IN THE SUPREME COURT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. EDGAR CATARINO, Defendant and Appellant,	No. S271828 Fourth District Court of Appeal No. D078832 Santa Clara County Superior Court No. C1635441 Hon. Cynthia Sevely Judge of the Superior Court

Reply Brief on the Merits

The Sixth District Appellate Program
in association with

Ron Boyer
Attorney at Law
California State Bar No. 160513

950 Tyinn St., #22332
Eugene, OR 97402
(510) 393-3822
boyer@mac.com

Attorney for Appellant
Edgar Catarino

Table of Contents

Table of Authorities

CASES

CONSTITUTIONAL PROVISIONS

STATUTES

RULES

OTHER AUTHORITIES

Argument

1. Respondent accepts points sufficient to hold that appellant was denied his Sixth Amendment right to a jury trial.

Respondent says, and appellant agrees, that *Apprendi* and its progeny "require[] a fact (other than a prior conviction) that alters the range of punishment for a discrete crime (by increasing a mandatory minimum or the maximum that could otherwise be imposed) be treated as elements and proven in accordance with the Sixth Amendment." (ABM 34, citing *Apprendi v. New Jersey* (2000) 530 U.S. 466, *Blakely v. Washington* (2004) 542 U.S. 296, and *Alleyne v. United States* (2013) 570 U.S. 99, 103-104, 107-108.)

Respondent accepts that under the terms of subdivision (d) of section 667.6, "[i]f the court determines any of the enumerated crimes involved separate victims or the same victim on separate occasions, then as to those offenses, the court must impose full term … sentences …." (ABM 44, citing § 667.6, subds. (d)(1), (d)(3), and rule 4.426(a).)[1] Respondent accepts that a full-term sentence on a conviction of subdivision (b) of section 288 is 5, 8, or 10 years. (ABM 44.)

Respondent also accepts that "[i]f the crimes against the same victim did not occur on separate occasions … the court has the discretion to impose … terms using the one-third the midterm formula …" and on a subordinate count of section 288, subdivision (b), impose a term of 2 years 8 months. (ABM 10, 11, citing § 667.6; ABM 22, citing § 1170.1, subd. (a); ABM 23, 45, 51.)

---

[1] Except as otherwise specified, statutory citations herein are to the Penal Code and the citation of rules is to the California Rules of Court.

These propositions are sufficient to hold following *Alleyne* that imposing full-term sentences on subordinate counts of section 288, subdivision (b), based on a judge's finding that the offenses occurred on "separate occasions," violated appellant's Sixth Amendment right to a jury trial.

Nonetheless, respondent argues, "Section 667.6(d) does not increase any 'mandatory minimum' sentence in violation of *Alleyne*." (ABM 41-46.) Respondent's argument is predicated on the proposition that "no offense, enumerated in section 667.6 or not, is punishable by one-third the midterm based on 'the facts reflected in the jury verdict alone.'" (ABM 42, quoting *Apprendi v. New Jersey, supra,* 530 U.S. 466, 483.)

Respondent's argument fails because its predicate is untrue. As respondent accepts, unless prohibited by a more-specific statute, any time that a jury returns guilty verdicts on multiple felony counts, the jury's verdict supports the imposition of a sentence of one-third the midterm on any count after the first. (ABM 21-22, citing *People v. Jones* (1988) 46 Cal.3d 585, 592, *People v. Sasser* (2015) 61 Cal.4th 1, 8-9, §§ 669, 1170, 1170.1, subd. (a).) No additional fact-finding is required for the judge to have that discretion. Based on the jury's verdict alone, one-third of the middle term is the mandatory minimum, it is the minimum sentence that the judge has the discretion to impose on each subordinate count. There should be no dispute that the finding of fact specified in subdivision (d) of section 667.6 increases the mandatory minimum term on a violation of subdivision (b)(1) of section 288.

Points that respondent accepts are sufficient to hold that because the finding specified in subdivision (d) of section 667.6 increased from 2 years 8 months to 5 years the mandatory minimum term on each

subordinate count of section 288, subdivision (b), it violated the Sixth Amendment for that finding to be made by a judge.

