SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Appellee, vs. RUN PETER CHHOUN and SAMRETH SAM PAN Defendants and Appellants.	No. S105403 (Los Angeles Superior Court No. KA032767) CAPITAL CASE

AUTOMATIC APPEAL FROM THE JUDGMENT OF DEATH OF THE
SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE ROBERT J. PERRY, JUDGE PRESIDING

APPELLANT'S FOURTH SUPPLEMENTAL REPLY BRIEF

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INTRODUCTION

In Samreth Sam Pan's Fourth Supplemental Brief he argued that the two Sacramento murder convictions should be reversed because the jury instructions on the felony murder rule did not include the changes to the felony murder rule made by Senate Bill 1437. Pan was an accomplice to a robbery during which the actual shooter, Run Peter Chhuon, shot and killed Nghiep Thich Le and Hung Dieu Le.

The jury was instructed that Pan was guilty of

first degree murder under the felony murder rule if a human being was killed during the commission or attempted commission of a robbery or burglary regardless of whether the killing was "intentional, unintentional, or accidental," as long as Pan had the specific intent to commit the underlying felony of either robbery or burglary. (6 CT 11606; CALJIC 8.21); (People v Gonzalez (2012) 54 Cal. 4th 643, 654 [Old Felony Murder Rule].)

Senate Bill 1437 changed the mental state element necessary to convict a non-shooter accomplice of first degree murder under the felony murder rule. Now, for an accomplice to be guilty, the accomplice must be a major participant in the underlying felony, who acts with reckless indifference to human life. (People v Strong (2020) 13 Cal. 5th 698, 708.)

The Attorney General, recognizing the constitutional error in the felony murder jury instructions, argues that since the jury received correct jury instructions on murder and malice aforethought, this is alternative theory error and the error is harmless beyond a reasonable doubt. (People v Aledamat (2018) 8 Cal. 5th 1, 9.)

Specifically, the Attorney General argues that the jury's guilty verdict on Count 3, the attempted murder of Quyen Luu, meant the jury found an intent to kill Quyen Luu, and that finding embraced the valid theory of a specific intent to kill Nghiep Thich Le and Hung Dieu Le, because the murders and attempted murder in the Sacramento case "were committed in the same violent transaction, only seconds apart pursuant to the same plan." (5th Resp. Supp. Br., p. 6.)

Pan argues that the verdict on the attempted murder of Quyen Luu does not render the alternative theory error harmless beyond a reasonable doubt for three reasons.

First, the test for alternative theory error requires the Court to conclude that it would be impossible for the jury to convict Pan of attempted murder without also making a finding that Pan was guilty of the two murders under a valid (non-felony murder) theory of murder. (People v Aledamat, supra, 8 Cal. 5th at 9.) That is simply not the case here, because the jury could have found Pan guilty of the attempted murder of Quyen Luu and still have relied upon the invalid felony murder jury instructions to convict Pan of the two murders. (In re Ferrell (2023) 14 Cal. 5th 593,

606.).

Second, alternative theory review for harmless error does not permit a Court to use a finding of an intent to kill one victim and transfer that intent to kill a second and third victim. (People v Croy (1985) 41 Cal. 3d 1, 21.).

Third, the evidence supporting the attempted murder of Quyen Luu in Count 3 is insufficient to convict Pan, because Pan only intended to commit robbery and was unarmed and outside of the apartment at the time the attempted murder was unexpectedly committed by Chhuon inside the apartment. (Juan H. v Allen (9th Cir. 2005) 408 F.3d 1262, 1277-1279.)

ARGUMENT

I

THE ALTERNATIVE THEORY ERROR WAS NOT HARMLESS BECAUSE THE JURY COULD HAVE FOUND PAN GUILTY OF THE ATTEMPTED MURDER OF QUYEN LUU AND STILL HAVE RELIED UPON THE INVALID FELONY MURDER THEORY TO CONVICT PAN OF THE TWO SACRAMENTO MURDERS. IT WAS NOT IMPOSSIBLE.

The Attorney General argues that the erroneous jury instructions on the felony murder rule were harmless beyond a reasonable doubt because the jury's attempted murder verdict meant that "The jury found Pan had the

specific intent to kill Quen Luu, which conclusively established a valid theory of murder as to Nghiep Thich Le and Hung Dieu Le." (5th Resp. Supp. Br., p. 7.) Pan's response is that the only thing the jury conclusively established with its attempted murder verdict is that the jury found an intent to kill Quyen Luu.

