



**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**

1515 CLAY STREET, 20TH FLOOR  
P.O. BOX 70550  
OAKLAND, CA 94612-0550

Public: (510) 879-1300  
Telephone: (510) 879-0756  
Facsimile: (510) 622-2270  
E-Mail: Joshua.Klein@doj.ca.gov

December 24, 2020

Chief Justice Tani G. Cantil-Sakauye  
And Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94012

RE: *In re Humphrey*, Case No. S247278  
Letter re: Supplemental Authority

Dear Chief Justice Cantil-Sakauye and Associate Justices:

Argument in this case has been scheduled for Tuesday January 5, 2021. We respectfully write to inform the Court of two authorities that postdate the conclusion of briefing.

On December 11, 2020, the Secretary of State certified the results of the November 3, 2020 general election. (See <<https://elections.cdn.sos.ca.gov/sov/2020-general/sov/17-cert.pdf>> [certification]; <<https://elections.cdn.sos.ca.gov/sov/2020-general/sov/58-ballot-measures.pdf>> [indicating that majority voted No on Proposition 25 referendum regarding whether Senate Bill No. 10 (2017-2018 Reg. Sess.) should be retained].)

On July 6, 2020, the United States Supreme Court issued its opinion in *Barr v. American Association of Political Consultants, Inc.* (2020) 140 S.Ct. 2335. (See *id.* at pp. 2354-2355 [discussing remedial issues in equal protection cases].)

Sincerely,

s/ Joshua A. Klein

JOSHUA A. KLEIN  
Deputy Solicitor General

For XAVIER BECERRA  
Attorney General

**DECLARATION OF SERVICE BY E-MAIL and U.S. Mail**

Case Name: **In re Kenneth Humphrey on Habeas Corpus**

Case No.: **S247278**

We declare:

We are 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. We are 18 years of age or older and not a party to this matter. We are familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. 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 by Lois Buzbee-Osby.

On December 24, 2020, A. Cerussi served the attached **LETTER REGARDING SUPPLEMENTAL AUTHORITY** by transmitting a true copy via electronic mail. In addition, Lois Buzbee-Osby placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, 1300 I Street, Suite 125, Sacramento, California 95814, addressed as follows:

**SEE ATTACHED SERVICE LIST**

We 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 December 24, 2020, at Sacramento, California.

A. Cerussi  
\_\_\_\_\_  
Declarant for Service by E-Mail

*/s/ A. Cerussi*  
\_\_\_\_\_  
Signature

Lois Buzbee-Osby  
\_\_\_\_\_  
Declarant for Service by U.S. Mail

*/s/ Lois Buzbee-Osby*  
\_\_\_\_\_  
Signature

*In re Kenneth Humphrey on Habeas Corpus*  
**Supreme Court of California**  
**Case No.: S247278**

Thomas Gregory Sprankling  
Wilmer Cutler Pickering Hale and Dorr LLP  
950 Page Mill Road  
Palo Alto, CA 94304-3498

Hon. Jason Anderson  
San Bernardino County  
District Attorney's Office  
303 West Third Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92415-0042  
*Counsel for Depublication Requestor*

Donald Bartell  
Bartell Beloian & Hensel  
5053 La Mart Drive #201  
Riverside, CA 92507  
*Counsel for Amicus Curiae Cal. DUI Lawyers Assoc.*

Nina Salarno Bresselman  
Crime Victims United of California  
130 Maple Street, Suite 300  
Auburn, CA 95603  
*Counsel for Amici Curiae*

Maya Beth Karwande  
Keker, Van Nest & Peters  
633 Battery Street  
San Francisco, CA 94111  
*Counsel for Amici Curiae Crime Survivors*

Belinda Martinez Vega  
Venable LLP  
2049 Century Park E, Suite 2300  
Los Angeles, CA 90067-3125  
*Counsel for Amicus Curiae American Bar Association*

Seth P. Waxman  
Wilmer Cutler Pickering Hale & Dorr LLP -  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Mark Zahner  
California District Attorney Association  
921 11th Street, Suite 300  
Sacramento, CA 95814-4524  
*Counsel for Depublication Requestor*

Kymberlee Claire Stapleton  
Criminal Justice Legal Foundation  
2131 L Street  
Sacramento, CA 95816  
*Counsel for Amicus Curiae*

Mary McCord  
Institute for Constitutional Advocacy  
and Protection  
Georgetown University  
600 New Jersey Avenue NW  
Washington, DC 20001  
*Counsel for Amici Curiae*

Lara Abigail Bazelon  
Federal Public Defender  
321 E Second Street  
Los Angeles, CA 90012  
*Counsel for Amici Curiae Law Professors*

J. Bradley Robertson  
Bradley Arant Boulton Cummings LLP  
1819 Fifth Avenue North  
Birmingham, AL 35203  
*Counsel for Amici Curiae Cal. Assoc. of Pretrial Services et al.*

*In re Kenneth Humphrey on Habeas Corpus*  
**Supreme Court of California**  
**Case No.: S247278**

A Marisa Chun  
Crowell & Morning LLP  
Three Embarcadero Center, 26<sup>th</sup> Floor  
San Francisco, CA 94111  
*Counsel for Amici Curiae Bar Association of  
San Francisco*