2. *Oregon v. Ice* does not stand for the proposition that a fact that increases the punishment for a crime may be found by a judge so long as that finding also has the result of requiring consecutive sentences.

Based on *Oregon v. Ice* (2009) 555 U.S. 160, respondent argues that judicial fact-finding may be used to increase the mandatory minimum term on a specific offense so long as that fact-finding is simultaneously used to require consecutive sentencing. (ABM 30-32.)

In *Oregon v. Ice*, the United States Supreme Court held that the use of a fact to make the decision to impose a sentence consecutively does not trigger the Sixth Amendment right to a jury trial on the fact. (*Oregon v. Ice, supra,* 555 U.S. 160, 164, 168-169.) But *Ice* does not hold that no right to a jury trial applies to a fact that increases the mandatory minimum term on a particular crime so long as that fact is also used to require consecutive sentencing.

The fact-finding at issue in the instant case under subdivision (d) of section 667.6 has two distinct consequences: (1) it requires the minimum sentence on each such count to be longer, to be a full-term sentence instead of the one-third of the middle term that would otherwise apply, and (2) it requires the sentence on each count to which it applies to be imposed consecutively. The first consequence triggers the Sixth Amendment right to a jury trial. (*Alleyne v. United States, supra,* 570 U.S. 99, 111-112, 114-115.) The second consequence would not, standing alone, trigger the right to a jury trial (*Oregon v. Ice, supra,* 555

U.S. 160, 164, 168-169), but neither does it relieve the defendant of the right to a jury trial flowing from the first consequence.

Respondent looks for support in an opinion of the Oregon Supreme Court that addresses a Sixth Amendment challenge to an aggregate consecutive sentence. (ABM 32-33, citing *State v. Cuevas* (2015) 358 Or. 147, 149-151, 156 [361 P.3d 581].) The challenge in the instant case is not, however, to the aggregate term but to the increased term on each particular subordinate count. It is true that increasing the term on each subordinate count has the effect of increasing the aggregate term. That fact does not, however, make appellant's challenge to the increase on the term on each subordinate count equivalent to a challenge only to the increase on the aggregate term.

Because the fact-finding specified in subdivision (d) of section 667.6 has the effect of increasing the mandatory minimum term on each discrete subordinate count, the Sixth Amendment requires that fact-finding to be done by a jury. (*Alleyne v. United States, supra,* 570 U.S. 99, 111-112, 114-115.) The consideration of the additional effects of requiring consecutive sentencing and increasing the aggregate term does not change the constitutional import of the effect of increasing the mandatory minimum term on particular counts.

3. Respondent's review of the historical practice regarding the choice to impose either consecutive or concurrent sentences does not support exempting a statute that increases the term of imprisonment on individual counts from the Sixth Amendment right to a jury trial.

Under the heading, "Historical practice supports upholding section 667.6," respondent strings together several indefensible assertions. (ABM 35-36.)

Respondent suggests that "[a] finding of 'separate occasions' under section 667.6(d) is similar to an 'at different times or separate places' (rule 4.425(a)(3) finding and has a similar effect: It subjects a defendant to consecutive sentencing, but calculated under section 667.6(d) rather than section 1170.1, subdivision (a)." (ABM 36.) But there are two substantial difference here. First, rule 4.425(a)(3) relates only to the decision to impose multiple counts consecutively; it has no role in the length of the sentence on specific counts. Second, for the purposes of the Sixth Amendment right to a jury trial, a finding that mandates an increased sentence is not at all like a factor that merely weighs in the balance of a judge's exercise of discretion. (*People v. Black* (2007) 41 Cal.4th 799, 812-813)

Respondent also asserts:

> Certainly the findings under section 667.6(d) subjected Catarino to a longer aggregate sentence than if section 1170.1, subdivision (a) applied. But that difference is the product of the Legislature's choice to have more than one scheme governing consecutive sentencing. Appellant chose to commit crimes governed by scheme X instead of scheme Y.

