

MICHAEL SATRIS  
State Bar # 67413  
Post Office Box 337  
Bolinas, Calif. 94924  
Telephone: (415) 868-9209  
Fax: (415) 868-2658

Attorney for Appellant

RECEIVED

APR - 8 2017

CLERK SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE,  
Plaintiff and Respondent.  
v.  
CLIFFORD PAUL CHANEY,  
Defendant and Appellant.

No. S223676  
(Court of Appeal  
No. C073949)

THE PEOPLE,  
Plaintiff and Respondent  
v.  
DAVID JOHN VALENCIA,  
Defendant and Appellant.

No. S223825  
Court of Appeal No.  
F067946)

**APPLICATION FOR LEAVE TO FILE NOTICE OF  
ADDITIONAL AUTHORITY**

TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND  
TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,  
COUNSEL FOR RESPONDENT:

PLEASE TAKE NOTICE that, in accordance with the Court's Notice to Counsel re Oral Argument, counsel for appellant CLIFFORD PAUL CHANEY seeks leave to file a notice of additional authority. This application is based on the declaration of counsel and points and authorities made a part hereof, and the records on file in this action. A copy of the proposed notice of additional authority is submitted with this application.

DECLARATION OF MICHAEL SATRIS IN SUPPORT OF  
APPLICATION

I, Michael Satris, declare as follows under penalty of perjury:

I am the attorney appointed as counsel for appellant by order of the Court filed March 3, 2015. Oral argument is scheduled for Tuesday, April 4, 2017, two days from this writing on Sunday, April 2.

I would like to give notice, pursuant to California Rules of Court, rule 8.254, of an additional authority upon which I may rely at the time of oral argument.

Leave to do so is necessary in accordance with the Court's notice to counsel regarding oral argument. It there provided that counsel must "serve and file a list of authorities" not contained in their briefs that they intend to cite at oral argument "no later than ten days prior to the date of oral argument." Leave of the Court is otherwise necessary to file such a notice.

The additional authority I may wish to cite was an opinion of this Court issued on Mar. 27, 2017, less than ten days before oral

argument scheduled in this case. Moreover, only today did it come to my attention in the course of preparing for oral argument in this case. The opinion concerns interpretation of a provision in Proposition 47, albeit a different provision of that proposition than at issue here. Nevertheless, what this Court stated in that case may have some relevance to the instant matter.

I intend to give as much notice as possible to the Court and the parties in these circumstances by leaving directions with my office first thing tomorrow (Monday) to submit a copy of this application by email to this Court in accordance with its rules. I will also serve counsel for all parties by email. I further will mail to this Court the original and requisite eight copies by mail, and will bring a duplicate original and eight copies for filing in person on Tuesday at the time of oral argument for filing at that time if need be.

#### POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION

**THE COURT SHOULD GRANT CHANEY LEAVE TO  
FILE THE NOTICE OF ADDITIONAL AUTHORITY  
SUBMITTED HEREWITH.**

This Court's notice to counsel referenced above provided that "[i]n unusual circumstances and upon application and for good cause shown, the Chief Justice may grant leave to serve, file, and cite additional authorities fewer than ten days prior to oral argument." Chaney submits that the circumstances described above by counsel are sufficiently unusual as to show good cause for filing his notice of an additional authority at this time.

CONCLUSION

For the reasons set forth above, the Court should grant the leave requested.

Dated: April 2, 2017

Respectfully submitted,



---

MICHAEL SATRIS

Attorney for Appellant

Court of Appeal, Third Appellate District, Case No. C073949  
Amador County Superior Court No. 05CR08104

**People v. Chaney** No. S223676  
**People v. Valencia** No. S233825

**PROOF OF SERVICE BY MAIL**  
(Cal. Rules of Court, rules 1.21, 8.50, 8.70.)

I, Duncan Hopkins, declare that: I am over the age of 18 years and not a party to the case; I am employed in the County of Marin, California, where the mailing occurs; and my business address is Post Office Box 337, Bolinas, California 94924.

