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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

JAVANCE WILSON,

Defendant and Appellant.

No. S118775

San Bernardino County
Superior Court
No. FVA 12968

CAPITAL CASE

Appeal from the Judgment of the Superior Court
of the State of California for the County of San Bernardino

The Honorable James A. Edwards

APPELLANT'S THIRD SUPPLEMENTAL REPLY BRIEF

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. JAVANCE WILSON, Defendant and Appellant.	No. S118775 San Bernardino County Superior Court No. FVA 12968 **CAPITAL CASE**

I
THIS COURT SHOULD GRANT MR. WILSON'S MOTION FOR STAY OF APPEAL AND LIMITED REMAND

A. Introduction

When enacting the California Racial Justice Act (RJA), the Legislature declared: "In California in 2020, we can no longer accept racial discrimination and racial disparities as inevitable in our criminal justice system and we must act to make clear that this discrimination and these disparities are illegal and will not be tolerated in California . . . ." (Assem. Bill No. 2542 (2019–2020 Reg. Sess.) ("A.B. 2542") § 2, subd. (g) [findings and declarations].) In enacting Assembly Bill 256, the Legislature expressed its intent "to apply the California Racial Justice Act of 2020 retroactively, to ensure equal access to justice for all." (Assem. Bill No. 256 (2021–2022 Reg. Sess.) ("A.B. 256") § 1.)

Since he filed a motion for stay of appeal and limited remand on February 27, 2023 — less than two months after A.B. 256 made the RJA retroactive to his case — Mr. Wilson has sought to litigate his claim that a juror, during the penalty phase deliberations, articulated a pernicious racial stereotype and implied that the weight of Mr. Wilson's powerful mitigating evidence should be discounted on the basis of his race.

In contrast, the Attorney General over the last year has repeatedly sought to block evidence of racial discrimination from getting through the courthouse door. The Attorney General first argued that habeas was the exclusive vehicle for raising RJA claims after a conviction. His argument paid no heed to the standstill in capital-habeas appointments that renders a writ of habeas corpus, though theoretically available in the capital-sentencing scheme, utterly out of reach in reality. Then the Legislature enacted Assembly Bill 1118 to ensure that people with cases in which judgment has been entered are not limited to filing habeas corpus petitions; rather, they have two additional options for litigating RJA claims: direct appeals or stays and remands. (Assem. Bill No. 1118 (2023–2024 Reg. Sess.) ("A.B. 1118") § 1; Pen. Code, § 745, subd. (b) [eff. 1/1/24] (§ 745(b)).[1])

The Attorney General now advances new reasons to claim that a habeas petition remains the exclusive vehicle for Mr. Wilson

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[1] Unless otherwise indicated, all further statutory references are to the Penal Code.

to assert his RJA claims. In his Third Supplemental Respondent's Brief, the Attorney General contends that section 1509 leaves habeas corpus petitions as the only authorized collateral attack on capital judgments; without elaboration, the Attorney General suggests that a motion for stay and remand constitutes a collateral attack and would thus run afoul of that proscription. The Attorney General also argues that, in light of the time that has elapsed since the homicides, Mr. Wilson has not established good cause for a stay and remand.

For the reasons articulated below, the Attorney General's contentions lack merit. This Court should reject them and grant Mr. Wilson's motion for stay of appeal and limited remand.[2]

B. An RJA motion filed in the superior court is not a collateral attack on the judgment

As the Attorney General notes, section 1509 designates habeas corpus petitions as the "exclusive procedure for collateral attack on a judgment of death." (§ 1509, subd. (a) (§ 1509(a)), quoted in 3SRB 12.[3]) Nevertheless, this restriction on collateral attacks in capital cases would bar stays of capital appeals and limited remands

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[2] Any failure in this brief to address any particular argument, sub-argument, or allegation made by respondent, or to reassert any particular point made in prior briefing, does not constitute a concession, abandonment, or waiver of the point by Mr. Wilson. (See *People v. Hill* (1992) 3 Cal.4th 959, 995, fn. 3.) It merely reflects his view that the issue has been adequately presented.

[3] 3SRB is the Third Supplemental Respondent's Brief. 3SAOB is Appellant's Third Supplemental Opening Brief.

only if a motion for stay and remand constitutes a collateral attack. It does not.