(ABM 36.) Whether appellant committed crimes governed by scheme X instead of scheme Y is the factual question in issue. "Scheme X," as

respondent calls it, applies only if there has been a finding of fact that subordinate offenses were committed on "separate occasions." And "scheme X" does have the effect of subjecting a defendant "to a longer aggregate sentence than if section 1170.1, subdivision (a) applied," which is not problematic per se. But "scheme X," achieves that longer aggregate sentence by increasing the mandatory minimum term on several specific counts, which is problematic when that result is mandated by a finding of fact made by a judge, not a jury. (*Alleyne v. United States, supra,* 570 U.S. 99, 111-112, 114-115.)

Respondent goes on to assert, "Authorizing judicial fact-finding [in this context] does not encroach on facts 'historically found by a jury' or threaten 'the jury's domain as a bulwark at trial between the State and the accused.'" (ABM 36, citing *Oregon v. Ice, supra,* 555 U.S. 160, 169.) But, in fact, because this is a finding of fact that increases the mandatory minimum term on specific counts, it is precisely the kind of fact historically found by a jury and seriously invades the jury's domain as a bulwark at trial between the State and the accused. (*Alleyne v. United States, supra,* 570 U.S. 99, 113-114, quoting J. Story (4th ed. 1873) Commentaries on the Constitution of the United States, §§ 1779, 1780, pp. 540-541.)

This portion of respondent's brief provides no sound reason to fail to apply the Sixth Amendment right to a jury trial to the finding of fact specified in subdivision (d) of section 667.6.

4. State sovereignty may support upholding various schemes regarding the decision whether sentences should be imposes consecutively or concurrently, but that does not generalize to findings of fact that increase the punishment on individual counts.

As to the section of respondent's brief where respondent argues that "state sovereignty supports upholding section 667.6(d), appellant has little dispute, except as it refers to "full term" sentences. Appellant has no problem with the idea that a state may have various schemes for deciding whether sentences shall be served concurrently or consecutively. That issue is not in dispute. But there is no authority for the idea that, consistent with the Sixth Amendment, a state may experiment with allowing judges to make findings of fact that mandate the imposition of longer sentences on individual counts. Quite the contrary. (E.g., *Apprendi v. New Jersey, supra,* 530 U.S. 466.)

5. While appellant agrees with respondent that if subdivision (d) of section 667.6 violates the Sixth Amendment it should be reformed, first the court must consider whether subdivision (d) of section 667.6 may reasonably be construed as not violating the Sixth Amendment.

Respondent argues that "if section 667.6(d) violates the Sixth Amendment, it should be reformed." (ABM 46-47.) Respondent suggests that "section 667.6(d)(2) should be revised to provide that the jury determines beyond a reasonable doubt whether the crimes occurred against the same victim on 'separate occasions.'" (ABM 47.) Appellant does not fundamentally disagree, except to point out that appellant's

argument does not require the court to find that section 667.6 is unconstitutional.

Appellant has noted that section 667.6 does not explicitly say that a judge should make the finding as to whether offenses occurred on "separate occasions." (OBM 23-24.) It should not be construed that way. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 509, quoting *Miller v. Municipal Court* (1943) 22 Cal.2d 818, 828.) "'When the validity of [an] act of Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided'" (*Ibid.* quoting *Crowell v. Benson* (1932) 285 U.S. 22, 62.)

Subdivision (d) of section 667.6 can be and should be construed to be constitutional in that it need not be construed to require the judge, as opposed to the jury, to make the finding that it specifies.[2]

6. The record does not support finding the error to be harmless.

The parties agree that the applicable test of prejudice is whether a reviewing court can say beyond a reasonable doubt that the "jury, applying the beyond-a-reasonable doubt standard, unquestionably would have found" that the offenses of which the defendant was convicted were committed on "separate occasions." (OBM 15, citing *Washington v. Recuenco* (2006) 548 U.S. 212, 222, *Chapman v. California* (1967) 386 U.S. 18, *People v. French* (2008) 43 Cal.4th 36, 52-53, and *People v. Sandoval* (2007) 41 Cal.4th 825, 838; ABM 48, citing *Washington v. Recuenco, supra,* 548 U.S. 212, 222, *Chapman v. California,*

---

[2] Rule 4.426(a) cannot be so construed.

supra, 386 U.S. 18, *People v. Sandoval, supra,* 41 Cal.4th 825, 839, and *People v. Wilson* (2008) 44 Cal.4th 758, 812.)

Respondent argues that the "error was harmless beyond a reasonable doubt because Doe testified that Catarino touched her on more than six separate occasions over the course of months, from late 2015 to early 2016. (ABM 49, citing Opinion of the Court of Appeal, p. 4, and 3 RT 669.) Respondent's argument fails because the jury did not believe that Doe had been touched more than six times. Appellant was charged with 8 counts of violating subdivision (b)(1) of section 288; the jury convicted appellant of 6 counts. (1 CT 75-79; 2 CT 333-342.)

Moreover, the record provides no reliable basis for discerning which of the acts described by Doe the jury found to be true beyond a reasonable doubt and which acts the jury found not to be proven. Because Doe testified to six or more acts having occurred in conjunction with one another, the "record does not provide a basis for finding that the jury did not base some or all of its verdicts on acts that were not separated by an opportunity to reflect." (OBM 16, citing 3 RT 628-732, 636, 640-641, 647-650, 667-668.)

Respondent's answer to this is that "the question in the harmless error analysis is not which acts the jury *could have* based its verdict on, but what the jury *would have done* had it been presented with the question of separate occasions." (ABM 50, citing *People v. Sandoval, supra,* 41 Cal.4th 825, 839, and *Nader v. United States* (1999) 527 U.S. 1, 18.) The flaw in respondent's analysis is that this court must be able to say beyond a reasonable doubt that the jury would have returned findings that each of the six acts of which it convicted appellant occurred on a separate occasion. On a record where the court cannot confidently exclude the possibility that some or all of the guilty verdicts were based on acts that occurred on the same occasion, the court

cannot say beyond a reasonable doubt that the jury would have found that each of the acts of which the jury convicted appellant occurred on a separate occasion.

Respondent asserts, "Given the numerous separate incidents that Doe described, the jury unquestionably would have found the acts occurred on separate occasions." (ABM 50.) Neither logic nor the record in the instant case supports that claim. Given that the jury disbelieved all but six of the numerous incidents Doe described, it cannot be said beyond a reasonable doubt that the jury would have found that the six acts that the jury credited were each on a separate occasion. Thus, the error was not harmless beyond a reasonable doubt

7. Subdivision (c) of section 667.6 is not a lesser-included allegation to subdivision (d) of that section.

Respondent argues that the appropriate remedy for the prejudicial error in the instant case is "to remand to give the district attorney an opportunity to try the existence of the factor [under subdivision (d) of section 667.6] to a jury or to submit the case to resentencing under section 667.6(c)." (ABM 50-53.) Respondent relies on the rule that "'[w]hen a greater offense must be reversed, but a lesser included offense could be affirmed, we give the prosecutor the option of retrying the greater offense, or accepting a reduction to the lesser offense.'" (ABM 52, quoting *People v. Kelly* (1992) 1 Cal.4th 495, 528.)

Application of this rule is dependent upon respondent's claim that subdivision (c) of section 667.6 is a lesser included allegation to subdivision (d) of that section. Under the relevant test, the question is whether the greater allegation includes all of the elements of the lesser allegation. (*People v. Reed* (2006) 38 Cal.4th 1224, 1227-1228.) Because

subdivision (c) of section 667.6 has an element that subdivision (d) lacks, subdivision (c) is not a lesser included allegation to subdivision (d).

The first sentence of subdivision (c) of section 667.6 provides, "In lieu of the term provided in Section 1170.1 , a full, separate, and consecutive term may be imposed for each violation of an offense specified in subdivision (e) *if the crimes involve the same victim on the same occasion*." (Emphasis supplied.) Appellant has argued that the clause "if the crimes involve the same victim on the same occasion," means that sentencing can proceed under that section only if the finder of fact can find and does find that the crimes involved the same victim on the same occasion. (OBM 17-21.) Appellant has argued that the record in the instant case fails on both points. (OBM 19-21.)

Respondent counters that the clause upon which appellant relies should be treated as surplusage of no operative effect. Respondent argues that subdivision (c) of section 667.6 should apply any time that the People fail to prove that the offenses occurred on a "separate occasion" within the meaning of subdivision (d) of section 667.6. (ABM 54-55.)

