the prospective SVP has the opportunity to cross-examine the experts. Couthren had that opportunity. The petition must be reinstated.

VIII.

Respondent court's order dismissing the petition against Couthren is an appealable order. (*People v. Superior Court (George)* (2008) 164 Cal.App.4th 183, 193; Code Civ. Proc., § 904.1, subd. (a)(1).) Nevertheless, under the circumstances of this case, the People do not have a plain, speedy, and adequate remedy in the ordinary course of law. (Code Civ. Proc., § 1086.)

Even if the respondent court grants a temporary stay of the proceedings, absent a permanent stay by this Court, Couthren will be released from custody. The People allege, based on the opinions of its experts, that Couthren suffers from a mental disease, defect, or disorder that makes him likely to commit sexually violent predatory offenses. (See Exhs. B, D, E.) Review on appeal of the superior court's order would entail substantial delay and is inadequate to eliminate the danger to the public posed by Couthren's release.

IX.

This writ petition is timely, having been filed within the 60-day period authorized by statute to appeal from the judgment. (See Cal. Rules of Court, rule 8.104(a)(1)(A).)

X.

Under rule 8.486(b) of the California Rules of Court, the petition includes copies of all written motions and oppositions thereto, pleadings, exhibits, and written orders relevant and necessary to decide this matter. (See *Sherwood v. Superior Court* (1979) 24 Cal.3d 183, 186.)

PAYER

The People request that the court:

1. Issue an alternative writ of mandate, and thereafter a peremptory writ, commanding respondent court to vacate its order dismissing the petition to commit Couthren as an SVP pursuant to Welfare and Institutions Code sections 6600 et. seq.;
2. Issue an immediate order staying Couthren's release from custody, the stay to continue until this Court issues a final ruling on this petition.
3. Stay all further proceedings in the respondent court on this matter until this Court grants or denies this petition; and
4. Order any other appropriate relief.

Dated: December 13, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GERALD A. ENGLER
Chief Assistant Attorney General
JEFFREY M. LAURENCE
Senior Assistant Attorney General
MOONA NANDI
Deputy Attorney General

/s/ Bridget Billeter

BRIDGET BILLETER
Deputy Attorney General
Attorneys for Petitioner

VERIFICATION

I, Bridget Billeter, state:

I am a Deputy Attorney General of the State of California and am licensed to practice law before all courts of the state.

I am the attorney of record for petitioner in this case.

I have read this petition and know its contents.

I am informed and believe that the matters stated in this petition are true and on that ground allege that the matters are true.

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

Executed on December 13, 2018, at San Francisco, California.

/s/ Bridget Billeter

BRIDGET BILLETER
Deputy Attorney General

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On March 13, 2018, the Mendocino County District Attorney filed a petition to commit Couthren as an SVP pursuant to sections 6600 et. seq. (Exh. A.) The probable cause hearing was set for November 26, 2018 (§ 6602). (Exh. H at p. 2.)

On September 18, 2018, defense counsel emailed the prosecutor and inquired, “Who are the 2 docs you plan on submitting on for Couthren?” (Exh. F.) The prosecutor replied the same day, stating, “The probable cause hearing will be submitted on all the doctor reports. Dr. Hartley, Dr. Korpi, Dr. Flinton. We have also filed Dr. Kokobun’s report for the court’s information, but we are not in agreement with that conclusion.” (Exh. F.)

At the probable cause hearing on November 26, 2018, the court admitted four certified expert evaluations as People’s Exhibits 2 through 5. (Exhs. B-E.). Three of the four experts concluded that Couthren qualified as an SVP. (See § 6601, subd. (d)-(g).) Neither the People nor the defense called any live witnesses. (Exh. I.) Defense counsel argued that, to the extent the evaluations were proffered to prove that he suffered from a mental disorder or was likely to reoffend if released, they constituted inadmissible hearsay. (Exh. G.) The court took the matter under submission. (Exh. I.)

On December 10, 2018, respondent court filed a written order finding that the People “met their burden of establishing that Mr. Couthren had committed sexually violent offenses against at least two victims.” (Exh. H at p. 4.) The court further concluded that “the People failed to produce admissible evidence on the remaining elements.” (Exh. H at p. 4.) The court dismissed the SVP petition. (Exh. H at p. 6.)

On December 11, 2018, the People filed, in the superior court, a motion to temporarily stay the dismissal order to allow the People time to seek review of the ruling. (Exh. J.) The People requested a hearing be set for December 14, 2018 at 9:00 a.m. (Exh. J.)

On December 12, 2018, the People filed a timely notice of appeal. (Exh. L.)

ARGUMENT

I. THE RESPONDENT COURT ERRED IN DISMISSING THE PETITION

Because the admissibility of expert reports at a probable cause hearing is a legal issue, this court reviews the lower court's ruling de novo. (*People v. Superior Court (George)*, *supra*, 164 Cal.App.4th at p. 192.) A “[s]exually violent predator” means a person who has been convicted of a sexually violent offense against one or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.” (§ 6600, subd. (a)(1).) At the probable cause hearing pursuant to section 6602, the court must determine whether a reasonable person could entertain a strong suspicion that the petitioner has satisfied all the elements required for a civil commitment as an SVP. (*Cooley v. Superior Court* (2002) 29 Cal.4th 228, 236.)

It is well settled that at an SVP probable cause hearing “the prosecutor may present the opinions of the experts through the hearsay reports of such persons. . . .” (*In re Parker* (1998) 60 Cal.App.4th 1453, 1469-1470; *Cooley v. Superior Court*, *supra*, 29 Cal.4th at p. 245, fn. 8 [at the probable cause hearing “the petitioner is allowed, despite their hearsay nature, to present the contents of any reports that form the basis of the petition as evidence”]; *People v. Butler* (1998) 68 Cal.App.4th 421, 435.) Here, the prosecutor presented four expert reports at the probable cause hearing; three

of the four experts concluded that Couthren qualified as an SVP. There was sufficient evidence to support a finding of probable cause.

While hearsay evaluations are admissible at the probable cause hearing, as a matter of due process, “the prospective SVP should have the ability to challenge the accuracy of such reports by calling such experts for cross-examination.” (*In re Parker, supra*, 60 Cal.App.4th at p. 1470.) Couthren had that ability. Over two months before the probable cause hearing, the prosecutor—in response to defense counsel’s request—informed defense counsel that she would be submitting all four expert evaluations. (Exh. F.) There is no evidence that defense counsel attempted to subpoena any of the witnesses. Nor is there any evidence that defense counsel requested the prosecutor subpoena the witnesses so Couthren could avail himself of his right to cross-examination. Couthren’s failure to ensure his right to cross-examination does not render the otherwise admissible reports inadmissible or insufficient to prove probable cause.

Respondent court fundamentally misinterpreted the holding in *Parker*, concluding that “in 1998, the CA Supreme Court [*sic*] rejected the People’s position that the State may rely solely on the evaluators’ reports at a probable cause hearing in the face of a defense objection to this procedure.” (Exh. H at p. 6.) *Parker* did not hold that evaluator reports *become* inadmissible or insufficient once the defense objects. *Parker* held only that *if* the defense wanted to challenge the *otherwise admissible* reports, it had to be given the opportunity to do so. (60 Cal.App.4th at pp. 1469-1470.) Couthren was given that opportunity.

Additionally, because *People v. Sanchez* (2016) 63 Cal.4th 665 “materially changed the law governing expert testimony,” respondent court apparently concluded that *Sanchez* undermined *Parker* and rendered the expert reports inadmissible hearsay. (Exh. H at p. 5.) However, *Sanchez* only “changed the law” with regards to expert *testimony*. (63

Cal.4th at p. 670 [“we clarify the proper application of Evidence Code sections 801 and 802, relating to the scope of expert testimony”].) *Sanchez* did not address the hearsay nature of documentary evidence. (*In re Marriage of Cornejo* (1996) 13 Cal.4th 381, 388 [“It is axiomatic that cases are not authority for propositions not considered”].) Expert reports were generally inadmissible at trial prior to *Sanchez*, and remain so after *Sanchez* (aside from any portions falling under specific hearsay exceptions). The reports are admissible at probable cause hearings, regardless of *Sanchez*, because “the federal Constitution does not require the entire panoply of procedural rights available at trial to be observed in the pretrial hearing.” (*In re Parker, supra*, 60 Cal.App.4th at p. 1468 [internal quotation marks and citations omitted].)

Respondent court also held that Couthren’s failure to ensure the presence of live witnesses was irrelevant because the People have the “burden of proof” at the probable cause hearing. (Exh. H at p. 6, citing *In re Kirk* (1999) 74 Cal.App.4th at p. 1076.) However, the People met their burden of proof by providing three certified, admissible evaluations concluding that Couthren qualified as an SVP. (Cf. *In re Kirk, supra*, 74 Cal.App.4th at pp. 1072-1076 [People did not meet their burden of proof at the probable cause hearing because the evaluations were not certified, and thus, inadmissible].) Even assuming the burden was on the People to issue subpoenas because the experts are “prosecution” witnesses², the defense had a duty to *inform* the prosecutor that he was intending to exercise his due process right to cross-examination. Otherwise, the prosecution would be required to subpoena live witnesses to *every* probable cause hearing—in

² We have found no case specifically addressing the burden of production at an SVP probable cause hearing.

case the prospective SVP wants to cross-examine them. Such a holding would result in an absurd, and impractical, interpretation of *Parker*.

CONCLUSION

A writ of mandate should issue directing the superior court to vacate its dismissal order, and directing the court to reinstate the SVP petition. The People request an immediate order staying the Couthren's release until this writ proceeding is resolved.

Dated: December 13, 2018 Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GERALD A. ENGLER
Chief Assistant Attorney General
JEFFREY M. LAURENCE
Senior Assistant Attorney General
MOONA NANDI
Deputy Attorney General

/s/ Bridget Billeter

BRIDGET BILLETER
Deputy Attorney General
Attorneys for Petitioner

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42090589.doc

CERTIFICATE OF COMPLIANCE

I certify that the attached PETITION FOR WRIT OF MANDATE uses a 13 point Times New Roman font and contains 2,208 words.

Dated: December 13, 2018

XAVIER BECERRA
Attorney General of California

/s/ Bridget Billeter

BRIDGET BILLETER
Deputy Attorney General
Attorneys for Petitioner

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

Case Name: *People v. Mendocino County Superior Court; John Lann Couthren (RPI)*
No.:

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On December 13, 2018, I electronically served the attached **PETITION FOR WRIT OF MANDATE; EXHIBITS A-L** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on December 13, 2018, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

County of Mendocino
Criminal Division
Superior Court of California
100 North State Street, Room 108
Ukiah, CA 95482-4416

The Honorable C. David Eyster
District Attorney
Mendocino County District Attorney's Office
[Served via email: da@co.mendocino.ca.us]

Mendocino County Public Defender
175 South School Street
Ukiah, CA 95482

Elizabeth Norman
Assistant District Attorney
Mendocino County District Attorney's Office
P. O. Box 1000
Ukiah, CA 95482

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 13, 2018, at San Francisco, California.

Tan Nguyen
Declarant

/s/ Tan Nguyen
Signature

EXHIBIT C

California Department of Corrections and Rehabilitation forms SMOS
PPSD 120 and SMOS PPSD 121

“Parole Conditions for those released on Parole after a
previous sex offense conviction”

NOTICE AND CONDITIONS OF PAROLE

YOU ARE BEING RELEASED TO PAROLE SUPERVISION, EFFECTIVE: _____, FOR A MAXIMUM PERIOD OF: Duration
YOU ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RELEASE FROM PRISON:

State Prison, any of the Penal Code (PC) Sections 3000, 3000.1, or PC Section 3000, but subject to (b) retrograde if (c) regardless of whether new charges are filed.
You shall waive extradition to the State of California from any state or territory of the United States, or the District of Columbia. You shall not contest any effort to return you to the State of California.
You, your residence, and any property under your control are subject to search or seizure by a probation officer, an agent or officer of the California Department of Corrections and Rehabilitation, or any other peace officer, at any time of the day or night, with or without a search warrant, with or without cause.
If another jurisdiction has lodged a detainer against you, you may be released to the custody of that jurisdiction. Should you be released from their custody prior to the expiration of your California parole, or should the detainer not be exercised, you are to immediately contact the nearest office of the Department of Corrections and Rehabilitation, Division of Adult Parole Operations, for instructions on reporting to a parole agent.
The procedure for obtaining a Certificate of Rehabilitation is documented in PC Sections 4852.01-4852.21.

CONDITIONS OF PAROLE

1. **SPECIAL CONDITIONS:** Special conditions of parole may be mandated by law or may be imposed at the discretion of your agent. Special conditions of parole that forbid conduct which is not itself criminal, must reasonably relate to a crime for which you were convicted, or must be reasonably related to deterring future criminality. **You are subject to the following special conditions of parole:**
SEE SPECIAL CONDITIONS OF PAROLE

I ACKNOWLEDGE MY SPECIAL CONDITIONS OF PAROLE:	SIGNATURE OF UNIT SUPERVISOR	DATE SIGNED
Inmate/Parolee Initials: _____		

2. **RELEASE, REPORTING, RESIDENCE AND TRAVEL:** Unless other arrangements are approved in writing, you shall report to your parole agent on the first working day following your release. The name, address, and telephone number of the parole agent responsible for your parole supervision shall be documented on the CDCR Form 611 (Rev. 08/12), Release Program Study, which is incorporated by reference as part of this Notice. You shall inform your supervising parole agent of your residence, employment, education, and/or training. Any change or anticipated change to your residence shall be reported to your parole agent in advance. You shall inform your parole agent within 72 hours of any change to your employment location, employer, or termination of employment.

3. **PAROLE AGENT INSTRUCTIONS AND TRAVEL:** You shall comply with all of the instructions from your parole agent. You shall not travel more than 50 miles from your residence without the prior approval of your parole agent. You shall not be absent from your county of residence for a period of more than 48 hours. You shall not leave the State of California without prior written approval of your parole agent.

4. **CRIMINAL CONDUCT:** You shall not engage in conduct prohibited by law (state, federal, county, or municipal). You shall immediately inform your parole agent if you are arrested for any felony or misdemeanor crime. Be advised, your conduct, if prohibited by law, may result in parole revocation with or without a criminal conviction.

5. **WEAPONS:** You shall not own, use, have access to, or have under your control: (a) any type of firearm, instrument, or device which a reasonable person would believe to be capable of being used as a firearm, or any ammunition which could be used in a firearm; (b) any weapon as defined in state or federal statutes, or any instrument or device which a reasonable person would believe to be capable of being used as a weapon; (c) any knife with a blade longer than two inches, except kitchen knives which must be kept only in the kitchen of your residence, and knives related to your employment, which may be used and carried only in connection with your employment; or (d) a crossbow of any kind.

6. **THIS DOCUMENT SERVES AS YOUR NOTICE AND CONDITIONS OF PAROLE.** You have the right to appeal the special conditions of your parole. Special conditions imposed by the Division of Adult Parole Operations may be appealed pursuant to California Code of Regulations (CCR), Title 15, Sections 3084 - 3085.

I have read or have had read to me and understand the conditions of parole as they apply to me.


CDC NUMBER	INMATE/PAROLEE NAME	INMATE/PAROLEE SIGNATURE	DATE SIGNED
			

THIS SECTION TO BE COMPLETED BY CDCR STAFF ONLY

Does the inmate/parolee have a qualifying disability requiring effective communication? Yes No

If yes, cite the source document and/or observations:

What type of accommodation/assistance was provided to achieve effective communication to the best of the inmate's/parolee's ability?

STAFF NAME (Print or Type)	STAFF SIGNATURE	DATE SIGNED
		



SPECIAL CONDITIONS OF PAROLE

PAROLEE NAME:

CDC NUMBER:

DATE:

You shall comply with all of the following special conditions while you are on parole. Any exceptions must be approved in writing by the Unit Supervisor.

COURT IMPOSED

REASON

☑	001. You shall abide by any court imposed Special Conditions of Parole.	09
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SUBSTANCE ABUSE

☑	002. You shall submit to urinalysis testing when instructed to do so by a parole agent.	01
☑	003. You shall not consume, possess or have access to any alcoholic beverages, liquors, or over-the-counter medication that contains alcohol; (e.g., Nyquil). You shall provide a urine or breath sample for the purpose of detecting the presence of alcohol.	02
☑	004. You shall not enter a business whose primary purpose is to sell or serve alcoholic beverages.	02
☑	005. You shall not use, possess, or distribute any narcotic or other controlled substance as defined by law or any paraphernalia related to such substances, without a valid prescription.	01
☑	006. You shall enroll in and successfully complete a substance abuse treatment program as directed by your parole agent or appropriate parole authority.	09

TREATMENT

☑	007. You shall attend Parole Outpatient Clinic (POC) for an initial evaluation and remain in that treatment program as deemed necessary by a Parole Outpatient Clinic clinician.	08
☑	008. You shall participate in a mental health treatment program as directed by your parole agent.	08
☑	009. You shall submit to psychological or physiological assessments to assist in treatment planning and/or parole supervision.	08
☑	010. You shall report to, and actively participate in a Division of Adult Parole Operations approved treatment program specific to sex offenders.	11
☑	011. You hereby agree to polygraph examinations while on parole supervision, with the questioning limited to questions about the success of the sex offender treatment program, the crimes(s) for which you were convicted, and related criminal behavior, whether past or future.	11
☑	012. You agree to and will sign any necessary documents including a waiver of psychotherapist-patient privilege to allow full communication between your sex offender management professional and your parole agent as required by Penal Code (PC) Section 3008 (d)(4) and PC Section 290.09.	11
☑	013. Upon reporting to sex ofender treatment, you shall sign the forms presented by the treatment provider, including an information release form and a "Consent to Polygraph" form.	11

RELATIONSHIPS

<input checked="" type="checkbox"/>	022. You shall inform all persons with whom you have a significant relationship; e.g., employer, dating, or roommate, about your criminal history, and you will inform your parole agent about the relationship.	09
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VICTIM(S)

<input checked="" type="checkbox"/>	24. You shall not enter the premises, unnecessarily travel past, or loiter near where your victim(s) of your commitment offense: San Francisco Police Report #040456548, frequents, resides, is employed, or attends classes.	04
<input checked="" type="checkbox"/>	25. You shall not contact or attempt to contact your crime victim(s) of your commitment offense: San Francisco Police Report #040456548, or their immediate families. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, by writing, electronic media, computer, or through another person, etc.	04
<input checked="" type="checkbox"/>	26. You shall not threaten, stalk, abuse, harass, or commit further violent acts against the victim(s) of your commitment offense: San Francisco Police Report #	04
<input checked="" type="checkbox"/>	27. You shall not have in your possession any of your victim(s) of your commitment offense: San Francisco Police Report #, personal effects; e.g., pictures, letters, etc.	04

ASSOCIATION

<input checked="" type="checkbox"/>	028. You shall not associate with any known sex offenders except as previously approved or instructed by your parole agent.	09
<input checked="" type="checkbox"/>	029. You shall not have contact with co-defendants or other arrestees of your offenses. "No contact" means no contact in any form, whether direct or indirect, personally, by telephone, by writing, electronic media, computer, or through another person, etc.	05

TRAVEL

<input checked="" type="checkbox"/>	030. You shall not travel more than 50 miles from your residence of record.	09
<input checked="" type="checkbox"/>	032. You shall not hitchhike or pick up hitchhikers.	09
<input checked="" type="checkbox"/>	034. You shall notify your parole agent in advance of operating any motor vehicle, giving the make, model, year, color, and license number.	09

EMPLOYMENT

<input checked="" type="checkbox"/>	035. Employment shall be pre-approved by your parole agent.	09
<input checked="" type="checkbox"/>	036. You shall not obtain employment that allows you to enter a residence where a stranger resides.	09
<input checked="" type="checkbox"/>	037. Volunteer work shall be preapproved by your parole agent.	09

RESIDENCE

<input checked="" type="checkbox"/>	038. You shall not reside in a residence with any person also required to register pursuant to PC Section 290, unless he or she is legally related to you by blood, marriage, or adoption. This does not include treatment programs and/or board and care facilities with the appropriate use permit.	09
	039. You shall not reside within one-half mile of any public or private school (kindergarten and grades	09

<input checked="" type="checkbox"/>	1 through 12, inclusive) pursuant to PC Section 3003(g).	
<input checked="" type="checkbox"/>	043. You shall be in your approved residence: TO BE DETERMINED BY YOUR AGENT OF RECORD.	09
<input checked="" type="checkbox"/>	044. You shall not establish a residence that has not been preapproved by your parole agent.	09

POSSESSIONS

<input checked="" type="checkbox"/>	046. You shall not possess, or have access to any sexually oriented or sexually stimulating objects and/or devices.	13
<input checked="" type="checkbox"/>	047. You shall not view, possess, or have access to any pornographic material; e.g., movies, photographs, drawings, literature, etc.	13
<input checked="" type="checkbox"/>	048. You shall not view, possess, or have access to any material; e.g., periodicals, newspapers, magazines, catalogs, that depict adults or children in undergarments, nude, partially nude, etc.	13
<input checked="" type="checkbox"/>	049. You shall not possess or have access to sexually oriented devices, handcuffs, handcuff keys, restraint equipment, or any other items that could be used for bondage, restraint, control, or confinement.	13
<input checked="" type="checkbox"/>	50. You shall not possess or have access to childrens clothing, toys, games, or other similar material related to children's interests.	13
<input checked="" type="checkbox"/>	052. You shall not use or possess law enforcement identification, insignia, badges, uniforms, or other items identified with law enforcement.	09
<input checked="" type="checkbox"/>	053. You shall not use, possess, or have access to surveillance equipment.	09
<input checked="" type="checkbox"/>	054. You shall not use, possess, or have access to police radio scanners, or other telecommunications device(s) which monitor police radio transmission.	09
<input checked="" type="checkbox"/>	055. You shall not wear, possess, purchase, or have access to costumes, masks, or other identity-concealing items.	09

GLOBAL POSITIONING SYSTEM (GPS)

<input checked="" type="checkbox"/>	068. You shall participate in continuous electronic monitoring; e.g., global positioning system (GPS) technology. I understand and acknowledge the GPS device continuously records my location and provides data to the Division of Adult Parole Operations. I understand and acknowledge the data is retained indefinitely and may be shared with other law enforcement agencies.	12
<input checked="" type="checkbox"/>	069. You may be charged criminally with grand theft, petty theft, or vandalism and be fined for the cost of the equipment's replacement in the event it is not returned, is purposely discarded, stolen, and/or damaged.	12
<input checked="" type="checkbox"/>	070. You are approved for a GPS modification: You shall maintain the GPS device on your person or ambulatory device 24 hours a day, 7 days a week, except when showering or sleeping. When showering or sleeping, you must keep the device within reach of your person.	12
<input checked="" type="checkbox"/>	071. You shall observe a CURFEW, TO BE DETERMINED BY YOUR AGENT OF RECORD and remain within your approved residence.	12
<input checked="" type="checkbox"/>	073. You shall charge the GPS device at least two times per day (every 12 hours) for at least 1 full hour for each charging time.	12

12	074. You shall not tamper with the device or cover the device with any material that you know or reasonably should know will interfere with the GPS signal.	12
12	075. You shall contact your parole agent immediately if and when the device vibrates and/or makes an audible tone (beep).	12
12	076. You shall not expose the device to extreme temperatures or place it under water; e.g., pool, hot tub, bath, etc.	12

