DAVID L. POLSKY
ATTORNEY AT LAW
P.O. BOX 118, ASHFORD, CT 06278

CA BAR NO. 183235
(860) 429-5556

October 12, 2022

Hon. Tani Gorre Cantil-Sakauye, Chief Justice,
and Hon. Associate Justices
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: **Appellant's Supplemental Letter Brief**
People v. Brown
Supreme Court No. S257631
Court of Appeal No. C085998

Dear Justice Cantil-Sakauye and Associate Justices:

On September 9, 2022, the court issued an order directing the parties to file supplemental letter briefs addressing three questions, summarized as follows:

1. Whether the instructions adequately informed the jury the prosecutor bore the burden of proving Ms. Brown acted with malice when feeding her baby drug-tainted breastmilk;

2. Whether it is reasonably likely the jury believed it could convict Ms. Brown of first degree poison murder without finding she acted with malice when she fed the baby her breastmilk; and

3. Whether this court can offer the prosecution the option of accepting a reduction to second degree murder in lieu of a retrial on first degree murder if the judgment is reversed for instructional error.

This letter brief is submitted on behalf of Ms. Brown. Below she addresses each question in turn.

A. Poison Murder Instructions

The first question posed by this court is whether the instructions failed to convey to the jury that the prosecutor had to prove *the administration of the poisonous substance*—in this case, drug-tainted breastmilk—was done "with malice," meaning that Ms. Brown "either *poisoned* with intent to kill or 'deliberately *administered the poison*' with full knowledge that [her] conduct endangered the life of decedent,' and with 'conscious disregard for that life.'" (Emphasis added.) The instructions did not convey that principle explicitly; at most, they merely implied it.

The instructions repeatedly made clear that malice was an element of murder that the prosecutor had to prove. The written instructions informed the jury about the charges, telling it count one alleged Ms. Brown "willfully, unlawfully, and with malice aforethought" murdered D.R. (3CT 577.) Prospective jurors were instructed similarly during jury selection. (1RT 220, 260.)

The instructions defining murder were more explicit and detailed about the essential element of malice. Reading from CALCRIM 520, the trial court instructed the jury that, to prove the murder charged in count one, the "People must prove" Ms. Brown "committed an act that caused the death" and "[w]hen [she] acted, she had a state of mind called malice aforethought." (3CT 619.) The instruction defined both forms of malice for the jury, describing express malice as an unlawful intent to kill and implied malice as the deliberate commission of "an act" dangerous to human life with full knowledge of and a conscious disregard for that danger. (3CT 619.) It also told the jury that if the elements of murder are proven, the jury must find it is "murder of the second degree, unless the People have proved beyond a reasonable doubt that it is murder of the first degree as defined in CALCRIM No. 521." (3CT 620.) The trial court then read from CALCRIM 521 that the murder is in the first degree if Ms. Brown "murdered by using poison." (3CT 621.)

However, none of those instructions explicitly related malice to the act of administering a poisonous substance. The trial court's repeated descriptions of the charge in count one never mentioned the prosecutor's theory that the alleged malice murder was accomplished by means of poison. And CALCRIM 520 merely informed the jury there was a relationship between

malice and a generic "act that caused death" or "causes death." (3CT 619.)

CALCRIM 521, the only instruction to reference poison, never directly related malice to the act of poisoning either. As noted, it instructed the jury that Ms. Brown was "guilty of first degree murder if the People have proved that [she] murdered *by using poison*." The italicized phrase is the closest in the instructions to making the requisite connection between the allegedly fatal act and malice, but even that connection is only by implication.

Committing a murder "by using poison" suggests that poison was the instrument the defendant used to commit murder—i.e., the means by which the defendant committed that offense. (Webster's New Collegiate Dict. (9th ed. 1991) p. 192 ["by" defined as "through the agency or instrumentality of"]; *id.* at p. 1299 ["use implies availing oneself of something as a means or instrument to an end"].) To the extent jurors would understand CALCRIM 520 to have defined murder as the commission of a *malicious act* that "caused the death," the phrase in CALCRIM 521 would arguably imply first degree murder required proof that *that malicious and fatal act* was the use of poison. But CALCRIM 520 is not so clear.

