No. S273134

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,

v.

ROBERT COOPER,
Petitioner and Appellant.

Second Appellate District, Division Six, Case No. B304490
Los Angeles County Superior Court, Case No. TA140718
The Honorable Allen Joseph Webster, Jr., Judge

ANSWER TO PETITION FOR REVIEW

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April 11, 2022

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page

CASES

STATUTES

TABLE OF AUTHORITIES
(continued)

Page

ISSUES PRESENTED FOR REVIEW

This Court requested an answer addressing all issues raised in the petition for review. Petitioner presents two issues for review, which he states as follows:

1. Review is needed to ensure that appellate courts do not violate a defendants' right to a jury trial on all elements of a charged allegation when retroactively applying new elements of an enhancement;

2. Review is needed to ensure that where a record is at best ambiguous regarding whether the court fully understood its sentencing power, remand is proper.

Petitioner also presents two issues for the sole purpose of exhausting his state remedies for federal habeas corpus review (see Cal. Rules of Court, rule 8.508), which he states as follows:

1. Review is needed to ensure that evidence explaining a defendant's flight is not properly excluded;

2. Review is needed to ensure that trial courts do not prevent defense counsel from eliciting relevant testimony on cross-examination.

STATEMENT OF THE CASE

Petitioner, a member of the Leuders Park gang, was publicly challenged to a fight by Nicos Mathis, a member of the rival Mob Piru gang. Petitioner declined the challenge. (Opn. 2.) Later that evening, petitioner and two fellow Leuders Park gang members drove next to Mathis's car and fired a barrage of bullets at Mathis, killing him. (Opn. 3.)

A jury convicted petitioner of willful, deliberate, and premeditated murder (Pen. Code, § 187, subd. (a))[1] and found true the allegations that the murder was committed for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)(C)) and that a principal used a firearm to commit the offense (§ 12022.53, subds. (b)-(e)). In a bifurcated proceeding, the trial court found that petitioner had suffered a prior "strike" conviction within the meaning of the Three Strikes Law (§§ 667, subds. (b)-(i) & 1170.12, subds. (a)-(d)). Petitioner was sentenced to 75 years to life in prison, consisting of 25 years to life for the murder, doubled to 50 by the strike, and a consecutive 25 years to life for the section 12022.53, subdivision (d), firearm enhancement.[2] (Opn. 1-2.)

Petitioner appealed and contended, among other claims, that the trial court did not understand the scope of its sentencing discretion on the firearm enhancements when it sentenced him to a consecutive term of 25 years to life in prison under section 12022.53, subdivision (d), rather than to a shorter term under either subdivision (b) or (c). The basis for this argument was the trial court's failure to acknowledge its discretion in the record. (Opn. 10.)

While the appeal was pending, the Legislature passed Assembly Bill No. 333 ("AB 333"), which amended section 186.22

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[1] All further statutory references are to the Penal Code unless otherwise specified.

[2] The trial court stayed the remaining firearm enhancements. (Opn. 2.)

to include additional requirements for proving a gang enhancement true. (Opn. 12.) The new requirements include, inter alia, that to prove a street gang engaged in a "pattern of criminal gang activity," the prosecution must demonstrate that members of the gang committed at least two qualifying predicate offenses, "the offenses were committed on separate occasions or by two or members," "the offenses commonly benefited a criminal street gang, and the common benefit of the offense is more than reputational." (Stats. 2021, ch. 699, § 3; amended § 186.22, subd. (e), eff. Jan. 1, 2022.) Petitioner argued below, in supplemental briefing, that the case must be remanded for retrial in light of AB 333 because the jury was not instructed that the predicate offenses required for proving a pattern of gang activity must themselves have commonly benefitted the gang in a way that was more than reputational. (Opn. 13.)

In an unpublished opinion, the Court of Appeal affirmed the judgment. With respect to the AB 333 issue, the Court of Appeal held that the absence of a jury instruction on the new predicate-offense requirements was harmless beyond a reasonable doubt under *Chapman v. California* (1967) 386 U.S. 18 because the prosecution presented evidence that a Leuders Park gang member was previously convicted of robbery and another Leuders Park gang member was previously convicted of narcotics sales, and the prosecution's gang expert testified that those offenses were among the gang's primary activities. (Opn. 13-14.) With respect to the sentencing issue on the firearm enhancement, the Court of Appeal held that the record

reasonably reflected that the trial court understood its discretion to impose a lesser charged enhancement when it sentenced petitioner under section 12022.53, subdivision (d). (Opn. 10-12.)

REASONS FOR DENYING REVIEW

I. THE COURT OF APPEAL'S FINDING THAT THE FAILURE TO INSTRUCT THE JURY ON ASSEMBLY BILL 333'S NEW REQUIREMENTS WAS HARMLESS BEYOND A REASONABLE DOUBT UNDER *CHAPMAN V. CALIFORNIA* DOES NOT WARRANT REVIEW

Petitioner contends that review is required to ensure that lower courts properly and uniformly apply section 186.22, subdivision (e)'s requirement that predicate gang offenses must commonly benefit a gang in a way that is more than reputational. (Pet. 7-10, 15-22.) But this ultimately challenges only the Court of Appeal's application of the well-established *Chapman* harmless error standard. Petitioner does not dispute that the failure to instruct on AB 333's predicate offense requirements is subject to a *Chapman* harmless error analysis. (See Pet. 7.) Rather, he disagrees with the Court of Appeal's finding of harmless error. The Court of Appeal's factual analysis under *Chapman* does not implicate a decisional conflict or an important question of law. (Cal. Rules of Court, rule 8.500(b)(1).) Therefore, review is not warranted.

A. AB 333 amended the requirements for proving a gang enhancement under section 186.22

AB 333, which took effect on January 1, 2022, amended section 186.22 in several ways. As relevant to the issue presented here, it modified the definitions of "pattern of criminal activity" and "criminal street gang," and it clarified what is

required to show that an offense "benefit[s], promote[s], further[s], or assist[s]" a criminal street gang.

Under former section 186.22, subdivision (e), a "pattern of criminal gang activity" was defined as "the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of, two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter, and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons."

AB 333 modified this definition, which is integral to proving both a gang participation offense and gang enhancement. Under the new law: (1) the last offense used to show a pattern of criminal gang activity must have occurred within three years of the date that the currently charged offense is alleged to have been committed; (2) the offenses must have been committed on separate occasions or by two or more gang members, as opposed to persons; (3) the offenses must have commonly benefited a criminal street gang in a way that was more than merely reputational; and (4) the currently charged offense may not be used to establish a pattern of gang activity. (Stats. 2021, ch. 699, § 3; amended § 186.22, subd. (e), eff. Jan. 1, 2022.) AB 333 also reduces the list of qualifying offenses that can be used to establish a pattern of gang activity, removing crimes such as looting, felony vandalism, and a host of fraud offenses. (*Ibid.*)

Under former section 186.22, subdivision (f), a "criminal street gang" was defined as "any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, or (31) to (33), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in, or have engaged in, a pattern of criminal gang activity." AB 333 narrowed this definition by specifying that a criminal street gang must be "an ongoing, *organized* association or group of three or more persons" and requiring prosecutors to show that members of the gang "collectively" engage in, or have engaged in, a pattern of criminal gang activity. (Stats. 2021, ch. 699, § 3; amended § 186.22, subd. (f), eff. Jan. 1, 2022, italics added.)

AB 333 also clarified that to "benefit, promote, further, or assist" a criminal street gang "means to provide a common benefit to members of a gang where the common benefit is more than reputational." (Stats. 2021, ch. 699, § 3; amended § 186.22, subd. (g), eff. Jan. 1, 2022.) Examples of a common benefit that is more than reputational "may include, but are not limited to, financial gain or motivation, retaliation, targeting a perceived or actual gang rival, or intimidation or silencing of a potential current or previous witness or informant." (*Ibid.*)

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B. The Court of Appeal's factual analysis under *Chapman* does not implicate a decisional conflict or an important question of law

Petitioner agrees with the Court of Appeal's conclusions that AB 333's amendments to section 186.22 apply retroactively to his case and that the *Chapman* harmless error standard applies to his claim of instructional error (that he was prejudiced because the jury was not instructed it had to find that the predicate offenses must commonly benefit a criminal street gang in a way that was more than reputational). (Pet. 7.) He disagrees, however, with the Court of Appeal's finding that the *Chapman* standard was satisfied by the evidence of the predicate offenses that was admitted in this case, which showed that a Leuders Park gang member was previously convicted of robbery and that another Leuders Park gang member was previously convicted of the sale of narcotics. Petitioner's challenge is simply a disagreement with the Court of Appeal's assessment of the evidence in this case under *Chapman*, which does not implicate a decisional conflict or an important question of law.

Petitioner argues that this issue is rooted in the Court of Appeal's interpretation of section 186.22, rather than its analysis of the facts. Specifically, he argues that the Court of Appeal misinterpreted section 186.22, subdivision (e), by concluding that the convictions of individual gang members for robbery and narcotics sales satisfied the requirement that those crimes commonly benefited the gang. (Pet. 8, 17-21.) But petitioner's argument is factual in nature. The Court of Appeal reasonably found, based on the characteristics of the predicate offenses and

the expert testimony, that those offenses were among the Leuders Park gang's primary activities and that the individual gang members committed the crimes for the benefit of the gang. (Opn. 13-14.) Petitioner's allegation that there was an absence of evidence supporting the Court of Appeal's finding is simply a challenge to the Court of Appeal's analysis of the facts under *Chapman*, rather than to its interpretation of amended section 186.22. It therefore does not implicate an important question of law. (Cal. Rules of Court, rule 8.500(b)(1).)

Petitioner also has not identified any clear decisional conflicts among the Courts of Appeal. (See Pet. 8-9, 18-20.) In *People v. Lopez* (2021) 73 Cal.App.5th 327, like in the instant case, the jury was not instructed under section 186.22, subdivision (e)'s amended requirement that predicate offenses must commonly benefit a criminal street gang in a way that was more than reputational. (*Id.* at p. 346.) The *Lopez* court, however, rejected the People's argument that the instructional error was harmless. (*Ibid.*)[3] The predicate offenses presented at trial were two murders committed by gang member William Vasquez and a carjacking and robbery committed by gang member Guillermo de Los Angeles. (*Id.* at p. 344.) On appeal, the People contended there was evidence showing the predicate offenses benefitted the gang in a way that was more than

[3] It is not clear whether the *Lopez* court applied a harmless error analysis and found the error to be prejudicial or determined that the error was not amendable to a harmless error analysis. (See *id.* at p. 346.)

reputational. But the Court of Appeal rejected the argument because "the evidence described by the People in their supplemental briefing was not evidence presented to the jury in this case—instead, the People dr[e]w their information from unpublished appellate decisions concerning Vasquez and a codefendant of De Los Angeles." The *Lopez* court further noted that "the jury was not prohibited from relying upon the currently charged offenses in determining whether a pattern of criminal gang activity had been proven, nor was it instructed that it had to find that the benefit to the charged offenses was more than reputational." (*Ibid.*)

Here, unlike *Lopez*, the Court of Appeal's harmless error determination was based on the gang expert's testimony from petitioner's trial rather than from evidence outside the record. (Opn. 13-14.) In addition, unlike the murders committed by Vasquez in *Lopez*, the predicate offenses of robbery and narcotics sales in this case are, by their very nature, crimes that carry a financial (and therefore nonreputational) benefit. Therefore, the instant case is distinguishable.

People v. Sek (2022) 74 Cal.App.5th 657, is similarly distinguishable from, rather than in conflict with, the Court of Appeal's decision in the present case. Unlike the instant case, *Sek* concerned the failure to instruct the jury—in light of AB 333—of the requirement that the *defendant*'s offenses (of attempted murder, shooting into an occupied vehicle, assault with a semiautomatic firearm, and being an accessory after the fact) must have benefited the gang in a way that was more than

reputational. (*Id.* at pp. 664, 667.) The *Sek* court applied *Chapman* but found that the instructional error was prejudicial because the gang expert testified at trial to the reputational *and* nonreputational benefits to the gang of those offenses. (*Id.* at pp. 667-680.)

Here, unlike *Sek*, the gang expert did not testify that the predicate offenses of robbery and narcotics sales benefited Leuders Park in a reputational way. Indeed, the benefits of those offenses are inherently financial. Thus, the Court of Appeal found that the evidence introduced by the prosecution about the predicate offenses and Leuders Park's primary gang activities was uncontradicted. (See Opn. 13-14; see also *United States v. Neder* (1999) 527 U.S. 1, 17 [instructional error is harmless under *Chapman* "where a reviewing court concludes beyond a reasonable doubt that the omitted element was uncontested and supported by overwhelming evidence, such that the jury verdict would have been the same absent the error"]; accord *People v. Sakarias* (2000) 22 Cal.4th 596, 625.) More importantly, *Sek*, like the Court of Appeal here, applied the *Chapman* standard to instructional error under AB 333.

Petitioner correctly notes that respondent requested publication of the Court of Appeal's opinion below. (Pet. 9-10, 20; Resp. Request for Publication, filed Feb. 3, 2022.) At the time that respondent was preparing the request, the opinion below would have been the first Court of Appeal opinion to apply a *Chapman* analysis to instructional error based on the retroactive application of AB 333. The *Sek* decision was issued two days

before respondent's publication request was filed, but respondent believed that publication was worthwhile as a citable example of harmless error after application of AB 333.

Respondent's publication request notes that the Court of Appeal's reasoning below "indicates that a crime committed by a gang member that, by its nature, involves a financial benefit to the offender—such as robbery and the sale of narcotics—inherently benefits the offender's gang in a non-reputational way if the crime is among the gang's primary activities." (Resp. Request for Publication.) As indicated in the letter, this reasoning provides valuable guidance to trial courts and practitioners about the type of evidence or factual showing that may be made to satisfy section 186.22, subdivision (e). It does not implicate a decisional conflict—and even if it did, the opinion below currently remains unpublished and has no precedential value.

Lastly, petitioner briefly suggests that the requirement under section 186.22, subdivision (f), for the prosecution to establish that gang members collectively rather than individually engage in a pattern of gang activity, means that predicate offenses under section 186.22, subdivision (e), must be committed by more than one gang member. (Pet. 16.) This issue was not raised by petitioner in the Court of Appeal, was not argued by the parties below, and was not part of the Court of Appeal's analysis. Moreover, respondent has filed a petition for review in *People v. Delgado* (2022) 74 Cal.App.5th 1067 (Pet. filed Mar. 22, 2022, S273722), where the parties and the Court of Appeal decision

squarely addressed the issue. In *Delgado*, the Court of Appeal held that the reference to "collectively" in section 186.22, subdivision (f), requires proof that two or more gang members committed each predicate offense under subdivision (e). (*Id.* at pp. 1088-1091.) Because one of the predicate offenses in *Delgado* was committed by a single gang member, the *Delgado* court remanded the case for a retrial on the gang enhancement. (*Id.* at p. 1091.) *Delgado* is therefore a more appropriate vehicle for reviewing this issue. The instant case does not merit review.

II. REVIEW IS NOT WARRANTED TO DECIDE WHETHER THE TRIAL COURT PROPERLY EXERCISED ITS SENTENCING DISCRETION UNDER SECTION 12022.53

Petitioner also contends that review must be granted to ensure that trial courts are aware of their discretion under section 12022.53, subdivision (h), to sentence defendants pursuant to the firearm enhancements in subdivisions (b) and (c), which carry a lesser sentence than the enhancement in subdivision (d). (Pet. 10-12, 25-31.) This issue does not amount to an important question of law, and petitioner has not identified any decisional conflicts among the appellate courts. (Cal. Rules of Court, rule 8.500(b)(1).) Indeed, the law is clear that trial courts possess the discretion impose a lesser firearm enhancement. As the Court of Appeal correctly held, the trial court is presumed to be aware of its discretion and nothing in the record suggests otherwise.

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A. The trial court sentenced petitioner pursuant to the section 12022.53, subdivision (d), firearm enhancement

At the start of the sentencing hearing, defense counsel asked the court to dismiss petitioner's strike conviction under *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, because petitioner was 17 years old when he committed the underlying crime. (4RT 4214.) Counsel added, "And also the gun enhancement. [¶] The evidence is extremely weak that he personally used a gun in the commission of this crime. The court has the discretion to do that, which would reduce the sentence down to 25 years to life." (4RT 4214-4215.)

Counsel and the court briefly discussed the underlying strike conviction, and the trial court recessed the proceedings to obtain more information about petitioner's criminal history. (4RT 4215-4218.) When the proceedings resumed, the trial court noted that petitioner had suffered two prior robbery convictions for which he served concurrent terms of three years in state prison and 180 days in county jail and that he had "picked up a number of misdemeanor convictions" after he was released. (4RT 4218-4219.) As a result, the court explained, "for purposes of *Romero*, Mr. Cooper, I would like to give you some slack, cut you as much slack as I can. But your record is so bad it's difficult to do so because yours basically is just a complete history of recidivism." (4RT 4219.) The court concluded that petitioner's "history of continuing to commit crimes" placed him "outside the spirit of *Romero*. There's no real particular reason why the court even remotely would consider [dismissing the strike]. I would do so if,

in fact, I had something to work with. But you leave me no choice because of all these convictions." (4RT 4219-4220.)

Defense counsel countered that both robberies were committed more than 10 years earlier, when petitioner was 17 years old, and petitioner had not suffered any felony convictions since then. Counsel also noted other extenuating circumstances, including the fact that petitioner's father was one of the founders of the Leuders Park gang, and asked the court "for mercy in this particular case." (4RT 4220-4221.)

The trial court acknowledged petitioner's difficult upbringing and the fact that many criminal defendants "really are somewhat doomed from the beginning, based upon the fact of the circumstances through no fault of their own." (4RT 4221-4222.) But the court explained that defendants are "still held to the responsibility of being law-abiding citizens as best they can, to do whatever they can to, you know, be successful in life." (4RT 4222.) The court continued:

> And it's just unfortunate that we see people like Mr. Cooper, who's a bright young man, obviously. And given another circumstance, he might be sitting where you are, being a lawyer. But that's just—you know, that's just a fate of life that we just have to accept, tragically and, it's painful to see this. And I see it, you know, once a month. [¶] But the point of it is, is that, you know, weighing of the pros and cons and looking at this particular prior from every direction: north, south, east, west, up, down and sideways, there just is no basis for the court to grant the *Romero* motion. And if the court could, the court would. Because Mr. Cooper has been an ideal, model person in front of this court. No problems whatsoever. [¶] But I am a judge of the law, so I

> have to follow the law. And the law basically doesn't even give me any leeway to give him—even remotely consider striking the prior based upon *Romero*. So unfortunately and regretfully, the court's going to deny the motion to strike the prior.

(4RT 4222-4223.)

At the end of the hearing, the prosecutor asked whether the court had sentenced petitioner pursuant to section 12022.53, subdivision (b). The court replied that it had imposed the sentence under subdivisions (b) and (e)(1). (4RT 4228-4229.) The prosecutor asked the court, "Does the (b)(1) give him the 25 or the 10 [years]?" (4RT 4229.) The court replied "10." (*Ibid.*) After checking the record again, however, the court stated: "The way it's pled, it's 10. So the court's going to basically *nunc pro tunc* the court's sentence. And it's going to be 12022.53 (d) as in David. That's the 25 years to life." (*Ibid.*) The prosecutor agreed that "[t]hat's the one." (*Ibid.*) And the court confirmed that it was "going to change that. It's going to be (d) rather than (b). So the court's going to stay the 12022.53(b), the 12022.53(c), and sentence him pursuant to Penal Code 12022.53(d) and (e)(1). That's 25 years to life." (*Ibid.*)

B. The law is settled that trial courts have the discretion to impose a lesser included firearm enhancement, and trial courts are presumed to know the law

It is settled law that section 12022.53, subdivision (h), gives trial courts the discretion to impose a lesser included firearm enhancement. As petitioner notes, this Court recently held in *People v. Tirado* (2022) 12 Cal.5th 688, that a trial court has discretion under section 12022.53, subdivision (h), to strike a

subdivision (d) enhancement and impose a lesser uncharged enhancement under subdivision (b) or (c). (*Id.* at p. 700; see Pet. 24.) Certainly, there is no question that the trial court below had the discretion to impose lesser *charged* enhancements under subdivisions (b) or (c). And trial courts are presumed to be aware of their sentencing discretion. (Opn. 11; see *People v. Gutierrez* (2014) 58 Cal.4th 1354, 1390 [absent evidence to the contrary, reviewing courts "presume that the trial court knew and applied the governing law"].) The Court of Appeal below concluded that the record did not overcome this presumption. (Opn. 11.) Petitioner's disagreement with the Court of Appeal's interpretation of the record does not implicate an important question of law or a decisional conflict among the Courts of Appeal. (Cal. Rules of Court, rule 8.500(b)(1).)

In any event, nothing in the record suggests that the trial court below was unaware of its discretion. In discussing the *Romero* motion, the trial court expressed regret over the fact that defendants like petitioner were subject to lengthy prison sentences due in part to circumstances over which they had no control, such as their upbringing and their place of birth. (4RT 4222-4223.) But the court also made it clear that it had no intention of dismissing the strike because of petitioner's recidivism. The court noted that petitioner's "record [was] so bad," that his "history of committing crimes" placed him "outside the spirit of *Romero*," that there was "no real particular reason why the court even remotely would consider [dismissing the strike]," and that petitioner left the court "no choice because of all

these convictions." (4RT 4219-4220.) This discussion with respect to the *Romero* motion does not suggest that the trial court was unaware of its discretion to impose a lesser-included firearm enhancement under section 12022.53, subdivision (b) or (c).

Indeed, the trial court initially sentenced petitioner under the section 12022.53, subdivision (b), enhancement but amended the sentence to reflect imposition of the subdivision (d) enhancement after it confirmed that the former carried a sentence of 10 years and the latter a sentence of 25 years to life. (4RT 4228-4229.) This suggests that the court intended to impose a 25-year-to-life sentence for the use of a firearm in this case since it could have kept the subdivision (b) enhancement in place and struck the subdivisions (d) and (c) enhancements if it had intended otherwise. Therefore, the record does not support petitioner's suggestion that the trial court was unaware of its sentencing discretion under section 12022.53, subdivision (h).

III. THE REMAINING ISSUES, PRESENTED SOLELY FOR EXHAUSTION PURPOSES, DO NOT MERIT REVIEW

Lastly, petitioner raises two issues solely for the purpose of exhausting his claims in anticipation of a federal habeas corpus petition. These issues relate to the trial court's discretion to admit or exclude evidence. First, he contends that the trial court improperly excluded testimony relating to his reasons for fleeing from police. (Pet. 31-36.) Second, he contends that the trial court improperly prevented defense counsel from eliciting testimony regarding gunshot residue on the basis that the anticipated testimony was irrelevant and lacked probative value. (Pet. 36-39.) These issues involve a trial court's routine exercise of its

discretion to admit or exclude evidence under the Evidence Code. They do not implicate any decisional conflict or important question of law. (Cal. Rules of Court, rule 8.500(b)(1).) Review is therefore unwarranted.

CONCLUSION

The petition for review should be denied.

Respectfully submitted,

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April 11, 2022

CERTIFICATE OF COMPLIANCE

I certify that the attached **ANSWER TO PETITION FOR REVIEW** uses a 13 point Century Schoolbook font and contains **4,397** words.

ROB BONTA
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/S/ *CHARLES S. LEE*

CHARLES S. LEE
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Attorneys for Respondent

April 11, 2022

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DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: ***PEOPLE* v. *COOPER (ROBERT)*** Case No.: **S273134**

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 collecting and processing electronic and physical correspondence. 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. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On April 11, 2022, I electronically served the attached **PETITION FOR REVIEW** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence.

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On April 11, 2022, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, addressed as follows

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Attn: Valerie Cole, Head Deputy - *Case No. TA140718-02*
(Served via US Mail)

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 April 11, 2022, at Los Angeles, California.

Vanida S.	/s/ *Vanida S*
Declarant	Signature

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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. COOPER**
Case Number: **S273134**
Lower Court Case Number: **B304490**

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