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March 10, 2020

Supreme Court of California  
350 McAllister Street, Room 1295  
San Francisco, CA 94102-4797

Re: ***In re William Milton, S259954***  
**Second Supplemental Letter Brief in Support of Petition for**  
**Review Based on New Authority and Request to File**  
**Supplemental Letter Brief**  
Court of Appeal case no. B297354  
Los Angeles Superior Court case no. TA039953

To the Honorable Chief Justice Tani Gorre Cantil-Sakauye and the Associate Justices of the California Supreme Court:

Petitioner William Milton respectfully requests permission to file the instant supplemental letter brief in support of his petition for review based on new authority.

On February 24, 2020, the Ninth Circuit issued its opinion in *Allen v. Ives* (9th Cir. Feb. 24, 2020, No. 18-35001) \_\_ F.3d \_\_ [2020 U.S.App. LEXIS 5652] (*Allen*). In *Allen*, the Ninth Circuit found that the United States Supreme Court’s decisions in *Descamps v. United States* (2013) 570 U.S. 254 (*Descamps*) and *Mathis v. United States* (2016) 136 S.Ct. 2243 (*Mathis*) supported a claim of actual innocence as to an allegation that a prior conviction qualified to increase the defendant’s sentence. (*Allen, supra*, \_\_ F.3d \_\_ [at p. 14].) The Ninth Circuit also found that “[t]o the extent that *Mathis* and *Descamps* may be thought to have announced a new rule, we have no trouble concluding that the rule is one of substance rather than procedure.” (*Id.* at p. \_\_ [at p. 18].)

Sincerely,

/S/ BRAD KAISERMAN

BRAD KAISERMAN

Cc: Eric J. Kohm, Office of the Attorney General  
The Honorable Ronald Slick  
Los Angeles District Attorney’s Office  
William Milton

## PROOF OF SERVICE

I, the undersigned, declare that I am a resident or employed in Los Angeles County, California; that I am over the age of eighteen years; that my business address is Brad K. Kaiserman, Esq., 5870 Melrose Ave., # 3396, Los Angeles, CA 90038, bradkaiserman@gmail.com, at whose discretion I served the document entitled **Second Supplemental Letter Brief in Support of Petition for Review Based on New Authority and Request to File Supplemental Letter Brief**.

On March 10, 2020, following ordinary business practice, service was completed by placing the above document in a sealed envelope for collection and mailing via United States Mail.

Sherri R. Carter, Clerk of the Court  
Los Angeles County Superior Court  
(For Retired Judge Ronald J. Slick)  
111 North Hill St.  
Los Angeles, CA 90012

William Milton, P38650  
Correctional Training Facility (CTF)  
Facility C, XW-137L  
PO Box 689  
Soledad, CA 93960

This proof of service is executed in Los Angeles, California, on March 10, 2020.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/S/ BRAD KAISERMAN  
BRAD KAISERMAN

STATE OF CALIFORNIA  
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA  
Supreme Court of CaliforniaCase Name: **MILTON (WILLIAM) ON H.C.**Case Number: **S259954**Lower Court Case Number: **B297354**

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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.

3/10/2020

Date

/s/Brad Kaiserman

Signature

Kaiserman, Brad (266220)

Last Name, First Name (PNum)

Brad K. Kaiserman, Esq.