As noted, CALCRIM 520 told the jury that "[w]hen the defendant" committed the act that caused death, she had to have "had a state of mind called malice." (3CT 619.) Thus it described a mere temporal relationship between the fatal act and the requisite mental state—i.e., they merely needed to co-exist; to occur at the same time. The phraseology used did not make clear that the fatal act itself had to be malicious—that the tainted breastmilk was administered to kill or that its administration was the act that Ms. Brown knew was potentially dangerous to life.

The court's instruction on "the union, or joint operation, of act and wrongful intent" fared no better. (3CT 600 [CALCRIM 252].) Regarding count one, the instruction told the jury that murder required "a specific intent or mental state," that to be guilty of murder the defendant "must not only intentionally commit the prohibited act . . . but must do so with a specific intent and/or mental state," and directed the jury to the murder

instructions to learn what act and mental state are required. (3CT 600 [CALCRIM 252].) But like CALCRIM 520, telling the jury that the "prohibited act" and "specific intent" must occur "with" one another left open the possibility that a mere temporal connection is enough. It is not.

"As a general rule, no crime is committed unless there is a union of act and either wrongful intent or criminal negligence." (*People v. King* (2006) 38 Cal.4th 617, 622.) Murder is no exception. "Murder is the unlawful killing of a human being . . . *with malice aforethought*." (Pen. Code, § 187, subd. (a), emphasis added; *People v. Swain* (1996) 12 Cal.4th 593, 603.) But whether the requisite mental state occurs "with" the prohibited act—whether there is the requisite union of act and intent—depends upon more than just whether they overlap in time.

Speaking on implied malice, this court has written that the act the defendant deliberately performed that was dangerous to life must be the same act that "proximately caused" the victim's death. (*People v. Knoller* (2007) 41 Cal.4th 139, 143.) That causal relationship between act and intent is embodied in decisions holding that "malice may be implied from the circumstances surrounding the act causing death." (See *People v. Goodman* (1970) 8 Cal.App.3d 705, 708.) Logically one can only infer malice from the circumstances of the fatal act if *that act* is the one that the defendant was aware was dangerous when committing it. It makes no sense to infer malice in the commission of *a different act* from the commission of the fatal act simply because the acts occurred at the same time.

This court's jurisprudence on felony murder, where the requisite mental state is "merely an intent to commit the underlying felony" (*People v. Bryant* (2013) 56 Cal.4th 959, 965), is instructive too. This court has held that application of the felony murder rule to a nonkiller "requires both a *causal* relationship and a *temporal* relationship" between the felony intended and the "act resulting in death." (*People v. Cavitt* (2004) 33 Cal.4th 187, 193, emphasis in original.)

Even this court's question implied more than just a temporal relationship between malice and the fatal act is required, suggesting that the jury needed to be instructed it was the administration of the poison—the conduct that purportedly

resulted in D.R.'s death—that had to be malicious. Other jurisdictions have more plainly described the relationship between malice and the fatal act as causal rather than temporal. (See, e.g., *State v. Lee* (Iowa 1993) 494 N.W.2d 706, 707 ["The relationship that must be shown between the state of mind that is malice aforethought and the homicidal act is more accurately characterized as a causal relationship than as a temporal relationship"]; accord, *State v. Bentley* (Iowa 2008) 757 N.W.2d 257, 265.)

The instructions as a whole, as noted, did not make that plain. Even CALCRIM 520's definitions of malice were unclear in that regard. The instruction told the jury that the "defendant acted with express malice if she unlawfully intended to kill." (3CT 619.) It also told the jury that she "acted with implied malice" if she committed "an act" that was "dangerous to human life" and was aware "her act was dangerous to human life" but "deliberately acted with conscious disregard" for that danger. (3CT 619.) Thus, the instruction defined both forms of malice in terms of generic acts without making clear that the act in question—the action that was intended to kill or that posed the requisite danger to human life—had to be the one that caused the victim's death and not some other act that occurred at the same time.

Nothing else in CALCRIM 521 clearly conveyed the requisite connection between the administration of a poisonous substance and malice. It went on merely to define poison as "a substance, applied externally to the body or introduced into the body, that can kill by its own inherent qualities." (3CT 621 [CALCRIM 521].) It then expressly referenced malice but related it only to *second degree* murder, providing as follows:

> The requirements for *second degree murder based on express or implied malice* are explained in CALCRIM No. 520, First or Second Degree Murder With Malice Aforethought.
>
> The People have the burden of proving beyond a reasonable doubt that the killing was first degree murder rather than a lesser crime. If the People have not met this burden, you must find the defendant not guilty of first degree murder and the murder is second degree murder.

(3CT 621 [CALCRIM 521], emphasis added.)

Ms. Brown does not contend that the instructions are necessarily inaccurate or incorrect but merely argues that they are open to potential misinterpretation. Where the evidence is clear that a finding of malice can attach to no other act than one that caused death, the jury cannot be led astray by the ambiguity in such instructions. And that is likely to be most cases. However, where a defendant commits acts that could be found to be with malice but death results from some other contemporaneous, nonmalicious act, the instructional ambiguity could lead jurors to misapply the law. The latter situation is this case, as discussed next.

B. Jury Understanding of Prosecutor's Burden

In its second question, this court asked whether it is reasonably likely the jury understood the instructions to permit a conviction of first degree poison murder if it found Ms. Brown "acted with malice in her conduct other than feeding [D.R.] her breastmilk, along with a finding that poisoned breastmilk was a substantial factor in causing [D.R.'s] death." Ms. Brown submits it is.

As this court has written, "[i]n reviewing an ambiguous instruction, [the court] inquire[s] whether there is a reasonable likelihood that the jury misunderstood or misapplied the instruction in a manner that violates the Constitution." (*People v. Covarrubias* (2016) 1 Cal.5th 838, 906.) The "reasonable likelihood" standard requires something more than "only a possibility" of such an application but something less than proof that an unconstitutional application was "more likely than not." (*Boyde v. California* (1990) 494 U.S. 370, 380 [110 S.Ct. 1190, 108 L.Ed.2d 316].) In assessing the adequacy of the instructions, the reviewing court must consider them in light of the entire trial record. (*Estelle v. McGuire* (1991) 502 U.S. 62, 72 [112 S.Ct. 475, 116 L.Ed.2d 385]; *People v. Smith* (2008) 168 Cal.App.4th 7, 13-14.)

As discussed above, the instructions as a whole did not make clear that the fatal act—in this case, the administration of drug-tainted breastmilk to D.R.—had to be done with malice but only that an act with malice had to occur at the same time. Thus

it left open the possibility that the jury could base its first degree poison murder verdict on an act with malice other than the alleged use of poison. A review of the evidence and closing arguments indicates it is reasonably likely the jury understood the instructions to permit that improper application of the law.

Preliminarily, Ms. Brown notes that intent to kill is not at issue in this case. The prosecutor conceded the case did not involve express malice, and she relied exclusively on implied malice. (2RT 987-988, 994.) And to the extent there was evidence of malice at all, it could only be implied—i.e., the conscious disregard for a known danger to D.R.'s life. Thus, Ms. Brown restricts her discussion of malice to that variety.

The evidence permitting the jury to imply malice from Ms. Brown's act of feeding her baby the breastmilk, while arguably substantial, was not overwhelming. During her interviews, Ms. Brown admitted to police that she knew her breastmilk could contain some of the heroin that she ingested and that it would transfer to the baby. (2CT 422.) When accused of delivering heroin to D.R. through her breastmilk, Ms. Brown said she understood "how you think" and said she did not think the accusation was wrong. (2CT 428-429.) Later, when confronted with a similar accusation regarding heroin and methamphetamine, Ms. Brown admitted she knew those drugs were "horrible" for a newborn. (2CT 517-518.) She told police that she "thought about that" and that the danger "crossed [her] mind . . . . all the time." (2CT 517-518.) Ms. Brown even admitted that she understood an overdose can be fatal. (2CT 531.)

On the other hand, Ms. Brown repeatedly told the police that she had made efforts to mitigate the harm D.R. faced from the drug exposure by limiting her breastfeeding and supplementing with baby formula. She said that, during D.R.'s short life, she had been feeding the baby both breastmilk and formula. (2CT 383, 425.) She said she "wasn't giving her that much of my breastmilk." (2CT 431.) She emphasized that, while she knew drugs could be in her breastmilk, she "was trying not to breastfeed her as much as [she] could because of that," which was why she had been using "so much formula." (2CT 441-442.) Ms. Brown admitted that in retrospect—having "had a lot of time to think about things"—breastfeeding D.R. while using drugs was a mistake. (2CT 499-500.) But implying once more that her use of

formula was aimed at lessening D.R.'s drug exposure, she reiterated, "[T]hat's why I had formula." (2CT 500.) Later, she again stated that it was because of the danger that she "didn't breastfeed her every day." (2CT 517.) And regarding her conduct on the morning of D.R.'s death, Ms. Brown said she gave her baby "a little bit" of breastmilk but "a lot of formula." (2CT 400, 426.)

As for the risk and danger of overdosing, Ms. Brown told police that she did not think she was consuming "that much" drugs and never thought about an infant being "just fractions" of an adult and "more susceptible" to an overdose. (2CT 530-531.) She also told police that her boyfriend's sister, Michelle Reed, was a heroin addict who gave birth to a baby that she breastfed without apparent ill effects. (2CT 531-532.)

Implied malice has objective and subjective components. Objectively, it requires conduct that poses "'a *high probability of death* to another human being.'" (*Knoller, supra,* 41 Cal.4th at p. 157, emphasis in original.) But even that is not enough. The evidence must also show that, subjectively, the defendant *knew* her conduct endangered the life of another. (*Id.* at p. 143 ["[I]mplied malice requires a defendant's awareness of engaging in conduct that endangers the life of another—no more, and no less"].) Even an awareness that the defendant's conduct risked "*serious bodily injury*" is insufficient. (*Ibid.*, emphasis in original.)

Ms. Brown does not dispute that jurors could rationally infer from her police statements and conduct towards her daughter that feeding her child drug-tainted breastmilk satisfied both elements of implied malice. On the other hand, the evidence was just as strong that it did not. Her purported efforts to mitigate the child's exposure to her drugs raises two other reasonable findings. First, it suggests that the manner in which Ms. Brown claimed to have been feeding her daughter the potentially dangerous breastmilk did not pose a high probability of causing death. Second, and even more reasonable, is the conclusion that Ms. Brown was not aware that her conduct endangered her baby's life (even if she knew it could cause some bodily harm).

The jury was not required to believe all of Ms. Brown's statements to police, but it was certainly within its province to do so. (See *People v. Hovarter* (2008) 44 Cal.4th 983, 1017.) And

nothing in evidence or law required it to reject the parts that mitigated the criminality of her conduct. In fact, the evidence was credible enough to justify an instruction on involuntary manslaughter as a lesser-included offense, indicating the jury could find that Ms. Brown displayed mere criminal negligence. (3CT 622-623 [CALCRIM 580].)

So given that a finding of implied malice based on the administration of the breastmilk was not a foregone conclusion, was there evidence of other conduct on which the jury could have rested its finding of implied malice? There was, and the prosecutor made that apparent in her closing argument

From the beginning of her argument, the prosecutor attacked Ms. Brown for what she called "repeated conscious disregard for [D.R.'s] life." (2RT 962.) A major theme in the prosecutor's case was that Ms. Brown failed during her pregnancy and D.R.'s short life to seek any kind of medical care. The prosecutor described Ms. Brown as "a heroin addict who hasn't planned for anything." (2RT 963.) And she repeatedly cited Ms. Brown's disregard of advice to get prenatal care, to deliver the baby in a hospital, and to have the baby professionally examined after birth. (2RT 963-974, 984, 986-988, 990.) The prosecutor even noted that Carly Hope, the woman who helped Ms. Brown deliver D.R., warned her that having the baby in the hotel room posed a danger to both the baby's life and Ms. Brown's life. (1RT 352-353; 2RT 966.) And the prosecutor expressly cited such lack of professional medical care as proof of implied malice. (2RT 986-987.)

But D.R. did not die from a lack of prenatal care. The baby did not die during childbirth either. And none of the experts testified that the failure to seek medical care after birth, either a routine examination or for what may have been symptoms of drug withdrawal, was a substantial factor in the baby's death. Dr. Ogan testified the cause of death was polypharmacy, meaning the baby was exposed to multiple drugs. (1RT 404.) He said he thought it might have been the result of drug use during pregnancy based on information from law enforcement that Ms. Brown engaged in such conduct. (1RT 414.) However, Ms. Chan-Hosokawa, the prosecutor's forensic toxicologist, testified that the signs of drug exposure in D.R.'s system was from post-birth exposure. (1RT 661, 665-666.) She also noted that the morphine

byproduct from heroin she found would only be detectable for up to but probably less than 24 hours after exposure. (1RT 660.) Based thereon, the prosecutor expressly argued the theory that the death was the result of post-birth exposure to drugs, specifically within the 24 hours preceding D.R.'s death. (2RT 981-982.) Thus it was the use of drugs and breastfeeding within that narrow time window that the expert testimony suggested was the cause of death.

In addition to the lack of medical care, the prosecutor cited other signs that Ms. Brown failed to care for D.R. The prosecutor noted that the autopsy revealed D.R. was jaundice, dehydrated and suffering from "florid diaper rash." (2RT 979.) The prosecutor observed that Dr. Crawford-Jakubiak testified that "jaundice, infection, hypothermia, hypoglycemia, dehydration" and "co-sleeping" could all "contribute to her death." (2RT 982.) And the prosecutor encouraged the jury to consider "everything [Ms. Brown] did in its totality"—to look "at all of her behavior," "[e]ach of the things that she did"—in determining whether malice could be implied from her conduct. (2RT 988-989.)

No doubt the prosecutor argued too that malice could be implied from the breastfeeding. (2RT 993-994.) But she emphasized that it was Ms. Brown's repeated failures to fulfill her parental duties that reflected the requisite malice and would permit a verdict of second degree murder even if the jury did not believe Ms. Brown poisoned her daughter. (2RT 991, 994, 1027.) And the prosecutor said, if the jury believes poisoning was "a substantial factor" in D.R.'s death, it "can . . . find the [d]efendant guilty of murder by poison as long as you . . . also find express or implied malice." (2RT 992.)

How likely is it that the jury believed it could find Ms. Brown guilty of first degree murder without also finding implied malice from feeding D.R. the breastmilk? Ms. Brown submits it is more than a mere possibility. (*Boyde, supra,* 494 U.S. at p. 380.) The jury was instructed that, if it could draw two reasonable inferences from the evidence, with one pointing to guilt and the other not, it must accept the latter. (3CT 596 [CALCRIM 224].) Jurors are presumed to have followed such instructions. (*People v. Potts* (2019) 6 Cal.5th 1012, 1045.) As discussed above, it was reasonable to doubt malice could be implied from the act of breastfeeding, either because it may not have posed the requisite

high probability of death or because Ms. Brown may not have been aware of the danger it threatened. Moreover, the prosecutor told the jury it could imply, and encouraged the jury to imply, malice from all of Ms. Brown's general treatment of D.R. throughout the pregnancy and up until the morning of D.R.'s death, conduct unrelated to the feeding of drug-tainted breastmilk. Nothing in the instructions or arguments clearly explained that first degree murder required the jury to imply malice from the administration of the poisonous substance itself. Under the circumstances, it is reasonably likely the jury believed it could find the greater offense without finding such administration was malicious.

C. Remedy for Instructional Error

In its third and final question, this court asked whether "the prosecution [may] accept a reduction to second degree murder in lieu of retrying the first degree murder charge" if the court reverses Ms. Brown's murder conviction "based on error in the poison murder instruction." Ms. Brown contends it would be inappropriate on this record.

In *People v. Chiu* (2014) 59 Cal.4th 155, 158, the defendant, who was an accomplice to an assault and criminal disturbance of the peace resulting in murder, was convicted of first degree premeditated murder. His conviction was based on one of two possible theories—either he was a direct aider and abettor of the murder or the murder was a natural and probable consequence of the other crimes he aided and abetted. (*Ibid*.) The Supreme Court held for the first time that first degree premeditated murder could not be based on the latter theory. (*Id*. at pp. 158-159, 167.) Instead, the natural and probable consequence theory could support a finding of second degree murder only. (*Id.* at p. 168.)

Chiu also held the defendant's conviction had to be reversed because the court could not conclude beyond a reasonable doubt that the jury based the verdict on the still-valid theory of directly aiding and abetting the murder. (*Chiu, supra,* 59 Cal.4th at pp. 167-168.) Upon reversing the conviction, it gave the People the option to accept a reduction of the conviction to second degree murder rather than retrying the defendant for the greater crime. (*Id*. at p. 168.) Its rationale for doing so was based on the limited effect of the instructional error—that giving the

jury the option of convicting on the natural and probable consequences doctrine "affected only the degree of the crime." (*Ibid*.)

Chiu did not break any new legal ground with the remedy it ordered. Long before that case, this court articulated the same legal principle:

> "An appellate court is not restricted to the remedies of affirming or reversing a judgment. Where the prejudicial error goes only to the degree of the offense for which the defendant was convicted, the appellate court may reduce the conviction to a lesser degree and affirm the judgment as modified, thereby obviating the necessity for a retrial."

(*People v. Edwards* (1985) 39 Cal.3d 107, 118; see also *People v. Harris* (1968) 266 Cal.App.2d 426, 434-435 [where there was insufficient evidence of first degree burglary, judgment modified to second degree burglary where "the evidence is ample to establish that the crime of burglary as charged . . . was committed and that it was defendant who committed it"].)

To the extent the instructional error regarding poison-murder only affected the degree, and it can be said that Ms. Brown was necessarily guilty second degree malice murder regardless, this court can follow the above approach and give the prosecutor the option of accepting the reduction or retrying her on the greater offense. However, Ms. Brown submits that, given the instructional ambiguity regarding malice discussed above, it would not be appropriate to do so here. Setting aside the first degree poison murder theory, it cannot be said that the jury would have necessarily found the conduct of hers that proximately caused D.R.'s death was done with malice.

On the other hand, Ms. Brown concedes the evidence showed that her conduct necessarily constituted involuntary manslaughter. As the instruction on the lesser crime provides, "The difference between other homicide offenses and involuntary manslaughter depends on whether the person was aware of the risk to life that his or her actions created and consciously disregarded that risk." (3CT 622 [CALCRIM 580].) A willful act that causes death, whether that be the commission of a crime or a lawful act committed in an unlawful manner, is involuntary

manslaughter where it is done without such awareness and thus without malice but with criminal negligence instead. (3CT 622 [CALCRIM 580].) Notably, in count two, the defendant was found guilty of child abuse under Penal Code section 273a and the jury found the abuse resulted in the child's death under section 12022.95. (3CT 688; see also 3CT 626-627 [CALCRIM 821]; 3CT 640 [special instruction on section 12022.95 allegation].) The jury was instructed that it could base a finding of involuntary manslaughter on the crime of child abuse. (3CT 622 [CALCRIM 580].) And that crime requires proof of the same mental state required for involuntary manslaughter—criminal negligence. (3CT 622, 626.) Thus, the findings in count two support a finding of involuntary manslaughter in count one. Given that, Ms. Brown submits it would be appropriate to give the prosecutor either the option to retry her for murder or to accept a reduction to involuntary manslaughter.

Sincerely,

/s/ DAVID L. POLSKY

David Polsky

CERTIFICATE OF WORD COUNT

I, David L. Polsky, counsel for appellant, hereby certify pursuant to rule 8.520 of the California Rules of Court that the attached supplemental letter brief consists of 4,556 words as indicated by the software program used to prepare the document.

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

Executed on October 12, 2022, at Ashford, Connecticut.

/s/ David L. Polsky
David L. Polsky

PROOF OF SERVICE

I declare that:

I am employed in Windham County, Connecticut; I am over the age of 18 years and not a party to the within entitled cause; my business address is P.O. Box 118, Ashford, CT 06278. On October 12, 2022, I served a copy of the attached **Appellant's Supplemental Letter Brief** in said cause on all parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail, at Ashford, Connecticut, addressed as follows:

Heather Rose Brown
c/o Theresa Brown
16193 Anderson Road
Sonora, CA 95370

Sarah Murphy, Deputy D.A.
Office of the District Attorney
1355 West Street
Redding, CA 96001-1632

Hon. Stephen H. Baker, Judge
Shasta County Superior Court
1500 Court Street
Redding, CA 96001

In addition, I electronically served the attached brief to the following parties via the TrueFiling electronic filing and service system:

Office of the Attorney General

California Court of Appeal
Third Appellate District

Central Cal. Appellate Program

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 12, 2022, at Ashford, Connecticut.

/s/ David L. Polsky
David L. Polsky

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. BROWN**
Case Number: **S257631**
Lower Court Case Number: **C085998**

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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10/12/2022
Date

/s/David Polsky
Signature

Polsky, David (183235)

Last Name, First Name (PNum)

Law Office of David L. Polsky

Law Firm