The Attorney General does not endeavor to define "collateral attack" and appears to deem any proceeding in the superior court following the entry of judgment to be a collateral attack. The Attorney General's unarticulated conception of a collateral attack misses the mark: A collateral attack is a *separate* proceeding in which a litigant challenges a judgment. (*United States v. Palomar-Santiago* (2021) 593 U.S. 321, 328 [defining collateral attack as a separate proceeding]; see also *Estep v. United States* (1946) 327 U.S. 114, 141 (conc. opn. by Frankfurter, J.) ["Habeas corpus 'comes in from the outside.'"], quoting *Frank v. Magnum* (1915) 237 U.S. 309, 346 (dis. opn. by Holmes, J.); *In re Harris* (1993) 5 Cal.4th 813, 828 & fn. 6; *Rico v. Nasser Bros. Realty Co.* (1943) 58 Cal.App.2d 878, 882 ["A collateral attack is an attempt to avoid the effect of a judgment or order made in some other proceeding."]; see generally Costikyan, *Bargaining Life Away: Appellate Rights Waivers and the Death Penalty* (2020) 53 Colum. J.L. & Soc. Probs. 365, 369 ["A collateral attack on a sentence is an attempt to overturn a verdict via a separate proceeding such as a federal or state habeas hearing, as opposed to via a traditional direct appeal."].)

Because a collateral attack is separate from the original proceeding, courts' jurisdiction over a collateral attack differs from the jurisdiction of the original proceeding. If a collateral attack is properly filed in a court, that court has jurisdiction regardless of whether an appellate court, a trial court, or no court has jurisdiction over the original proceeding.

In contrast to a collateral attack, a motion for stay of appeal and limited remand is part and parcel of the original proceeding. (See *In re Cook* (2019) 7 Cal.5th 439, 451 [a motion is not an independent remedy; it is ancillary to an ongoing action].) Mr. Wilson seeks the stay and remand so the superior court could reacquire jurisdiction over the original proceeding. Ordinarily, a trial court loses jurisdiction in a case after the commencement of the appeal. (See, e.g., *People v. Perez* (1979) 23 Cal.3d 545, 554.) When a case is remanded to the superior court, the subsequent proceedings are part of the original criminal case. Indeed, if an RJA motion filed after a limited remand were a collateral attack, there would be no need to stay the appeal to confer jurisdiction on the superior court.

In the context of resentencing petitions filed under section 1172.6, the Court has implicitly recognized that a motion for stay and remand is not a collateral attack. In *People v. Gentile* (2020) 10 Cal.5th 830 (*Gentile*), this Court held, among other things, that section 1172.6 [formerly section 1170.95] did not automatically apply to nonfinal judgments on direct appeal. (*Id.* at p. 858.) This Court suggested that an appellant seeking resentencing in a case pending on appeal should seek a stay of the appeal "in order to pursue relief under Senate Bill 1437." (*Ibid.*) The approval of a stay and remand reflects the obvious conclusion that the procedure is part of the criminal case, and not at all collateral.[4] Simply put, if the

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[4] *Gentile* cited with approval *People v. Awad* (2015) 238 Cal.App.4th 215, 220, an opinion that utilized the stay-and-remand procedure in a Proposition 47 context. A case involving Proposition 36, *People v. Yearwood* (2013) 263 Cal.App.4th 161, reflects the

resentencing petition filed on remand were a collateral proceeding, there would have been no reason to stay the appeal. If a resentencing petition is not a collateral proceeding, it follows *a fortiori* that a motion for stay and remand — a proceeding that, like all motions, is ancillary to an ongoing action — is not a collateral attack. Because a motion for stay and remand is not a collateral attack, Mr. Wilson's motion for stay of appeal and limited remand does not conflict with section 1509(a)'s designation of a habeas corpus petition as the lone available collateral attack on a death judgment.[5]

C. The Attorney General's good-cause analysis disregards pertinent factors

As Mr. Wilson explained in his Third Supplemental Opening Brief, the requisite good-cause showing for a stay and remand is no higher than what is needed to show good cause for discovery.

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same premise, assessing the tricky procedural question of whether a defendant needed to wait to conclude a direct appeal before filing a resentencing petition. If these resentencing provisions were in any way collateral, the whole discussion of jurisdiction would have been moot.

[5] The Attorney General also argues that stays and remands in capital cases "directly contradict the will of the California electorate." (3SRB 13–14.) That is incorrect, even if we assume for argument's sake that the stay-and-remand procedure conflicts with section 1509(a)'s exclusivity provision. Proposition 66 permitted legislative amendments to its provisions upon a three-fourths vote in both houses of the Legislature. (Voter Information Guide, Gen. Elec. (Nov. 8, 2016) § 20, p. 218.) The Assembly and Senate both enacted A.B. 1118 unanimously. (Assem. Daily J. (Sept. 7, 2023) p. 3028; Sen. Daily J. (Sept. 5, 2023) p. 2350.)

(3SAOB 11–13.) The Attorney General does not directly address this argument, except by asserting, without elaboration, that "the strength or weakness of [Mr. Wilson's] underlying factual allegations has little bearing on whether the balance of the competing interests weighs in favor of granting or denying a stay or a limited remand." (3SRB 9–10.)

Rather, the Attorney General contends that an appellate court, when determining whether to issue a stay and remand, must "balanc[e] the interests of the court, the parties, and the public, including—in a criminal case—the victims." (3SRB 9.) In its assessment of the appropriate balance, however, the Attorney General fails to factor in the public interest in the application of the RJA. (See A.B. 2542, § 2, subd. (a) ["Discrimination in our criminal justice system based on race, ethnicity, or national origin . . . has a deleterious effect not only on individual criminal defendants but on our system of justice as a whole. . . . Discrimination undermines public confidence in the fairness of the state's system of justice and deprives Californians of equal justice under the law."].) Moreover, as discussed further below (see *post*, Argument I.D.3.), A.B. 1118 clarified that the Legislature intended to allow people, like Mr. Wilson, with a capital direct appeal pending to seek a stay and remand to litigate RJA claims. Besides, the prosecution's and victims' interests in finality must be discounted by the near certainty that this case will drift interminably in the expansive gap between the conclusion of the appeal and the appointment of habeas counsel. (See *post*, pp. 14–18.)

The Attorney General also, as noted, contends that the merits of Mr. Wilson's RJA claim "has little bearing on" whether a stay and remand should be granted. (3SRB 9–10.) But this Court's recent consideration of motions for stay and remand has focused on the defendant's eligibility for a remand, rather than explicitly weighing the costs of delay against the benefit the moving party receives from seeking to vindicate its rights in the superior court on remand. For instance, in *People v. Frahs* (2020) 9 Cal.5th 618, 640, this Court concluded that the defendant was entitled to a remand to litigate whether he was eligible for a mental-health diversion — a remedy that did not exist prior to the defendant's trial but was available when new legislation was applied retroactively to his case — because the record showed that he appeared to meet an eligibility requirement.

D. Mr. Wilson has presented good cause for a stay and remand

1. Mr. Wilson's showing suffices for a stay and remand

The facts that Mr. Wilson has presented in his pleadings suffice to demonstrate good cause for a stay of appeal and limited remand. Mr. Wilson submitted evidence in his motion for a new trial that a juror made remarks that violate the RJA. Additionally, he has presented evidence of statistical disparities in San Bernardino County death-sentencing determinations. As discussed in his Third Supplemental Opening Brief, that evidence constitutes good cause for a stay and remand. (3SAOB 13–18; see also Motion, pp. 17–25.) Although, as mentioned above, the Attorney General avers that "the strength or weakness of his underlying factual allegations has little

bearing on whether the balance of the competing interests weighs in favor of granting or denying a stay or a limited remand" (3SRB 9–10), this Court should reject that cramped interpretation of good cause. Contrary to the Attorney General's contention, the apparent eligibility for relief in the procedure for which the appellant seeks a limited remand is a critical factor appellate courts must consider when determining whether to grant a motion for stay and remand. (See *People v. Frahs*, *supra*, 9 Cal.5th at p. 640.)

2. Mr. Wilson has shown good cause

In any event, the balance of interests favors Mr. Wilson. As discussed above, he has "advance[d] a plausible factual foundation, based on specific facts, that a violation of the Racial Justice Act 'could or might have occurred' in his case." (*Young v. Superior Court of Solano County* (2022) 79 Cal.App.5th 138, 159, quoting *Warrick v. Superior Court* (2005) 35 Cal.4th 1011, 1016.) The other factors also weigh in Mr. Wilson's favor.

Mr. Wilson has an extraordinarily strong interest in obtaining a stay and limited remand to litigate his RJA claims. He has presented evidence of racial discrimination, which if proved in the superior court on remand would render him ineligible for the death penalty. (See § 745, subd. (e).) Unless this Court remands this case to the superior court for Mr. Wilson to file an RJA motion, the gridlock in the line of condemned persons awaiting habeas counsel would prevent Mr. Wilson from litigating his RJA claims. (Motion, pp. 18–21.) Because he lacks habeas counsel, a remand provides the

only realistic opportunity for Mr. Wilson to litigate his RJA claims that need further factual development.

In contrast, the Attorney General grossly underweights Mr. Wilson's interest in obtaining a stay and remand. Since Mr. Wilson filed his motion for stay and remand, the Attorney General has never addressed the ramifications of Mr. Wilson lacking capital-habeas counsel. Rather, the Attorney General claims that Mr. Wilson "will be able to raise his claims directly in the trial court via a petition for writ of habeas corpus." (3SRB 11.) However, the theoretical opportunity to file a habeas petition carries little significance in light of the standstill in the appointment of habeas counsel. Because the statutory promise of habeas counsel has gone unfulfilled (A.B. 1118, Sen. Com. on Pub. Safety Bill Analysis, June 6, 2023, pp. 5–6; see generally Com. on Revision of the Pen. Code, Death Penalty Report (Nov. 2021), pp. 9, 11 ("Death Penalty Report")), the theoretical but implausible opportunity to raise RJA claims in a habeas petition should receive little or no weight in an equitable weighing process. Furthermore, this Court has already recognized the enormous impact of the backlog in the appointment of capital-habeas counsel. This Court has referred to similar dilemmas as "extraordinary circumstances [that] justify an exception" (*In re Zamudio Jimenez* (2010) 50 Cal.4th 951, 958), because they flout the fundamental "principle that [the state's] inability to timely appoint habeas corpus counsel in capital cases should not operate to deprive condemned inmates of a right otherwise available to them." (*People v. Superior Court (Morales)* (2017) 2 Cal.5th 523, 532–533.)

Likewise, this Court should reject the Attorney General's argument that "a delay in one court does not justify injecting delay into a different court." (3SRB 12.) That contention fails to appreciate that the state's interest in a prompt disposition of the appeal holds limited weight in the balance of the equities because the postconviction process will not reach its conclusion in state court for decades, if ever, due to the unavailability of counsel. In contrast, there is no comparable impediment to the litigation of Mr. Wilson's RJA claims in the superior court after a stay and remand, where his appellate counsel can continue to represent him.

The Attorney General also attempts to discount the weight of Mr. Wilson's interest in a stay and remand by asserting that the denial of a stay would only delay litigation of the RJA claim for "mere months." (3SRB 11.) To the extent the Attorney General suggests that Mr. Wilson would be able to file a habeas corpus petition within "mere months" of the resolution of his direct appeal, this argument is disingenuous. Again, should this Court affirm Mr. Wilson's appeal, he would take his place in line along with 142 other people who await the appointment of habeas counsel after their convictions and death sentences have been affirmed by this Court. (Habeas Corpus Resource Center, Annual Report (2023) p. 18.)

Although a remand without a stay would permit Mr. Wilson to file an RJA motion despite the unavailability of a writ of habeas corpus (see 3SAOB, Argument II), the Attorney General also opposes that remedy (3SRB 13–14).

The age of this case should carry little weight in any balancing test. The Attorney General argues that the prosecution's

interest in achieving finality of this 24-year-old case outweighs Mr. Wilson's interest in vindicating his rights under the RJA. (3SRB 10.) This argument has many flaws. First, the delays in Mr. Wilson's case are systemic, not the result of Mr. Wilson's dilatoriness. (See, e.g., *People v. Potts* (2019) 6 Cal.5th 1012, 1063 (conc. opn. of Liu, J.); *In re Morgan* (2010) 50 Cal.4th 932, 937–938; see generally Death Penalty Report, *supra*, pp. 9, 11.) Mr. Wilson should not bear the cost of the dysfunctional capital-sentencing scheme that plagues this state. Mr. Wilson did not seek a four-year delay for the appointment of appellate counsel or the eight-year period between the time he filed his Reply Brief and now. Furthermore, the RJA did not become retroactive to this case until January 1, 2023. Mr. Wilson moved for a stay and remand before two months had elapsed from that effective date.

Moreover, the Attorney General's attempt to place undue weight on the age of this case is inconsistent with the approach that this Court has taken regarding the stay-and-remand procedure. In *Gentile*, in response to an amicus letter filed by OSPD that raised concerns about capital defendants having to wait until after direct appeal to raise claims under Senate Bill 1437, this Court stated that such defendants could seek a stay and remand to litigate section 1172.6 petitions in the superior court during the pendency of their appeals. (*Gentile*, *supra*, 10 Cal.5th at p. 858; Letter of Amicus Curiae Office of the State Public Defender in *People v. Gentile*, No. S256698 (Oct. 30, 2020) pp. 10–12.). Thus, this Court has contemplated that it would issue stays and remands in capital cases that have lingered on direct appeal.

The fact that the case is fully briefed and ready for argument also carries little weight in a balancing test. A stay and remand would allow this Court to decide a single consolidated appeal, which is preferable to a partial appellate decision followed by a limited remand. Even if this Court were to issue an appellate decision soon, this case is destined for dormancy due to the standstill in the appointment of habeas counsel. Accordingly, a prompt appellate decision would not bring this case toward the conclusion of the state-court postconviction process.

The Attorney General claims that a stay and remand would result in the duplication of the resources expended to decide this appeal (3SRB 11); the Attorney General overstates his case. The record of the trial and retrial will not change while the appeal is stayed. Further changes in the law may prompt additional supplemental briefing, but that would not entail the duplication of work. Moreover, a stay and remand could preserve judicial resources: A successful RJA motion would render Mr. Wilson's penalty phase claims moot.

In sum, the balance of equitable interests supports granting Mr. Wilson's motion for stay of appeal and limited remand.

3. The legislative history and intent strongly support granting Mr. Wilson's motion for stay and remand

A.B. 1118 amended section 745 to expressly authorize a defendant to "move to stay the appeal and request remand to the superior court to file a motion" under the RJA. (A.B. 1118 § 1; § 745(b).) The author's statement in support of the legislation

demonstrates that the Legislature intended to permit Mr. Wilson and other people appealing their death sentences to receive stays of appeal and limited remands in order to file RJA motions in the superior court when their RJA claims necessitate further factual development:

> In 2020, the Legislature passed AB 2542 (Kalra), the California Racial Justice Act (RJA), to address racial discrimination and bias in criminal proceedings across the state. Acting upon the promise to ensure all Californians have access to the protections of the RJA, last session, AB 256 (Kalra) made the law retroactive with a phased-in timeline for individuals to file petitions.
>
> Under existing law, defendants can file a motion for an RJA violation through a trial court, or if a judgment has been imposed, they can file a petition for a writ of habeas corpus. However, questions have been raised as to whether habeas petitions are the exclusive avenue for a post-conviction RJA challenge or whether individuals can file claims on direct appeal if the violation is apparent on the trial record. In this scenario, the case would be more efficiently decided through the appeals process as opposed to the habeas route, which requires more litigation and judicial resources.
>
> In other cases already on appeal, counsel may identify an RJA issue that requires additional evidence outside the record and may wish to pursue this claim before the appeal is decided. In these cases, *it is more efficient to stay the appeal and remand the case to the trial court for an RJA motion to be filed rather than require a new habeas petition. This is particularly important for individuals with death sentences, as it can take a decade or more for their direct appeal to be decided. These individuals are also unlikely to have habeas attorneys assigned to them due to the unavailability of qualified counsel, making it nearly*

> *impossible to litigate their RJA claims in a timely fashion.*

(A.B. 1118, Sen. Com. on Pub. Safety Bill Analysis, *supra*, pp. 5–6, italics added.)

Accordingly, the Legislature recognized that the standstill in the appointment of habeas counsel risked depriving persons sentenced to death of the opportunity to litigate RJA claims. The Legislature therefore enacted legislation that would permit Mr. Wilson and others in a similar position to obtain stays of appeal and limited remands in order to litigate, in the superior court, their RJA claims that require evidence outside the appellate record. The enactment of A.B. 1118 thus shows that a stay and remand, rather than a habeas petition that may never be filed due to the unavailability of counsel, is the Legislature's preferred mechanism for Mr. Wilson to pursue RJA claims that need additional factual development. Moreover, contrary to the Attorney General's argument regarding the age of this case (see 3SRB 10), the Legislature considered the languishing of capital appeals to constitute a basis for granting, rather than denying, motions for stays and remands. Consequently, this Court should grant Mr. Wilson's motion for stay of appeal and limited remand.

II
IN THE ALTERNATIVE, AFTER ADDRESSING THE ISSUES RAISED IN MR. WILSON'S APPEAL, THIS COURT SHOULD REMAND THE CASE TO THE SUPERIOR COURT TO ALLOW HIM TO PURSUE RELIEF UNDER THE RJA AND ESTABLISH HIS INELIGIBILITY FOR A DEATH SENTENCE

In his Third Supplemental Opening Brief, Mr. Wilson requested remand as an alternative remedy to a stay and remand. (3SAOB, Argument II.) The Attorney General asserts that Mr. Wilson fails to explain "how or why" a limited remand would be just under the circumstances. (3SRB 13.) To the contrary, Mr. Wilson relied on the same arguments set forth in his motion for stay and remand and in Argument I of his Third Supplemental Opening Brief. (3SAOB 19–20.) As Mr. Wilson explained, even if the Court assesses those arguments and concludes a stay is unwarranted at this stage of the appeal, remand would be just under the circumstances. It would avoid consigning Mr. Wilson to wait, potentially for the rest of his life, for the appointment of habeas counsel, and would instead provide Mr. Wilson with a viable means of vindicating his rights under the RJA.

The Attorney General contends that this Court should not grant such a remand because an RJA motion filed in the superior court would flout section 1509(a)'s provision designating habeas petitions as the exclusive collateral attack available in capital cases. (3SRB 13–14.) For the reasons similar to those discussed above (see *ante*, Argument I.B.), the Attorney General's premise fails: An RJA motion filed on remand in this case would not constitute a collateral attack. Moreover, as explained in Appellant's Third Supplemental Opening Brief (3SAOB 9–10), the Legislature has now made clear

its intent to permit people whose cases are pending on appeal to raise RJA claims, whether or not those claims have been developed on the record. (See § 745(b); A.B. 1118, Sen. Com. On Pub. Safety Bill Analysis, *supra*, pp. 5–6.) The Legislature has, by unanimous vote, authorized the stay-and-remand procedure; *a fortiori*, it has authorized remand, without a stay, for the same purposes. (See *ante*, fn. 5.) Accordingly, this Court should reject the Attorney General's argument. If this Court denies Mr. Wilson's motion for stay and remand, this Court should grant the alternative remedy of a remand without a stay.

CONCLUSION

For the reasons articulated above, the Attorney General's contentions lack merit. This Court should reject them and grant Mr. Wilson's motion for stay of appeal and a limited remand.

Dated: February 20, 2024

Respectfully submitted,

GALIT LIPA
State Public Defender

/s/ ________________________
CRAIG BUCKSER
Deputy State Public Defender

Attorneys for Appellant

CERTIFICATE OF COUNSEL
(CAL. RULES OF COURT, RULE 8.630(B)(2))

I am the Deputy State Public Defender assigned to represent appellant, JAVANCE MICKEY WILSON, in this automatic appeal. I conducted a word count of this brief using our office's computer software. On the basis of that computer-generated word count, I certify that this brief, excluding tables and certificates is 4,271 words in length.

DATED: February 20, 2024

/s/

CRAIG BUCKSER
Deputy State Public Defender

DECLARATION OF SERVICE

Case Name: *People v. Javance Mickey Wilson*
Case Number: **Supreme Court No. S118775**
San Bernardino County Superior Court
Case No. FVA12968

I, **Ann-Marie Doersch,** declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county of Sacramento. My business address is 770 L Street, Suite 1000, Sacramento, CA 95814. I served a true copy of the following document:

APPELLANT'S THIRD SUPPLEMENTAL REPLY BRIEF

by enclosing it in envelopes and placing the envelopes for collection and mailing with the United States Postal Service with postage fully prepaid on the date and at the place shown below following our ordinary business practices.

The envelopes were addressed and mailed on **February 20, 2024**, as follows:

Javance Wilson, V-05878 CSP-SQ, 4-EB-117 San Quentin, CA 94974

The aforementioned document(s) were served electronically (via TrueFiling) to the individuals listed below on **February 20, 2024**:

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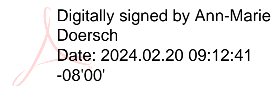
</table>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **February 20, 2024**, at Sacramento, CA.



ANN-MARIE DOERSCH

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 2/20/2024 by Larry Blake, Jr., Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. WILSON (JAVANCE MICKEY)**
Case Number: **S118775**
Lower Court Case Number:

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: **craig.buckser@ospd.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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SUPPLEMENTAL BRIEF	2024_02_20_3SARB_TrueFile

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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.

2/20/2024

Date

/s/Ann-Marie Doersch
Signature

Buckser, Craig (194613)
Last Name, First Name (PNum)

Office of the State Public Defender
Law Firm