

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA

No. S270907

Plaintiff and Respondent

Sixth District
Court of Appeal
Case No. H048693

v.

Santa Cruz County
Superior Court
Nos. 19JU00191A, B, C

F.M.

Defendant and Appellant

The Honorable
Denine Guy, Judge

APPELLANT'S SUPPLEMENTAL BRIEF CITING NEW AUTHORITY
AND APPLICATION FOR GOOD CAUSE

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REQUEST TO PRESENT NEW AUTHORITY
AND SHOWING OF GOOD CAUSE

On January 1, 2023, newly added Welfare and Institutions Code, section 700.3 became effective pursuant to the passage of SB 1493. That section now permits the juvenile court to declare a wobbler to be a misdemeanor at any stage during the proceedings. “If a petition filed in the juvenile court alleging that a minor comes within the provisions of Section 602 alleges that a minor has committed an offense that would, in the case of an adult, be punishable alternatively as a felony or a misdemeanor, the court, subject to a hearing, at any stage of a proceeding under Section 602, may determine that the offense is a misdemeanor, in which event the case shall proceed as if the minor had been brought before the court on a misdemeanor petition.”

Counsel is requesting permission to cite this authority if necessary during oral argument. It is after the deadline in Rule 8.520, subdivision (d), as oral argument is currently scheduled in 7 days on February 7, 2023. Counsel is asking the Court to find good cause to permit its use as newly added section 700.3 became effective at the beginning of this month. Although counsel makes every effort to stay abreast of changes in the law, counsel was not aware of this change until it was pointed out by a colleague on today’s date. Counsel respectfully requests this Court to consider and permit reference to the new statute.

Dated: January 31, 2023

Michael Reed

Michael Reed, Esq.

Attorney for Defendant-Appellant

CERTIFICATE OF COMPLIANCE WITH
WORD LIMITATIONS

I, Michael Reed, certify that the length of Petitioner’s Reply Brief On The Merits complies with the requirements of California Rules of Court, Rule 8.360, subdivision (b)(1), and that according to the word-processing program used to prepare it, the number of words, except for those portions excluded from the length limits, is 565.

Dated: January 31, 2023

Michael Reed

Michael Reed, Esq.
Attorney for Defendant-Appellant

DECLARATION OF SERVICE

I am a citizen of the United States and a resident of the county of Monterey, California. I am over the age of eighteen years and not a party to the above referenced action. On the below mentioned date I served Petitioner's Request to Cite New Authority on:

1. Sixth District Court of Appeal
e-service: sixth.district@jud.ca.gov
2. Office of the Attorney General
e-service: sfagdocketing@doj.ca.gov
3. Sixth District Appellate Project
E-service: servesdap@sdap.org
4. Santa Cruz Superior Court
701 Ocean St.
Santa Cruz, CA. 95060 (mail)
5. Santa Cruz District Attorney's Office
701 Ocean St., Room 200
Santa Cruz, CA. 95060 (mail)
6. F.M.

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

Executed at Salinas, California, on January 31, 2023.

Michael Reed

Michael Reed

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **IN RE
F.M.**

Case Number: **S270907**

Lower Court Case Number: **H048693**

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: **mike@reedmlaw.com**
3. I served by email a copy of the following document(s) indicated 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.

1/31/2023

Date

/s/Michael Reed

Signature

Reed, Michael (325583)

Last Name, First Name (PNum)

Law Firm