The general rule for determining whether a jury instruction which omits an element of the crime is harmless error is "whether it appears 'beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained.'" (Neder v United States (1985 529 U.S. 1, 15; Chapman v California (1967) 386 U.S. 18, 24.) The fundamental question is "whether it is clear beyond a reasonable doubt that a rational jury would have rendered the same verdict absent the error." (People v Merritt (2017) 2 Cal. 5th 819, 931 (Failure to instruct on the elements of robbery was harmless when the defendant conceded the robbery and raised the defense that he was not the robber).

In Neder, the Court held it was error for the trial court in a federal tax fraud prosecution to refuse to submit the issue of materiality for the jury to decide. Instead, the trial court decided as a matter of law that the

defendant's failure to report $5 million on his income tax return was material. This was held to be error because materiality was an element of the crime and the defendant had a constitutional right to have the jury decide all the elements of the crime. Nevertheless, the Supreme Court held that such an error can be harmless beyond a reasonable doubt in a case, such as Neder, where the issue of materiality was never contested during the trial and the element of materiality had been established by overwhelming evidence. (Neder v United States, supra, at 29.) The Court stated: "We think it beyond cavil that here the error 'did not contribute to the verdict.'" (Neder v United States, supra, at 29.

The Court in Neder noted that under federal law, the wilful failure to report any amount of income on a tax return is material and the defense at trial was that the unreported $5 million was a loan and not income, and that the defendant reasonably believed he need not report the money as income. While the case was on appeal, the defense attorney did not suggest that there was any new evidence bearing on the issue of materiality at a re-trial. The Court stated that if a re-trial was ordered, it would not

focus on the issue of materiality, but on the contested issues on which the jury was properly instructed. Thus, the Court concluded that reversal of the conviction was not constitutionally required, because the error did not contribute to the verdict (Neder v United States, supra, at 26.)

A different result was reached in the case of In re Ferrell (2023) 14 Cal. 5th 593 where the Court found an erroneous felony murder jury instruction was not harmless, by focusing on what benefit the defendant might gain at a retrial of the case under correct jury instructions. In Ferrell, the defendant was convicted of second degree felony murder based on the willful discharge of a firearm under Penal Code section 246.3, which was an assaultive felony that merged with the homicide and could not support a felony-murder conviction. The Court ruled that since the jury was also instructed on valid second degree murder theories under Penal Code section 187(a) and 188, of express malice murder and implied malice murder, the Court could review for harmless error under an alternative-theory error analysis. (In re Ferrell, supra, at 601-603, citing People v Aledamat (2019) 8 Cal. 5th 1, 12.)

The Court found the erroneous felony murder jury instruction was prejudicial because the jury's true finding on a firearm sentencing enhancement under Penal Code section 12022.53, subdivision (d), did not establish the mental component of implied malice. Furthermore, the jury could have credited the testimony that the victim was killed accidentally during the defendant's attempt to stop a fight by shooting into the air. The mental state for implied malice murder had not been conclusively proven and hence, the jury instruction error was not harmless. (In re Ferrell, supra, at 603-608.)

In Pan's case, the Attorney General's argument ignores the possible effect the erroneous felony murder jury instruction may have played on the jury's verdict on the two Sacramento murders and how it cut off avenues whereby Pan might have been acquitted. The felony murder jury instructions given in Pan's case only required the jury to find that Pan had the specific intent to commit a robbery. If a death occurred during the course of and in furtherance of the robbery, then under the jury instructions, Pan was guilty of first degree murder, even if the deaths were unintended or accidental.

Pan was unarmed and was not inside the apartment when Chhuon shot and killed Ngiep Le and Hung Le. These killings may have been intended by the shooter, Chhuon, but there was strong evidence that they were unintended by Pan. Even with the finding of an intent to kill Quyen Luu, the jury may have simply relied upon the felony murder jury instructions to convict Pan of the murders without any finding that Pan had an intent to kill or was a major participant in the robbery who acted with reckless indifference to human life.

Finally, the attempted murder verdict did not establish that Pan was a major participant in the robbery. Pan was not inside the apartment when the killings occurred. He was outside in the courtyard, where he remained after telling Chhuon that they should not go through with the robbery. Being outside in the courtyard meant that he was not in a position to facilitate or prevent the actual murder, and thus played no actual role in the death. (See, Enmund v Florida (1982) 458 U.S. 782, 797-801 (getaway driver); People v Banks, supra, at794, 797 (getaway driver); In re Scoggins (2020) 9 Cal. 5th 667, 672 (waiting at a nearby gas station); In re Ramirez (2019) 32 Cal. App.

5th 384, 405 (waiting across the street).)

The attempted murder verdict did not conclusive establish that Pan was a major participant in the robbery, and at a retrial, the jury may find that Pan was not a major participant, because he was similar to the getaway driver in both Enmund v Florida, supra, and People v Banks, supra. These facts lead to the conclusion that the erroneous jury instructions were not harmless beyond a reasonable doubt.

In People v Hin (2025) 17 Cal. 5th 401, 443, the Court stated that where the jury is instructed on alternative theories of liability, one leally valid and one legally invalid, a federal constitutional error has occurred. (In re Lopez (2023) 14 Cal. 5th 562, 580.) The Court must reverse the conviction unless the error was harmless beyond a reasonable doubt. (People v Aledamat (2019) 8 Cal. 5th 1, 3.)

"A reviewing court may hold such an error harmless 'where it would be impossible, based on the evidence, for a jury to make the findings reflected in its verdict without also making the findings that would support a valid theory of liability.' (Lopez, at p. 568.) In making this assessment, a court must 'rigorously review the evidence to

determine whether any rational juror who found the defendant guilty based on an invalid theory, and made the factual findings reflected in the jury's verdict, would necessarily have found the defendant guilty based on a valid theory as well.' (Ibid.)" (People v Hin, supra, 17 Cal. 5th at 443.)

In the Hin case, Hin was charged with and convicted of murder and attempted murder in a case where Hin was involved in a robbery, during which his co-defendant committed the actual shooting resulting in the murder of one person and the attempted murder of a second person. The jury had been instructed on the valid theory of murder and attempted murder requiring an intent to kill, and the invalid theory of felony murder and the natural and probable consequences doctrine. Senate Bill 1437 changed the law by eliminating the natural and probable consequence doctrine as it related to prosecutions of murder and attempted murder. The felony murder rule was also changed as it related to accomplices, to require proof that the defendant was a major participant in the underling felony who acted with reckless indifference to human life.

As to the murder conviction, the Court found that the jury instruction error was harmless beyond a reasonable

doubt, because the jury's true finding on the gang murder special circumstance allegation meant that the jury found that Hin acted with an intent to kill when he participated in the robbery. The finding of an intent to kill, along with the evidence of Hin's involvement in the robbery, and his directing the victims to a darker area of the park where the murder occurred, satisfied the reckless indifference to human life element, making him liable on a theory of felony murder that is in accord with current law. (People v Hin, supra, at 450-451.)

As to the attempted murder conviction of a second person, who was shot but did not die, the Court found that the jury instruction error on the natural and probable consequences doctrine was reversible error. (People v Hin, supra, at 452-454.) The Attorney General had argued that the true finding on the gang murder special circumstance had established that Hin acted with an intent to kill Martinez, the murder victim. They argued, as they do now in the Pan case, that "Because the murder of Martinez and the attempted murder of Pizano occurred at the same time and place, the finding of an intent to kill as to Martinez establishes that the jury also found that [Hin} intended to kill Pizano, who

was shot in the head just after Martinez was killed." (People v Hin, supra, at 452.)

The Court rejected the Attorney General's argument that a finding of an intent to kill Martinez could be used for a finding of an intent to kill Pizano, the second victim. The Court stated: "the gang-murder special circumstance pertained only to the murder of Martinez. The jury did not return any finding that Hin intended to kill Pizano or that Hin had knowledge of the unlawful purpose of the actual perpetrator, Kak." (People v Hin, supra, at 453.) The Court in Hin acknowledged that the Attorney General's "interpretation of the evidence is reasonable, but it is not the only reasonable reading of the record." (People v Hin, supra, at 453.)

It is critical in reviewing the record for harmless error purposes that the Court look at the evidence from which the jury could have found the defendant not guilty. If there was such evidence, then the alternative theory error is not harmless beyond a reasonable doubt. In the Hin case, the Court pointed to Hin's post arrest interrogation where "Hin denied knowing that Kak was going to shoot the victim, and he expressed surprise at the

shooting." (People v Hin, supra, at 454.)

Based upon the conflicting evidence on the issue of whether Hin had an intent to kill Pizano, the attempted murder victim, the Court stated: "Although the jury's true finding on the gang-murder special circumstance necessarily includes a finding that Hin intended to kill Martinez, it is a inferential step to conclude that Hin also intended to kill Pizano. Moreover, it would require an even greater inference to conclude from the jury's finding that Hin had knowledge of Kak's intent to shoot Pizano or Martinez. Such inferences may be reasonable. But it is not 'impossible, on the evidence, for the jury to find [that Hin intended to kill Martinez] without also finding both that he intended to kill Pizano and knew of Kak's intent to shoot the victims. (Aledamat, surpa, 8 Cal. 5th at p. 15.) The record of conviction thus does not establish beyond a reasonable doubt that the jury would have found Hin guilty of all the elements of direct aiding and abetting as to the attempted murder of Pizano. (Lopez, supra, 14 Cal. 5th at p. 587.)" (People v Hin, supra, 17 Cal. 5th at 454.)

The Court in Hin concluded by stating that "the Attorney General has not met his burden to show beyond a

reasonable doubt that the jury would have found Hin guilty of the attempted murder of Pizano on the proper theory" and reversed the attempted murder involving Pizano on the grounds that the natural and probable consequence jury instruction given in the case was reversible error. (People v Hin, supra, at 454.

The Court should reach the same result in Pan's case. The jury's verdict convicting Pan of the attempted murder of Quyen Luu did not conclusively establish Pan's guilt of the murders of Nghiep Thich Le and Hung Dieu Le. Pan's refusal to go forward with the robbery and his remaining in the courtyard while Chhuon entered the apartment alone raises a major factual question for the jury to decide on the issue of whether Pan was a major participant in the robbery, who acted with reckless indifference to human life.

These factual issues where never conclusively decided by the jury at the first trial. The Court should therefore reverse the murder convictions on the Sacramento case, because based on the jury's findings and the evidence, the erroneous jury instructions on the felony murder rule were not harmless beyond a reasonable doubt.

II

THE JURY'S FINDING OF AN INTENT TO KILL QUYEN LUU ON COUNT 3 CANNOT BE TRANSFERRED TO THE TWO MURDER CONVICTIONS ON COUNTS 1 AND 2 WHEN REVIEWING ALTERNATIVE THEORY ERROR FOR HARMLESSNESS

The Court cannot not use the jury's finding of an intent to kill on Count 3, the attempted murder of Quyen Luu, in order to find harmless error in the giving of erroneous felony murder jury instructions on the two Sacramento murder convictions on Counts 1 and 2. It cannot be said that the jury's finding that Pan intended to kill Quyen Luu, means the jury necessarily found Pan harbored an intent to kill Nghiep Thich Le and Hung Dieu Le. These were three separate crimes with three separate requirements of an intent to kill three separate individuals.

In People v Croy (1985) 41 Cal. 3d 1, 20, the Court rejected the argument that jury instruction error on the specific intent element of attempted murder could be found harmless based upon the jury's finding of an intent to kill on a murder charge involving a different victim. In Croy, the jury instructions on attempted murder had allowed the jury to convict Croy without finding that he had an

intent to kill. The Attorney General made a similar argument that is now made in the Pan case, that the jury's finding of an intent to kill on one victim involving a murder charge, could be used to find harmless a jury instruction error on an attempted murder charge involving a different victim.

In Croy, the Court summarized the Attorney General's argument, saying, "Respondent argues that since appellant [Croy] necessarily was convicted of the wilful, deliberate, and premeditated murder of Officer Hittson, as necessary under the instruction given regarding the special circumstance of murder committed in the course of a robbery, appellant must have been found by the jury to have possessed the same intent with respect to the officers he did not kill." (People v Croy, supra, at 21.)

The Court in Croy rejected the Attorney General's argument stating: "This argument is without merit. We are not entitled to conclude as a matter of law, that because the jury found at one point in time appellant possessed an intent to commit a crime directed at a specific person, that intent necessarily continued, nor can we conclude that the jury necessarily determined he harbored identical intent with respect to different persons at an earlier juncture."

(People v Croy, supra, at 21.)

As the Court did in the People v Hin case, the Court in Croy looked at the disputed nature of the evidence offered at trial on the murder charge. During the trial, Croy testified that he did not intend to shoot Officer Hittson and did not know if he had done so. (People v Croy, supra, at 11, 21.) Since one of the prosecutions's principle theories was that Officer Hittson was killed during the flight from the robbery, it is not only possible, but probable that the jury relied on this theory [the felony murder rule] in convicting appellant of first degree murder and did not find it necessary to even consider whether appellant acted with malice. "Thus, we cannot conclude on the basis of the murder verdict that the jury considered either intent to kill or malice in returning the attempted murder verdicts." (People v Croy, supra, at 21.)

The same analysis applies to Pan's case. Here the erroneous felony murder jury instructions allowed the jury to convict Pan of the crime of murder based upon an unintended, or even an accidental killing during the course of the robbery. The instruction required only a specific intent to commit a robbery. There was no requirement of an intent to kill or a finding of reckless indifference to

human life.

As in Croy, the prosecution's principle theory at trial was that Pan was guilty of first degree murder under the felony murder rule. (19 RT 3282-3287.) It is not only possible, but probable that the jury relied on that theory in convicting Pan of the first degree murder murders and did not find it necessary to even consider whether Pan had an intent to kill or acted with reckless indifference to human life.

The evidence of those two mental states is so minimal that Pan has argued that the evidence is insufficient to convict him of the Sacramento murders and attempted murder. Pan's case is not a case where the Court can find that the jury would have convicted him of the two Sacramento murders, even if properly instructed on the felony murder rule. The error in the felony murder jury instructions was reversible error. The Attorney General has not established that the error is harmless beyond a reasonable doubt.

III

THE JURY'S FINDING OF AN INTENT TO KILL QUYEN LUU ON COUNT 3 CANNOT RENDER THE ALTERNATIVE THEORY ERROR ON COUNTS 1 AND 2 HARMLESS BECAUSE THE EVIDENCE ON THE ATTEMPTED MURDER CONVICTION IS INSUFFICIENT TO CONVICT

The Attorney General argues that the erroneous jury instructions on the felony murder rule do not require the reversal of Pan's two Sacramento murder convictions on Counts 1 and 2 because the jury's guilty verdict on the attempted murder of Quyen Luu on Count 3 rendered the error harmless beyond a reasonable doubt. The Attorney General argues that the jury found an intent to kill Quyen Luu and that finding embraced the valid theory of a specific intent to kill Nghip Thich Le and Hung Dieu Le, because the murders and attempted murder in Sacramento "were committed in the same violent transaction, only seconds apart, pursuant to the same plan." (5th Resp. Supp. Br., p. 6.)

The Attorney General's argument must fail because the evidence supporting Pan's conviction on Count 3 of the attempted murder of Quyen Luu is based on insufficient evidence to convict Pan of that crime. Pan has argued in his Opening Brief that the evidence on Count 3, the

attempted murder of Quyen Luu is insufficient to convict and has asked that Count 3 be reversed. (AOB pp. 188-196; Resp. Br., pp. 175-180; ARB pp. 91-94; see also, Pan's 2nd Supp. Reply Br., pp. 16-20.)

The evidence does not support a finding that Pan aided and abetted Chhoun in the attempted murder of Quyen Luu or that Pan did so with an intent to kill her. The plan was to commit a robbery. There was no plan to kill anyone. At the time of the robbery, Pan was not in possession of a weapon. The shooting of Quyen Luu occurred inside of the apartment, while Pan remained outside. The shooting occurred in response to the unexpected throwing of a chair at Chhoun by Quyen Luu. C.J. Evans testified that Chhoun had explained to him after the robbery that the woman had tried to throw a chair at him, implying that was the reason Chhoun began shooting. (16 RT 2680-2684.)

The crime of attempted murder requires proof that the aider and abettor has a specific intent to kill. (People v Lee (2003) 31 Cal. 4th 613, 623-624.) "To be guilty of attempted murder as an aider and abettor, a person must give aid or encouragement with knowledge of the direct perpetrator's intent to kill and with the purpose of facilitating the direct perpetrator's accomplishment of the

intended killing – which means that the person guilty of attempted murder as an aider and abettor must intend to kill." (People v Lee, supra, at 624; People v Nguyen (2015) 61 Cal. 4th 1015, 1053-1055)

Pan's case is factually similar to a Ninth Circuit case finding insufficient evidence to convict a juvenile of the crime of murder based upon his standing next to his brother while his brother shot and killed a rival gang member. (Juan H. v. Allen (9th Cir. 2005) 408 F.3d 1262, 1274-1279.) In Juan H. the defendant, a juvenile, was home with his family in their trailer when someone fired two shots into the trailer. An hour and half later, the defendant and his brother confronted two men. The defendant's brother asked them if they had fired the shots. When the men responded that they did not know what the brother was talking about, the brother pulled out a shotgun and fired at both men, killing one of them. Prior to the shooting, the defendant had been seen making gang gestures toward the men, and he and the two victims were associated with rival gangs. Shortly after the shooting, the defendant made a gun-like gesture to a neighbor, and he and his family tried to leave the scene of the shooting.

The defendant, Juan H., was convicted of aiding

and abetting the murder of one of the men and the attempted murder of the other. The Ninth Circuit reversed the conviction for insufficient evidence. The Court held that no reasonable factfinder could have found that the defendant knew that his brother would commit the murder or that he acted in a way to encourage or facilitate the killing. (Juan H. v. Allen, supra, 408 F.3d at 1277.)

In Juan H., the Court noted that the evidence was that Juan H. stood behind his older brother at the time of the shooting. This proved neither knowledge that his brother would commit murder, nor an intent to assist his brother in committing the murder. (Juan H. v. Allen, supra at 1278.) The Court also rejected the argument that Juan H. aided and abetted his brother in the murder by providing back up. The Court stated: "Nor could any factfinder reasonably conclude that, by standing, unarmed behind his brother, Juan H. provided 'back up,' in the sense of adding deadly force or protecting his brother in a deadly exchange." (Juan H. v. Allen, supra at 1279; see also Piaskowski v. Bett (7th Cir. 2001) 256 F.3d 687, 691-693 [Evidence of a factory worker's presence at the scene of an assault and murder was insufficient to prove that he aided and abetted or conspired to commit the murder.]; compare,

People v Gonzalez and Soliz (2011) 52 Cal. 4th 254, 295-297 [Evidence Gonzalez was armed and stood next to Soliz as backup when Soliz killed two rival gang members in an act of gang retaliation, was sufficient to prove aiding and abetting the murders.]

Pan's case is similar to the Juan H. case. Pan was unarmed. He was outside of the apartment when the murders and attempted murder occurred. He had no prior knowledge that Chhuon would commit murder and attempted murder in the apartment. The plan was to commit a robbery, not a murder and attempted murder. As to the Sacramento crimes, Pan should only have been convicted of attempted robbery and burglary, and nothing more. Since the evidence on the attempted murder is insufficient, it cannot form the basis for finding the alternative theory jury instruction error to be harmless.

CONCLUSION

Based on the foregoing, appellant urges the Court to reverse his two Sacramento murder convictions in Counts 1 and 2, based on error in instructing the jury on an invalid theory of felony murder. The Court should also vacate the death sentence, since the jury's verdict was partially based on the now reversed Sacramento murder convictions.

Respectfully submitted,

/s/

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CERTIFICATION

The undersigned hereby certifies that the type-size used in this brief is 13 point type size and the brief contains 4809 words.

/s/
JOSEPH F. WALSH

CERTIFICATE OF SERVICE

I the undersigned, certify:

I am a citizen of the United States, over the age of 18 and not a party to the within action; I am employed in the County of Los Angeles, State of California, and my business address is P.O. Box 270, Covina, CA. 91723.

On July 11, 2025, I served on the interested parties hereto, a copy of **APPELLANT'S FOURTH SUPPLEMENTAL REPLY BRIEF** by electronic service using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants who are not registered with TrueFiling will receive hard copies of the BRIEF through the mail via the US Postal Service.

On July 11, 2025, I served the interested parties listed below by placing a true copy of the BRIEF enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as set forth below and by email from my email account to the email addresses of the interested parties listed below:

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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 to the best of my knowledge, and that this Certificate has been executed on July 11, 2025, at Los Angeles, California.

/s/

JOSEPH F. WALSH

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. CHHUON (RUN PETER) & PAN (SAMRETH SAM)**
Case Number: **S105403**
Lower Court Case Number:

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