PC SECTION 290 TRANSIENT

12	077. If you are transient, you shall register as a transient and comply with all transient registration requirements pursuant to PC Section 290.011.	09
12	078. If you are transient, you shall contact your parole agent by telephone between the hours of TO BE DETERMINED BY YOUR AGENT OF RECORD.	09
12	079. If you are transient, you shall report to the following destination: TO BE DETERMINED BY YOUR AGENT OF RECORD.	09

COMPUTER USE AND ELECTRONIC MEDIA

12	085. You shall not use the computer for any purpose which might further sexual activity; e.g., possession of sexually explicit material in any form; sexually related "chat" or e-mail exchange; visiting or joining "chat rooms" which contain sexually explicit conversations; visiting/viewing sexually explicit material on web sites; downloading text or video files, digital images in any format, text files or multi-media material that is sexual in nature; or visiting and/or subscribing to user groups, newsgroups, or list servers which contain sexual content.	09
12	086. You shall not use the computer for any purpose which might further sexual activity involving minor children; (e.g., possession of sexually explicit material in any form; sexually related "chat" or e-mail exchange; visiting or joining "chat rooms" which contain sexually explicit conversations; visiting/viewing sexually explicit material on web sites; downloading text or video files, digital images in any format, text files or multi-media material that is sexual in nature; or visiting and/or subscribing to user groups, newsgroups, or list servers which contain sexual content).	09
12	090. You shall consent to announced or unannounced examination and/or search of electronic devices to which you have access for the limited purpose of detecting content prohibited by your conditions of parole or court order; e.g., hard disks, DVDs, CDs, zip disks, floppy disks, thumb drives, and/or any other storage media whether installed within a device or removable and separate from the actual computer device.	09

OTHER

12	093. You shall not place or answer any type of classified personal advertisement seeking or soliciting a relationship with a stranger.	09
12	095. You shall not use any fictitious names or change your name in an attempt to conceal your true identity or establish another identity.	09
12	096. If you spend the night away from your residence of record, you shall notify your parole agent in advance. You shall provide all contact information, including the address and the telephone number.	09
12	100. You shall wear clothing so as not to expose your genitals, breasts, or buttocks.	09
12	101. You shall contact your parole agent within 24 hours of any type of law enforcement contact; e.g., traffic stop, identification check, suspect, witness, etc.	09

12	102. You shall have your updated C Section 290 registration verification with you at all times. You must present it during any contact or interaction with any law enforcement officer.	09
12	103. You shall observe a 5:00 P.M. to 5:00 A.M. CURFEW, AS DETERMINED BY YOUR RESIDENCE OR TRANSIENT STATUS, curfew on Halloween and remain within your approved residence.	09

REASONS FOR SPECIAL CONDITIONS OF PAROLEE

Special conditions can be imposed if there is a nexus or the conditions reasonably related to the subject's commitment offense, criminal conduct, and/or future criminality. A special condition that bars lawful activity is valid only if the prohibited conduct either:

1. Has a relationship to the crime of which the offender was convicted.
2. Is reasonably related to deter future criminality.

Conditions may regulate conduct that is not in itself criminal, but rather reasonably related to future criminality by regulating or prohibiting non-criminal conduct.

REASON CODES	DESCRIPTION
01	01. Subject has a history, supported by an arrest, conviction, or documented admission or pattern of illegal or illicit drug use.
02	02. Subject has a history, supported by an arrest, conviction or documented admission or pattern of alcohol use and/or abuse, where continued use could result in criminal or harmful activity.
04	04. Based on the nature of the commitment offense(s), a nexus exists between the behavior displayed during the course of committing his or her prior crime(s), and the behavior that is being restricted by imposing this condition. The nature of the committed offense is described as: Subject pushed his way into the Victim's hotel room.
05	05. Based on previous offense(s) as noted in the subject's criminal history, the restrictions imposed by this condition will assist in the goal of preventing the subject from committing subsequent criminal offenses under federal, state, or local law.
08	08. Parole Outpatient Clinic Referral as required per PC Section 3002 and/or Division of Adult Parole Operations policy.
09	09. Based on behavior displayed by offenders convicted of similar crimes, or displaying similar criminal behavior, imposition of this condition may regulate conduct that is not in itself criminal, but rather reasonably related to future criminality.
11	11. Based on your lawful requirement to register as a sex offender pursuant to PC Section 290, you are subject to sex offender treatment programs pursuant to PC Section 3008(b).
12	12. GPS/electronic monitor use is authorized for use on subject by PC 3010, 3010.1, 3010.5, 3010.7.
13	13. Other good cause determined by parole agent as the specific condition controls those behaviors associated with subject's sexual deviancy and sex offender profile behavioral characteristics.
17	17. Parole authority imposed special conditions.

