



**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**

600 WEST BROADWAY, SUITE 1800  
SAN DIEGO, CA 92101  
P.O. BOX 85266  
SAN DIEGO, CA 92186-5266

Public: (619) 738-9000  
Telephone: (619) 738-9207  
Facsimile: (619) 645-2012  
E-Mail: Steve.Oetting@doj.ca.gov

September 25, 2020

Jorge E. Navarrete  
Clerk/Executive Officer of the Supreme Court  
Supreme Court of California  
350 McAllister Street, Rm. 1295  
San Francisco, CA 94102

RE: *People v. Moses*  
Supreme Court California Case No.S258143

Dear Mr. Navarrete:

Please inform the Court that at the October 7, 2020 oral argument in this matter, respondent intends to rely on the following additional authorities, which were not cited in the briefs:

1. *People v. Richards* (2017) 18 Cal.App.5th 549, 562-564 [“Thus, when a mistake concerns only the *severity* of an offense, and the defendant’s conduct remains unlawful even under the defendant’s mistaken view of the facts, courts have not recognized mistake as a defense”];
2. *People v. Branch* (2010) 184 Cal.App.4th 516, 520-522 [mistake of fact regarding the age of a victim is not a defense to attempted pimping and pandering of a minor].

Sincerely,

/S/ Steve Oetting  
STEVE OETTING  
Supervising Deputy Attorney General  
State Bar No. 142868  
For XAVIER BECERRA  
Attorney General

**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **People v. Moses**  
No.: **S258143**

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 collection and processing of correspondence for mailing with the United States Postal Service. 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.

On September 25, 2020, I served the attached **SUPPLEMENT LETTER BRIEF** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

**Via E-Mail**

**Mark Hart**  
*Attorney for*  
*Defendant/Appellant*  
*malanhart@aol.com*  
*hart66134@gmail.com*

**Via E-Mail**

**Appellate Defenders, Inc.**  
*eservice-court@adi-*  
*sandiego.com*

**Via E-Mail**

**Orange County District Attorney**  
*Daniel.varon@da.ocgov.com*

**Via U.S. Mail**

**OC Superior Court**  
**Attn: Hon. Julian W. Bailey**  
**700 Civic Center Drive W. 1<sup>st</sup>**  
**Floor**  
**Santa Ana, CA 92701**

**Via U.S. Mail**

**Court of Appeal**  
**Fourth Appellate District**  
**Division Three**  
**601 W. Santa Ana Blvd.**  
**Santa Ana, CA 92701**

**Via U.S. Mail**

**Jorge E. Navarrete**  
**Clerk/Executive Officer of the**  
**Supreme Court**  
**Supreme Court of California**  
**350 McAllister Street, Rm. 1295**  
**San Francisco, CA 94102**

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 25, 2020, at San Diego, California.

Walter Hernandez



---

Declarant

---

Signature

**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **PEOPLE v.**  
**MOSES**

Case Number: **S258143**

Lower Court Case Number: **G055621**

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: **Steve.Oetting@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

<b>Filing Type</b>	<b>Document Title</b>
LETTER	Supplement Letter Brief

Service Recipients:

<b>Person Served</b>	<b>Email Address</b>	<b>Type</b>	<b>Date / Time</b>
Daniel Varon Orange County District Attorney 245318	daniel.varon@da.ocgov.com	e-Serve	9/25/2020 3:22:00 PM
Steven Oetting Office of the Attorney General 142868	Steve.Oetting@doj.ca.gov	e-Serve	9/25/2020 3:22:00 PM
Mark Hart Court Added	malanhart@aol.com	e-Serve	9/25/2020 3:22:00 PM
Walter Hernandez Office of the Attorney General	walter.hernandez@doj.ca.gov	e-Serve	9/25/2020 3:22:00 PM
Mark Hart Mark Alan Hart 66134	hart66134@gmail.com	e-Serve	9/25/2020 3:22:00 PM
Alicia Curiel Department of Justice, Office of the Attorney General-San Diego	alicia.curiel@doj.ca.gov	e-Serve	9/25/2020 3:22:00 PM
Appellate Defenders, Inc.	eservice-court@adi-sandiego.com	e-Serve	9/25/2020 3:22:00 PM

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.

9/25/2020

Date

/s/Walter Hernandez

Signature

Oetting, Steve (142868)

---

Last Name, First Name (PNum)

Department of Justice, Office of the Attorney General-San Diego

---

Law Firm