County of San Francisco  
Superior Court of California  
Hall of Justice  
850 Bryant Street  
San Francisco, CA 94103

First Appellate District  
Court of Appeal of the State of California  
Division Two  
350 McAllister Street  
San Francisco, CA 94102

**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **HUMPHREY (KENNETH) ON H.C.**

Case Number: **S247278**

Lower Court Case Number: **A152056**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **Joshua.Klein@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

<b>Filing Type</b>	<b>Document Title</b>
LETTER	Letter re Supplemental Authority

Service Recipients:

<b>Person Served</b>	<b>Email Address</b>	<b>Type</b>	<b>Date / Time</b>
Thomas Loran Pillsbury Winthrop LLP 95255	thomas.loran@pillsburylaw.com	e-Serve	12/24/2020 10:34:31 AM
Anita Nabha San Francisco Public Defender's Office 264701	anita.nabha@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Manohar Raju San Francisco Public Defender 193771	manohar.raju@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Daniel Volchok Wilmer Cutler Pickering Hale and Dorr LLP 497341	daniel.volchok@wilmerhale.com	e-Serve	12/24/2020 10:34:31 AM
Christopher Gauger San Francisco Public Defender 104451	chris.gauger@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Alec Karakatsanis Civil Rights Corps	alec@civilrightscorps.org	e-Serve	12/24/2020 10:34:31 AM
Matt Gonzalez San Francisco Public Defender's Office	matt.gonzalez@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Peter Eliasberg ACLU Of Southern California	peliasberg@aclu.sc.org	e-Serve	12/24/2020 10:34:31 AM
Michael Ramos San Bernardino District Attorney 141025	mramos@sbcda.org	e-Serve	12/24/2020 10:34:31 AM
Gregory Totten Office of the District Attorney	greg.totten@mail.co.ventura.ca.us	e-Serve	12/24/2020 10:34:31 AM
Micaela Davis ACLU of Northern California 282195	mdavis@aclunc.org	e-Serve	12/24/2020 10:34:31 AM

Jeffrey Laurence Office Of the Attorney General 183595	Jeff.Laurence@doj.ca.gov	e-Serve	12/24/2020 10:34:31 AM
Dale Miller Law Office of Dale Miller	dale@dalemillerlaw.com	e-Serve	12/24/2020 10:34:31 AM
Paul Myslin Office of the Public Defender	paul.myslin@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Krista Carter Arnold & Porter Kaye Scholer LLP	krista.carter@apks.com	e-Serve	12/24/2020 10:34:31 AM
Wade Chow Office of the District Attorney	wade.chow@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Brent Schultze Office of the District Attorney	bschultz@sbcda.org	e-Serve	12/24/2020 10:34:31 AM
Katherine Hubbard Civil Rights Corps	katherine@civilrightscorps.org	e-Serve	12/24/2020 10:34:31 AM
Kimberly Ingram Bradley Arant Boult Cummings LLP 305497	kingram@bradley.com	e-Serve	12/24/2020 10:34:31 AM
George Gascon Office of the District Attorney	george.gascon@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Emily Aviad Skadden Arps et al LLP	emily.aviad@skadden.com	e-Serve	12/24/2020 10:34:31 AM
Dorothy Bischoff San Francisco Public Defender 142129	dorothy.bischoff@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Robert Brown San Bernardino District Attorney 30188	RBrown@sbcda.org	e-Serve	12/24/2020 10:34:31 AM
Christopher Gauger San Francisco Public Defender's Office	christopher.gauger@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Katie Stowe Office of the Attorney General	katiestowe@doj.ca.gov	e-Serve	12/24/2020 10:34:31 AM
Sharon Woo Office of the District Attorney	sharon.woo@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Michael McMahon Office of the Ventura County Public Defender	michael.mcmahon@ventura.ca	e-Serve	12/24/2020 10:34:31 AM
Marissa Bejarano San Diego County District Attorney's Office 234544	Marissa.bejarano@sdcda.org	e-Serve	12/24/2020 10:34:31 AM
Allison Macbeth San Francisco District Attorney's Office 203547	allison.macbeth@sfgov.org	e-Serve	12/24/2020 10:34:31 AM
Joshua Klein Office of the Attorney General 226480	Joshua.Klein@doj.ca.gov	e-Serve	12/24/2020 10:34:31 AM
Donald Kilmer Law Offices of Donald Kilmer	don@dklawoffice.com	e-Serve	12/24/2020 10:34:31 AM
Brent Schultze San Bernardino District Attorney's Office 230837	bschultze@sbcda.org	e-Serve	12/24/2020 10:34:31 AM

Albert Ramirez Golden Gate State Bail Agents Association 184771	ramirez.bail@gmail.com	e-Serve	12/24/2020 10:34:31 AM
Jeffrey Adachi Public Defenders Office	jeffadachi@yahoo.com	e-Serve	12/24/2020 10:34:31 AM
Christopher Gauger San Francisco Public Defender's Office	christopher.gauger@sfgov.org	e-Serve	12/24/2020 10:34:31 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

12/24/2020

Date

/s/Ann Cerussi

Signature

Klein, Joshua (226480)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm