IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE J.G., a Person Coming Under the Juvenile Court Law.	)	**No. S240397**
PEOPLE OF THE STATE OF CALIFORNIA,	)	Court of Appeal No. C077056
Plaintiff and Respondent,	)	Shasta County Superior Court No. JDSQ122933901
v.	)	
J.G.,	)	
Defendant and Appellant.	)	

APPELLANT'S REPLY BRIEF ON THE MERITS

REDACTED VERSION
Redacts material from sealed record

LAUREL THORPE
Executive Director
WILLIAM WHALEY
State Bar No. 293720
Central California Appellate Program
2150 River Plaza Drive, Suite 300
Sacramento, CA 95833
Telephone: (916) 441-3792
Email: whaley.william.c@gmail.com

Attorneys for Appellant

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE J.G., a Person Coming Under the Juvenile Court Law.	)	**No. S240397**
PEOPLE OF THE STATE OF CALIFORNIA,	)	Court of Appeal No. C077056
Plaintiff and Respondent,	)	Shasta County Superior Court
v.	)	No. JDSQ122933901
J.G.,	)	
Defendant and Appellant.	)	

APPELLANT'S REPLY BRIEF ON THE MERITS

REDACTED VERSION
Redacts material from sealed record

LAUREL THORPE
Executive Director
WILLIAM WHALEY
State Bar No. 293720
Central California Appellate Program
2150 River Plaza Drive, Suite 300
Sacramento, CA 95833
Telephone: (916) 441-3792
Email: whaley.william.c@gmail.com

Attorneys for Appellant

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

STATE STATUTES

Welfare and Institutions Code

OTHER REFERENCES

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE J.G., a Person Coming Under the Juvenile Court Law.	)	**No. S240397**
PEOPLE OF THE STATE OF CALIFORNIA,	)	Court of Appeal No. C077056
Plaintiff and Respondent,	)	Shasta County Superior Court
v.	)	No. JDSQ122933901
J.G.,	)	
Defendant and Appellant.	)	

ARGUMENT

I. THE JUVENILE COURT LACKED JURISDICTION TO [redacted]

A. Respondent's argument that J.G. is estopped [redacted] is based on an inaccurate characterization of the record.

Respondent claims that even if juvenile courts lack jurisdiction [redacted]

[redacted] (RABOM,[1] at p. 20.) [redacted]

[1] "RABOM" refers to respondent's answer brief on the merits.

[2] "2RT" refers to the reporter's transcript of proceedings held on January 17, 2013, November 14, 2013, and December 19, 2013. Respondent refers to this transcript as "AGRT."

[3] "RST" refers to the reporter's supplemental transcript of the proceeding held on December 5, 2013.

[redacted]

Respondent also claims J.G. is estopped [redacted] (RABOM, at p. 24.) That is also inaccurate. At the dismissal hearing, [redacted]:

[redacted]

[4] "1RT" refers to the reporter's transcript of proceedings held on January 29, 2014 and July 9, 2014.

[redacted]

(1RT, at pp. 10-11, italics added.)

[redacted] (1RT, at pp. 1-11; 2RT, at p. 2-9, 13; RST, at pp. 1-12; CT, at pp. 52, 61-63, 79-116, 123-130.)

B. If J.G. [redacted] *, the equities still favor vacating* [redacted].

Assuming, *arguendo*, that J.G. [redacted] the equities favor vacating [redacted]. Respondent does not address whether the equities favor vacating the [redacted] presumably because it has no argument that equity favors enforcement.

There are a number of factors appellate courts consider before finding estoppel based on consent: (1) whether the appellant was prejudiced by his consent, (2) whether public policy supports permitting the act to stand, and (3) whether permitting the appellant to challenge the act would

allow him to trifle with the court. (*In re K.C.* (2013) 220 Cal.App.4th 465, 472-473.) Here, those factors each weigh against estopping J.G. from challenging [redacted] order as an act in excess of the juvenile court's jurisdiction.

1. Even if J.G. "consented" [redacted]

Assuming J.G. consented to [redacted] he was prejudiced by that consent. [redacted] Under these circumstances, using J.G.'s consent to uphold the [redacted] would be inequitable.

2. Public policy weighs against estoppel.

Public policy weighs against estopping J.G. from challenging the [redacted]. As set forth in more detail in appellant's opening brief on the merits and in the arguments that follow, the court erred because the amount of [redacted] was ascertained in a manner that violates both state and federal law. (See 42 U.S.C. § 407(a) [prohibiting states from using legal process to obtain SSI or SSD benefits]; § 742.16, subd. (b) [requiring that restitution

be set commensurate with a minor's ability to pay]; § 742.16, subd. (n) [prohibiting restitution over $20,000 absent evidence the minor engaged in more than one tort].) Furthermore, enforcement of [redacted] deprives J.G. of a significant protection guaranteed by section 793, which operates as an incentive for minors to successfully complete DEJ. (§ 793 [providing that upon completion of DEJ the records shall be sealed and the underlying arrest is deemed never to have occurred].)

3. J.G. is not trifling with the court.

In *In re K.C.* (2013) 220 Cal.App.4th 465, 468, the minor's appeal was a trifle: he specifically agreed as part of his participation in a program of informal supervision to pay restitution, specifically agreed to pay a particular amount, and specifically agreed that unpaid restitution would not be discharged upon termination of probation. On appeal, he argued that the juvenile court lacked jurisdiction to convert unpaid restitution to a civil judgment. (*K.C.*, *supra*, at p. 470.) The Court of Appeal found that the minor was estopped: "permitting the minor to challenge the agreement after having obtained its benefit would allow him to 'trifle with the court.'" (*Id.* at p. 473.)

Here, by contrast, [redacted] (1RT, at pp. 1-11; 2RT, at p. 2-9, 13; RST, at pp. 1-12; CT, at pp. 52, 61-63, 79-116, 123-130.)

[redacted]

[redacted]

C. Respondent's argument that section 793 permits [redacted] upon completion of DEJ ignores the statute's unambiguous language and the material differences between sections 793 and 786.

On the merits, respondent argues that section 793 does not unambiguously prohibit conversion of restitution to a civil judgment because "[t]he provision makes no explicit mention of restitution and does not explicitly say that a restitution order can no longer be enforced after completion of DEJ." (RABOM, at p. 28.) Respondent's analysis is flawed.

The protection section 793 provides minors who complete DEJ is so broad that it unambiguously prohibits conversion of unpaid restitution to a civil judgment without mentioning the word "restitution." Deeming the underlying arrest never to have occurred and sealing all the related records–as section 793 commands–and converting unpaid restitution to a civil judgment, are mutually exclusive.

Respondent asserts that "the fact that an arrest is deemed not to have occurred after DEJ is completed does not mean that the damage inflicted by a minor did not occur or that a minor is no longer liable for that damage. Indeed, even if appellant had not been arrested, the victim could still have sought to recover damages in a civil suit." (RABOM, at pp. 28-29.) Respondent's observation misses the point. The fact there could be separate civil liability stemming from the minor's conduct in no way proves the

propriety of the conversion order. The conversion order is improper because it flows from the arrest, and if the arrest never occurred, there would not be a section 602 petition, a restitution condition, or a conversion order.

Courts have interpreted protections similar to those found in section 793 very broadly. For example, in *B.W. v. Board of Medical Quality Assurance* (1985) 169 Cal.App.3d 219, 230, the court held that administrative action taken against a licensee based upon an arrest report was barred because he had completed diversion and the arrest was deemed never to have occurred. And in *Parmett v. Superior Court* (1989) 212 Cal.App.3d 1261, 1268, the court held that discovery was barred in a civil suit of facts related to an arrest that was deemed never to have occurred. (See AOBM, at pp. 17-18.) If administrative action and discovery are prohibited by such language, a civil judgment should be too. Appellant made this argument in the opening brief on the merits (see AOBM, at pp. 17-18) but respondent has not addressed it. Nor has respondent addressed the sealing language in section 793. Sealing all the records related to the proceeding, as section 793 commands, is directly at odds with the existence of a civil judgment.

Section 793 lists one exception to sealing that allows the minor's record to be considered when determining whether he or she is eligible for a future grant of DEJ. There is no exception to allow enforcement of civil judgment. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852.) Although this argument was raised in the opening brief on the merits, respondent has not addressed it. (AOBM, at p. 15.)

Furthermore, when the drafters of juvenile expungement statutes want to allow unpaid restitution to survive the dismissal of the section 602

petition, they know how to say so clearly. Section 786 contains language similar to section 793 concerning deeming the underlying arrest never to have occurred and sealing all the related records when a minor completes formal probation or informal supervision (§ 786, subds. (a) & (b)); however, it also contains an express exception that permits unpaid restitution to be converted to a civil judgment (§ 786, subd. (g)). Section 793 does not contain a similar exception.

Respondent claims that the exception set forth in section 786 "reaffirms" the Legislature's intent to have restitution orders enforced as civil judgments. Respondent does not support that claim with authority, and it is inconsistent with the principle of statutory construction that "when the Legislature uses a critical word or phrase in one statute, the omission of that word or phrase in another statute dealing with the same general subject generally shows a different legislative intent." (*Milklosy v. Regents of University of California* (2008) 44 Cal.4th 876, 896.)

Respondent also claims that to the extent section 793 is ambiguous concerning whether unpaid restitution can be converted to a civil judgment, "the ambiguity is resolved by the electorate and Legislature's intent that a victim recover full restitution." (RABOM, at p. 29.) Respondent overstates the electorate and Legislature's intent.

While there is a constitutional provision for full victim restitution, that provision has not been considered self-executing. (*People v. Vega-Hernandez* (1986) 179 Cal.App.3d 1084, 1093.) And even assuming it is self-executing, the provision explicitly applies to individuals who are "convicted" of an offense. (Cal. Const., art. I, § 28, subd. (b), par. (13).) J.G. was never convicted of an offense. (See § 203 ["An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of

a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding."].)

In contrast to adult restitution-implementing statutes, the juvenile DEJ statutes do not require victim restitution. (See § 794 ["The minor *may* also be required to pay restitution . . . ."], italics added.) And if a juvenile court decides to impose victim restitution in a vandalism case, the implementing statutes require the court to take a minor's ability to pay into account when setting a restitution amount. (§ 742.16.) Contrary to respondent's assertion, there is no electorate or Legislative intent that a victim recover full restitution in a juvenile DEJ case.

Respondent claims that an interpretation of section 793 that prohibits conversion of unpaid restitution to a civil judgment would lead to absurd results because minors would have no incentive to pay restitution during DEJ probation. (RABOM, at p. 31.) In support thereof, respondent cites *In re Keith C.* (2015) 236 Cal.App.4th 151. The issue in that case was whether a juvenile court "had authority to issue an abstract of judgment . . . permitting collection of Keith's unpaid restitutionary debt" after Keith turned 21 years old. (*Keith C.*, *supra*, at pp. 154-155.) There, the minor was adjudged a ward, placed on probation, and ordered him to pay $2,180 in restitution for stealing a car. (*Id.* at pp. 153-154.) The minor did not pay restitution. (*Id.* at p. 154.) Years later, after Keith turned 21 years old, the court issued an abstract of judgment ordering him to pay restitution. (*Ibid.*) Keith appealed arguing that the juvenile court lost jurisdiction over him when he turned 21. (*Id.* at pp. 154-155.)

The Court of Appeal affirmed. It noted section 607, subdivision (a) provides that a juvenile court loses jurisdiction over a ward who attains 21 years of age, but held "that, if a juvenile court enters a valid restitution

order *when the juvenile is under 21*–at a time when the court indisputably has jurisdiction–that order remains enforceable beyond the period of wardship in the same manner as any civil judgment." (*Keith C.*, *supra*, 236 Cal.App.4th at pp. 155-157, italics in original.)

Respondent does not claim that *Keith C.*'s holding supports its position. Nor could it. The case does not deal with section 793 or DEJ. Instead, respondent cites the case for its observation that juveniles should not be allowed to avoid restitutionary obligations by "'running out the clock' as they grow into adulthood." (RABOM, at pp. 31-32.) However, that concern does not enable a court to redraft section 793 in a manner that would presumably better protect against gamesmanship. Furthermore, juvenile courts are not powerless to protect against minors trying to run out the clock in the DEJ context. Should the court determine that a minor is attempting to run out the clock by failing to pay restitution during the deferral period, the juvenile court can find the minor has wilfully failed to pay restitution and adjudge the minor a ward. Once the minor is adjudged a ward, he or she loses the protection of section 793 and unpaid restitution can be converted to a civil judgment. (§ 786.) [redacted]

Respondent claims that interpreting section 793 in a manner that prohibits conversion of unpaid restitution to a civil judgment is impracticable. According to respondent, it may take a juvenile court months to set a restitution amount and DEJ will only last for 12 months, which means "a minor will pay little or none of his obligation . . . ." (RABOM, at p. 33.) Respondent is mistaken. First, the minor and his family's income is likely static; ability to pay is something that should be readily discernible.

[redacted] (2RT, at p. 13; CT, at pp. 61-63.)

Second, respondent ignores the fact that some minors will be able to pay full restitution immediately because they are wealthy or come from wealthy families. [redacted] that seems to be a reality that the drafters anticipated and accepted by making restitution an option, but not a requirement in DEJ cases. (See § 794 ["The minor *may* also be required to pay restitution" as a condition of DEJ probation], italics added; *G.C. v. Superior Court* (2010) 183 Cal.App.4th 371, 378 [interpreting section 794 in this manner].)

Respondent fears that without power to convert unpaid restitution to a civil judgment, "a court might find a minor unsuitable for DEJ simply because the minor owes a large amount of restitution." (RABOM, at pp. 32-33.) That fear is unfounded because the court need not impose restitution in a DEJ case. (§ 794.) Furthermore, there are constitutional prohibitions against discriminating against poor children, i.e., by finding them unsuitable for DEJ because they are unable to pay full restitution during the deferral period. (See *Charles S. v. Superior Court* (1982) 32 Cal.3d 741, 749-751 [discussing the equal protection problems inherent in discriminating on the basis of indigency].)

Respondent mistakenly asserts that two of the authorities appellant relied on in the opening brief on the merits do not support his position. (RABOM, at p. 33.) Respondent claims appellant's reliance on *People v. Gross* (2015) 238 Cal.App.4th 1313, is misplaced because *Gross* dealt with

dismissal under a completely different dismissal statute–Penal Code section 1203.4. (RAOBM, at p. 33-34.) Appellant acknowledged that *Gross* dealt with a different dismissal statute. (AOBM, at p. 17.) However, appellant used *Gross*'s discussion of Penal Code section 1203.4 the same way he used section 786: to provide an example of a dismissal statute that does not provide protections as broad as those found in section 793. (AOBM, at p. 17.) Respondent does not contest that the language in section 793 provides a broader protection than the language in Penal Code section 1203.4. The distinction supports appellant's position.

Next, respondent claims that any language in *G.C. v. Superior Court*, *supra*, 183 Cal.App.4th 371, discussing how restitution operates in the DEJ context is dicta. (RABOM, at p. 35.) Respondent is mistaken. In *G.C.*, the juvenile court refused to take a minor's ability to pay into account when determining a restitution amount that should be imposed as a condition of DEJ probation. (183 Cal.App.4th at pp. 374-376.) The minor filed a petition for writ of mandate and the Court of Appeal remanded with explicit instructions on how, exactly, the juvenile court should undertake the computation:

> When judgment is deferred, the juvenile court is not required to order victim restitution; the restitution decision rests in the discretion of the juvenile court. (§ 794.) In exercising that discretion, the juvenile court may take any pertinent circumstances into account. Ability to pay would be one such circumstance . . . [T]he ability to pay must be a consideration "at the front end." One reason for this is to ensure that the victim receives compensation for the loss; since there will be no judgment, the victim would have no way to enforce the order if it is not satisfied during the deferral period. Just as important is that the court must make an ability-to-pay finding in order to avoid imposing a condition that will be impossible for the minor to satisfy. And when imposing a restitution

> order under section 742.16 . . . the court is statutorily required to find that the minor or his estate has the ability to pay it.

(*Id.* at p. 378.) Those instructions are not dicta. "Dictum is the statement of a principle not necessary to the decision." (*Manufacturers Life Ins. Co. v. Superior Court* (1995) 10 Cal.4th 257, 287.) In a petition for writ of mandate, instructing the juvenile court on how it should act is not only a necessary component of the decision, it is the decision.

Finally, respondent agrees that the Voter Information Guide for Proposition 21 "evinces as intent to expunge" some offenses committed by certain first time, non-violent juvenile felons, but asserts the ballot materials do not assist appellant's argument because they do not mention restitution. (RABOM, at p. 35.) However, expungement and the existence of a civil judgment are mutually exclusive and respondent does not attempt to make an argument to the contrary.

II. THE JUVENILE COURT ERRED BY USING [redacted]

A. The juvenile court violated the federal anti-alienation provisions [redacted]

Like the Court of Appeal, respondent posits that there is a meaningful distinction between treating federal benefits as income for determining whether someone has an ability to pay restitution and requiring someone to use those benefits to pay restitution. (RABOM, p. 36.) Respondent believes that only the latter violates the federal anti-alienation provisions.

Like the case on which it relies (*Kays v. Indiana* (2012) 963 N.E.2d 507), respondent's analysis omits any discussion of the scope of the term "other legal process" as used in 42 U.S.C. § 407. The United States Supreme Court has defined the term in *Wash. State Dep't of Soc. & Health Servs. v. Guardianship Estate of Keffeler* (2003) 537 U.S. 371, 385 (*Keffeler*) as "some judicial or quasi-judicial mechanism, though not necessarily an elaborate one, by which control of property passes from one person to another in order to discharge or secure discharge of an allegedly existing or anticipated liability."

Appellant argued that a juvenile court treating Social Security benefits as income when assessing an individual's ability to pay restitution is "other legal process" pursuant to *Keffeler* because it is undeniably a judicial mechanism designed to secure discharge, to the maximum extent possible, of a liability (restitution). (See AOBM, at pp. 21-22.) Respondent does not mention *Keffeler* or its definition of "other legal process."

Instead, respondent asserts there is a distinction between treating Social Security benefits as income to assess an individual's ability to pay restitution and requiring their use to pay restitution. Respondent seems aware that this is a distinction without a difference where, [redacted]; so instead, respondent has adapted its argument to be that J.G. should have gotten a job and made restitution payments from his earnings. (RABOM, at p. 41.) That contention is unsupported by law and the record.

Appellant is unaware of a single case that has held an individual's job prospects are key to evaluating whether there has been a violation of the federal anti-alienation provisions. Furthermore, the juvenile court did not make a single finding in support of respondent's contention. [redacted]

[redacted]

Respondent attempts to distinguish *City of Richland v. Wakefield* (Wash. 2016) 380 P.3d 459, *In re S.M.* (2012) 209 Cal.App.4th 21, and *State v. Eaton* (Mont. 2004) 99 P.3d 661, on the basis that the individuals in those cases were [redacted] (RABOM, at pp. 41-44.) However, in analyzing whether there had been a violation of the anti-alienation provisions, neither *Wakefield*, *S.M.*, nor *Eaton*, considered the nature or extent of the individual's disability or his or her employment prospects to be a relevant consideration. The analysis should focus on whether a state action amounts to "other legal process." (See *Keffeler, supra*, 537 U.S. at p. 385.) *Wakefield*, *Eaton*, and *S.M.* teach that considering Social Security benefits to be income for ability to pay purposes amounts to "other legal process" in violation of the federal anti-attachment provisions.

Furthermore, as *S.M.* observed, "[t]o consider SSI benefits as income subject to consideration in determining a person's ability to pay . . . would be antithetical to the purpose of the SSI program of assuring a minimum level of income for the indigent blind, aged, and disabled." (209 Cal.App.4th at p. 30.) This Court should reach a similar conclusion.

B. The juvenile court abused its discretion by [redacted]

Respondent asserts that J.G. [redacted]. (RABOM,

at p. 44.) Respondent misstates the record.

[redacted]

On the merits, respondent contests that the court must reduce the total restitution amount to that which a minor can repay during the deferral period. (RABOM, at p. 46.) Respondent is mistaken. (See § 793; Argument I, *ante*.)

Even assuming, *arguendo*, that restitution survives DEJ completion, the juvenile court still abused its discretion [redacted] (RABOM, at p. 47.) Respondent does not include a citation to the record, likely because the record does not support the contention.

[redacted]

[redacted]

C. *The juvenile court was statutorily prohibited* [redacted].

Respondent asserts that J.G. forfeited his ability to assert the $20,000 cap set forth in section 742.16, subdivision (n) because he failed to object on those grounds in the juvenile court. (RABOM, at p. 30.) Appellant does not dispute that [redacted].[5] However, the issue in this case is distinct from restitution issues deemed forfeited by a failure to contemporaneously object because it implicates statutory requirements. (Cf. *People v. Brasure* (2008) 42 Cal.4th 1037, 1075.)

Section 742.16, subdivision (n) prohibits imposition of more than $20,000 in restitution in a juvenile vandalism case absent evidence the minor committed more than one tort that resulted in damages. Respondent acknowledges [redacted] (RABOM, at p. 50.) Nevertheless, respondent strains to argue that the [redacted]. (See RABOM, at pp. 49-51.) Respondent also minimizes the juvenile court's failure to comply with the legal requirements imposed by section 742.16, subdivision (n), by asserting that J.G.'s argument is "factual . . . not a legal

---

[5] Respondent asserts "the first time appellant obliquely raised this specific claim was in his Court of Appeal Reply Brief." (RABOM, at p. 48.) Appellant also raised the argument in his opening brief and supplemental opening brief. (See AOB, at p. 21; SAOB, at pp. 5-8.)

one" and thus subject to forfeiture. (RABOM, at p. 49.) Every legal argument depends, to some extent, on the facts. [redacted]

Where, as here, a restitution statute imposes a particular requirement and that requirement is not met, the evidence is insufficient and the order should be vacated. (See *Luis M. v. Superior Court* (2014) 59 Cal.4th 300, 303.)

D. Direct appeal is a proper vehicle for appellant's challenges to the restitution order.

In the final section of its brief, respondent argues that a direct appeal is not the proper vehicle for appellant to challenge the amount of the restitution award because [redacted] (RABOM, at p. 51.) Respondent faults J.G.'s public defender and appears to suggest habeas as an alternative vehicle to this direct appeal. (RABOM, at p. 51.) Respondent is wrong to fault trial counsel for failing to make additional and futile objections and renewing requests that had been ignored. J.G.'s trial attorney objected to the [redacted], objected to the [redacted], and repeatedly advised the court that it should [redacted]. (1RT, at pp. 1-11; 2RT, at p. 2-9, 13; RST, at pp. 1-12; CT, at pp. 52, 61-63, 79-116, 123-130.) The issues related to the [redacted] are preserved.

///

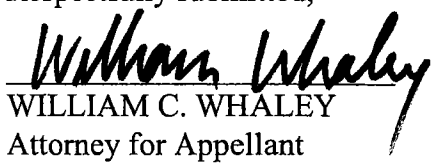
///

CONCLUSION

Respondent's answer brief on the merit reflects that there is a great deal of confusion [redacted] For the reasons set forth above and in the opening brief on the merits, appellant respectfully submits that this Court should reject respondent's contentions, reverse the judgment of the Court of Appeal, and vacate the [redacted].

DATED: December 15, 2017

Respectfully submitted,



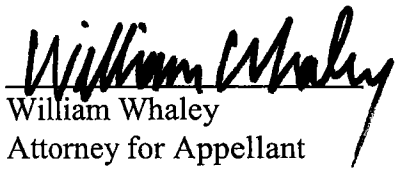
WILLIAM C. WHALEY
Attorney for Appellant

Certificate of Appellate Counsel Pursuant to rule 8.204(c)(1) and rule 8.360(b) of the California Rules of Court

I, William Whaley, appointed counsel for appellant, certify pursuant to rule 8.204 of the California Rules of Court, that I prepared this Reply Brief On the Merits on behalf of my client, and that the word count for this brief is 6,005 words.

I certify that I prepared this document in WordPerfect and that this is the word count generated for this document.

Dated: December 15, 2017



William Whaley
Attorney for Appellant

Re: *In re J.G.*, Case No. S240397

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY PLACEMENT AT PLACE OF BUSINESS FOR COLLECTION AND DEPOSIT IN MAIL

(Code Civ. Proc., § 1013a, subd. (3); Cal. Rules of Court, rules 8.71(f) and 8.77)

I, *Debra Lancaster*, declare as follows:

I am, and was at the time of the service mentioned in this declaration, over the age of 18 years and am not a party to this cause. My electronic service address is eservice@capcentral.org and my business address is 2150 River Plaza Dr., Ste. 300, Sacramento, CA 95833 in Sacramento County, California.

On **December 15, 2017**, I served the persons and/or entities listed below by the method checked. For those marked "Served Electronically," I transmitted a PDF version of **Appellant's Reply Brief on the Merits MAY NOT BE EXAMINED WITHOUT COURT ORDER Contains material from sealed record** by TrueFiling electronic service or by e-mail to the e-mail service address(es) provided below. Transmission occurred at approximately **11:00 AM** For those marked "Served by Mail," I enclosed a copy of the document identified above in an envelope or envelopes, addressed as provided below, and placed the envelope(s) for collection and mailing on the date and at the place shown below, following the Central California Appellate Program's ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in sealed envelope(s) with postage fully prepaid.

Office of the Attorney General P.O. Box 944255 Sacramento, CA 94244 SacAWTTrueFiling@doj.ca.gov **AND** Third District Court of Appeal 914 Capitol Mall Sacramento, CA 95814	J.G. (Address on file)
_X_ Served Electronically _____ Served by Mail	___ Served Electronically _X_ Served by Mail

Shasta County Superior Court 1500 Court Street Redding, CA 96001	Shasta County District Attorney 1355 West Street Redding, CA 96001
_____ Served Electronically __X__ Served by Mail	_____ Served Electronically __X__ Served by Mail

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **December 15, 2017**, at Sacramento, California.

Debra Lancaster