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September 14, 2021

The Honorable Jorge E. Navarrete
Clerk/Administrator
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: *People v. McWilliams*
California Supreme Court, Case No. S268320
Sixth Appellate District, Case No. H045525
Santa Clara County Superior Court, Case No. C1754407

Dear Mr. Navarrete:

On June 30, 2021, this Court granted review from an unpublished decision in the above-captioned case, in which the Court of Appeal affirmed the trial court's denial of McWilliams's motion to suppress. Appellant's opening brief is presently due on October 4, 2021. Respondent writes to inform the Court that—following further internal consideration and deliberation—respondent intends to take the position that the judgment of the Court of Appeal should not be affirmed. Specifically, respondent intends to argue that the officer's post-detention discovery of McWilliams's parole status did not sufficiently attenuate the taint from the officer's unlawful detention of McWilliams to render lawful the subsequent search of McWilliams and his vehicle.

Hon. Jorge E. Navarrete
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We are submitting this letter to alert the Court and counsel to our change in position in advance of the merits briefing in this case. Unless the Court directs otherwise, respondent still intends to file an answer brief on the merits that responds to all the issues raised and fully addresses all relevant legal and factual claims at issue. We appreciate the Court's understanding and consideration of this letter.

Sincerely,

/s/ Amit Kurlekar
AMIT KURLEKAR
Deputy Attorney General
State Bar No. 244230

For ROB BONTA
Attorney General

SF2021401361

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

Case Name: *People v. McWilliam*

No.: **S268320**

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 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 September 14, 2021, I electronically served the attached **Letter to the Hon. Jorge E. Navarette, Judge** 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, on September 14, 2021, I placed a true copy enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

William M. Robinson
Senior Staff Attorney
Sixth District Appellate Program
– **By Truefiling**

Santa Clara Superior Court
Criminal Division - Hall of Justice
Attention: Criminal Clerk's Office
191 North First Street
San Jose, CA 95113-1090 – **By Mail**

Sixth District Appellate Program
Attn: Executive Director
servesdap@sdap.org

The Honorable Jeffrey F. Rosen
District Attorney
Santa Clara District Attorney's Office
DCA@dao.sccgov.org

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 14, 2021, at San Francisco, California.

J. Espinosa
Declarant

/s/ J. Espinosa
Signature

SF2021401361

42870170.docx

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v.
McWILLIAMS**

Case Number: **S268320**

Lower Court Case Number: **H045525**

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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.

9/14/2021

Date

/s/Amit Kurlekar

Signature

Kurlekar, Amit (244230)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm