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December 28, 2023

Honorable Chief Justice Patricia Guerrero  
and Honorable Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

Re: *People v. Maurice Walker*, S278309

Dear Chief Justice Guerrero and Associate Justices:

On December 13, 2023, “pursuant to Evidence Code sections 459, subdivision (c) and 455, subdivision (a),” the court notified the parties that it “proposes to take judicial notice of the Senate Floor Session held on September 10, 2021, at which Senator Nancy Skinner requested, and received, unanimous consent to submit her letter addressing Senate Bill No. 81 (2021-2022 Reg. Sess.) for inclusion within the Senate Daily Journal. [Citation.]” The court invited the parties to submit letter briefs concerning its proposal.

Evidence Code section 459, subdivision (c) states, “When taking judicial notice under this section of a matter ... that is of substantial consequence to the determination of the action, the reviewing court shall comply with the provisions of subdivision (a) of Section 455 if the matter was not theretofore judicially noticed in the action.” Evidence Code section 455, subdivision (a) provides, “[T]he court shall afford each party reasonable opportunity, ... before the cause is submitted for decision by the court, to present the court information relevant to (1) the propriety of taking judicial notice of the matter and (2) the tenor of the matter to be noticed.”

It is proper for the court to take judicial notice of the video recording of the Senate Floor Session held on September 10, 2021. “Judicial notice may be taken of ... [o]fficial acts of the legislative ... departments ... of any state of

the United States.” (Evid. Code, § 452, subd. (c).) The video recording of the Senate Floor Session held on September 10, 2021, is an official act of the California State Senate.

Further, the video recording of the Senate Floor Session held on September 10, 2021, will help the court determine the Legislature’s intent regarding Senate Bill No. 81. It shows Senator Skinner on the Senate floor stating, “Thank you Madam President. I rise to request unanimous consent to submit two letters to the journal. These letters are to clarify intent in Senate Bills 81 and 524. The letters have been approved by both sides.” (See Senate Floor Session (Sept. 10, 2021) at 6:06:26-6:06:47.)<sup>1</sup> She receives the Senate’s unanimous consent. (*Ibid.*)

The video recording demonstrates that this case is similar to *In re Bouquet* (1976) 16 Cal.3d 583. In *Bouquet*, “The husband relie[d] primarily upon a Senate Resolution incorporating a letter written to the President Pro Tempore of the Senate by Assemblyman Hayes, the author of the amendment. In that letter, Assemblyman Hayes voiced his view that the amendment was intended to operate retroactively, and observed that he had so argued in obtaining passage of the bill.” (*Id.* at pp. 588-589.) The court remarked that “the resolution incorporating the Hayes letter commands respect because it gives evidence of more than the personal understanding of the letter’s author.” (*Id.* at p. 590.) Senator Skinner’s letter also gives evidence of more than her personal understanding because “both sides” unanimously approved it after she declared that its purpose was to “clarify intent.” (See Senate Floor Session (Sept. 10, 2021) at 6:06:26-6:06:47.)

The court also noted in *Bouquet* that “the letter is relevant because it was printed pursuant to Senator Grunsky’s motion to publish it as a ‘letter of legislative intent.’ ... Senator Grunsky’s motion was technically a motion to print, not a motion of legislative intent. We are not prepared, however, to ignore completely his indication—clearly embodied in the resolution—that the letter be printed as a letter of legislative intent.” (*In re Bouquet, supra*, 16 Cal.3d 583, 590.) Likewise, Senator Skinner plainly declared that her letter’s purpose was to “clarify intent”; it was a letter of legislative intent. (See Senate Floor Session (Sept. 10, 2021) at 6:06:26-6:06:47.)

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<sup>1</sup> Available at <https://www.senate.ca.gov/media/senate-floor-session-20210910/video> [as of Dec. 28, 2023].

The video recording also distinguishes this case from *California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692. In that case, the California Teachers Association relied on the interpretation of the bill by Senator Rodda, the bill’s author, that appeared in a letter he submitted to Governor Reagan in support of the bill’s approval. (*Id.* at p. 699.) The court explained, “There are sound reasons underlying the rule against admitting statements of personal belief or intent by individual legislators on the issue of legislative intent. In addition to the lack of assurance that anyone shared the legislator’s view, as noted in *Bouquet*, there is the concern that letters such as those sent to the Governor on the question of signing the bill may never have been exposed to public view so that those with differing opinions as to the bill’s meaning and scope had an opportunity to present their views also.” (*Id.* at p. 701.) These concerns are absent here: Senator Skinner declared that her letter’s purpose was to “clarify intent,” and then “both sides” unanimously approved it. (See Senate Floor Session (Sept. 10, 2021) at 6:06:26-6:06:47.) Moreover, any member of the Assembly who disagreed with her letter had ample time to respond to it before Governor Newsom approved Senate Bill No. 81, on October 8, 2021. (Stats. 2021, ch. 721, § 1.) There is no evidence that any member of the Assembly ever did.

Respectfully submitted,

Jason Szydlik  
Attorney for appellant Maurice Walker

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to this appeal. My business address is 5758 Geary Blvd., #246; San Francisco, California 94121. I served the attached **letter brief** on the date shown below by enclosing it in envelopes addressed to the following persons and depositing the sealed envelopes with the United States Postal Service in San Francisco, California with the postage fully prepaid.

Clerk of Court  
Superior Court of California, County of Los Angeles  
210 West Temple Street  
Los Angeles, CA 90012

Los Angeles County District Attorney  
211 West Temple Street, Ste. 1200  
Los Angeles, CA 90012

Maurice Walker

I electronically served the attached **letter brief** to the following parties on the date below via TrueFiling.

California Court of Appeal  
Second Appellate District  
300 S. Spring Street  
2<sup>nd</sup> Floor, North Tower  
Los Angeles, CA 90013

Office of the Attorney General  
300 South Spring Street  
Los Angeles, CA 90013-1230

William M. Robinson  
First District Appellate Project  
1212 Broadway, Suite 1200  
Oakland, CA 94612

Stephen K. Dunkle  
222 E. Carrillo St., Ste. 300  
Santa Barbara, CA 93101

I electronically served the attached **letter brief** to the following parties on the date below via email at [capdocs@lacap.com](mailto:capdocs@lacap.com).

California Appellate Project Los Angeles  
520 S. Grand Ave., 4<sup>th</sup> Floor  
Los Angeles, CA 90071

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on December 28, 2023.

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Jason Szydlik

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. WALKER**  
Case Number: **S278309**  
Lower Court Case Number: **B319961**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

12/28/2023

Date

/s/Jason Szydlik

Signature

Szydlik, Jason (238356)

Last Name, First Name (PNum)

Law Offices of Jason Szydlak

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Law Firm