PAROLEE'S NAME (LAST, FIRST, M.I.)	PAROLEE'S SIGNATURE <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	CDC NUMBER	DATE SIGNED
PAROLE AGENT'S NAME	PAROLE AGENT'S SIGNATURE	BADGE NO.	DATE SIGNED

UNIT SUPERVISOR'S NAME

UNIT SUPERVISOR'S SIGNATURE

BADGE NO.

DATE SIGNED

1

PROOF OF SERVICE

PETITIONER'S REQUEST FOR JUDICIAL NOTICE S263588

WALKER v. SUPERIOR COURT (PEOPLE)

Court of Appeal Case Number A159563

DECLARATION OF ELECTRONIC SERVICE AND FILING

(Cal. Rules of Court, rules 2.251(i)(1)& 8.71 (f)(1))

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause. I am employed in the County of San Francisco, State of California. My business mailing address is PO Box 471313, San Francisco, CA 94147. On below date I have caused to be served a true copy of the attached Petitioner's Request for Judicial Notice with attachments by electronic delivery through TrueFiling to each of the following at the email addresses below. My email address used to e-serve:efredrich@juno.com. I, the undersigned, declare I uploaded a pdf version of the above-identified document to the TrueFiling site for electronic service to the following:

Ira Barg
Assistant District Attorney
San Francisco County
350 Rhode Island Street
San Francisco, CA 94103
ira.barg@sfgov.org
& districtattorney@sfgov.org

Hon. Charles Crompton
Superior Court, Dept. 15
Hall of Justice
850 Bryant Street
San Francisco, CA 94103
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Office of the California Attorney General
455 Golden Gate Avenue, Suite 11000
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sfagdocketing@doj.ca.gov &
Moona.Nandi@doj.ca.gov

Darren Bean (attorney on Amicus Brief)
895 Broadway
El Centro, CA 92243
darrenbean@co.imperial.ca.us

and for e-filing in the Court of Appeal, First District,
Div. 4 through the True-Filing system per CRC 8.500

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 7, 2021 at San Francisco, California

 /s/
ERWIN F. FREDRICH

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **WALKER v. S.C.**
(PEOPLE)

Case Number: **S263588**

Lower Court Case Number: **A159563**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **efredrich@juno.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	Reply Brief w Exh A & Proof (for filing)
REQUEST FOR JUDICIAL NOTICE	Request for Judicial Notice (for filing)

Service Recipients:

Person Served	Email Address	Type	Date / Time
Erwin Fredrich Attorney at Law 53551	efredrich@juno.com	e-Serve	1/7/2021 10:58:15 AM
Ira H. Barg Office of the District Attorney	ira.barg@sfgov.org	e-Serve	1/7/2021 10:58:15 AM
Darren Bean Imperial County Public Defender 240959	darrenbean@co.imperial.ca.us	e-Serve	1/7/2021 10:58:15 AM
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Judge Charles Crompton San Francisco District Attorney	ccrompton@sftc.org	e-Serve	1/7/2021 10:58:15 AM
California Attorney General	sfagdocketing@doj.ca.gov	e-Serve	1/7/2021 10:58:15 AM

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

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

1/7/2021

Date

/s/Erwin Fredrich

Signature

Fredrich, Erwin (53551)

Last Name, First Name (PNum)

Erwin F. Fredrich

Law Firm