On April 3, 2017, I caused to be served the within **APPLICATION FOR LEAVE TO FILE NOTICE OF ADDITIONAL AUTHORITY** either by (1) placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in a United States Post Office box addressed to the parties at their mailing addresses or by (2) emailing a true copy thereof in pdf form to their email address(es), as set forth below:

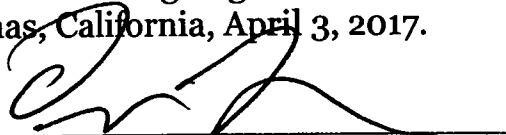
Clifford P. Chaney F-08612  
CSP-Solano  
Facility: Fac D Bldg19 121-L  
P.O. Box 4000  
Vacaville, CA 95696  
(Appellant)

Darren Indermill, Deputy Attorney  
General, State of California  
[darren.indermill@doj.ca.gov](mailto:darren.indermill@doj.ca.gov)

Attorney General, State of California  
[SacAWTTrueFiling@doj.ca.gov](mailto:SacAWTTrueFiling@doj.ca.gov)  
(Respondent in both cases)

Stephanie L Gunther  
[stephaniegunther@gmail.com](mailto:stephaniegunther@gmail.com)  
(Counsel for Valencia)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Bolinas, California, April 3, 2017.

  
\_\_\_\_\_  
Duncan Hopkins

**LAW OFFICES OF  
MICHAEL SATRIS**

POST OFFICE BOX 337  
BOLINAS, CA 94924  
TEL: (415) 868-9209  
FAX: (415) 868-2658  
EMAIL: SATRIS@SBCGLOBAL.NET

April 2, 2017

The Honorable Jorge E. Navarette  
Clerk of the Supreme Court of California  
350 McAllister St.  
San Francisco CA 94102-4797

*Re: People v. Valencia and People v. Chaney*  
Case Nos. S223825 and S223676

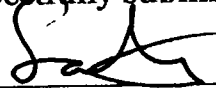
**NOTICE OF ADDITIONAL AUTHORITY**

Oral Argument: April 4, 2017; 1:30 p.m.; Los Angeles

To the Honorable Clerk of the Court:

With the Court's permission, please take notice pursuant to California Rules of Court, rule 8.254, that counsel for Chaney may cite *People v. Romanowski* (Mar. 27, 2017, No. S231405) \_\_\_ Cal.4th \_\_\_ [2017 Cal. LEXIS 2326]) at the oral argument in these consolidated cases.

Respectfully submitted,



---

MICHAEL SATRIS

Attorney for Appellant  
CLIFFORD PAUL CHANEY

Court of Appeal, Third Appellate District, Case No. CO73949  
Amador County Superior Court No. 05CR08104

**People v. Chaney** No. S223676  
**People v. Valencia** No. S233825

**PROOF OF SERVICE BY MAIL**  
(Cal. Rules of Court, rules 1.21, 8.50, 8.70.)

I, Duncan Hopkins, declare that: I am over the age of 18 years and not a party to the case; I am employed in the County of Marin, California, where the mailing occurs; and my business address is Post Office Box 337, Bolinas, California 94924.

On April 3, 2017, I caused to be served the within **NOTICE OF ADDITIONAL AUTHORITY** either by (1) placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in a United States Post Office box addressed to the parties at their mailing addresses or by (2) emailing a true copy thereof in pdf form to their email address(es), as set forth below:

Clifford P. Chaney F-08612  
CSP-Solano  
Facility: Fac D Bldg19 121-L  
P.O. Box 4000  
Vacaville, CA 95696  
(Appellant)

Darren Indermill, Deputy Attorney  
General, State of California  
[darren.indermill@doj.ca.gov](mailto:darren.indermill@doj.ca.gov)

Attorney General, State of California  
[SacAWTTrueFiling@doj.ca.gov](mailto:SacAWTTrueFiling@doj.ca.gov)  
(Respondent in both cases)

Stephanie L Gunther  
[stephaniegunther@gmail.com](mailto:stephaniegunther@gmail.com)  
(Counsel for Valencia)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Bolinas, California, April 3, 2017.

  
\_\_\_\_\_  
Duncan Hopkins