The shoal upon which respondent's argument founders was identified by the court in *People v. Goodliffe* (2009) 177 Cal.App.4th 723. In *People v. Goodliffe*, the court was guided by "'the basic principle of statutory construction [which] mandates that courts, in construing a measure, not undertake to rewrite unambiguous language.'" (*Id.* at p. 728, citations omitted; accord *People v. Leal* (2004) 33 Cal.4th 999, 1007.)

> "In interpreting statutes, we follow the Legislature's intent, as exhibited by the plain meaning of the actual words of the law …." [Citations.] A court "'"is not authorized to … rewrite a statute to conform to an assumed intention which

> does not appear from its language."'" [Citations.] It is only when the language to be construed is ambiguous that the courts may look to legislative intent to resolve the ambiguity. As the People concede, section 667.6's language is not ambiguous.

(*Id.* at pp. 728-729.)

Prior to November 7, 2006, subdivision (c) of section 667.6 applied "*whether or not* the crimes were committed during a single transaction." (*People v. Goodliffe, supra,* 177 Cal.App.4th 723, 726, fn. 7, quoting former § 667.6, subd. (c) , as amended by Stats. 2002, ch. 787, § 16, emphasis supplied.) The court in *Goodliffe* recognized that it is not the role of a court to insert by "construction" language that the legislative body explicitly deleted. (*Id.* at p. 728; accord Code of Civ. Proc., § 1858.)

The court also rejected the argument that respondent reprises here, that the literal language of the statute as amended should not apply in light of the general purpose of the initiative. (*People v. Goodliffe, supra,* 177 Cal.App.4th 723, 727-728; ABM 53, citing *People v. Gonzalez* (2008) 43 Cal.4th 1118, 1125.)

Respondent identifies the purpose of section 667.6 as "provid[ing] longer prison terms for certain sex offenders." (ABM 58, citing *People v. Jones, supra,* 46 Cal.3d 585, 592.) That is a purpose that begs the question presented here, the question of which are the certain sex offenders to which section 667.6 is to apply.

Respondent suggests that section 667.6 should be construed in a manner similar to how section 245 was construed in *People v. Milward* (2011) 52 Cal.4th 580. (ABM 55.) This court in *People v. Milward* held that the fact of being "other than a firearm" was not an element that the People had to prove to obtain a conviction under subdivision (a)(1) of section 245. (*Id.*, at pp. 586-588.) The driving concern was that a jury

in doubt about the weapon involved could not convict the defendant at all. (*Id.* at pp. 587-588.)

The choice in the instant case is not so stark as that presented in *People v. Milward*. To construe subdivision (c) of section 667.6 according to its plain meaning presents no risk of not convicting a person who has committed an offense specified in subdivision (e) of section 667.6. To construe subdivision (c) of section 667.6 according to its plain meaning presents no risk of denying the judge the option to impose consecutive sentences.

Further, this court avoids construing statutory provisions as surplusage, as having no meaning. (*People v. Valencia* (2017) 3 Cal.5th 347, 357, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1387.) There is no possible purpose that the clause "if the crimes involve the same victim on the same occasion," serves except to make the operation of subdivision (c) contingent upon a finding that the crimes involved the same victim on the same occasion. Respondent's proposed construction fails because it can give no operative effect to this clause.

A statute that preserved in all circumstances a judge's discretion to impose full-term sentences on subordinate counts of the specified offenses, as did subdivision (c) of section 677.6 before it was amended, might have been a reasonable choice. The drafters of Proposition 47 might have been well-advised to preserve the provision that did that. But the voters could not have believed that the initiative presented to them had that effect. In the ballot pamphlet, the words "whether or not the crimes were committed during a single transaction" appear in strike-through text and the words "if the crimes involve the same victim on the same occasion" appear in italics. (Voter Information Guide, Gen. Elec. (Nov. 7, 2006), p. 130.) This court's ability to substitute its own

sense of good policy is limited by its constitutional role. "We are not at liberty to rewrite the initiative to enact our own view of provisions that might have improved it, or that would have better vindicated its stated purpose …." (*People v. Bullard* (2020) 9 Cal.5th 94, 109, citing *People v. Martinez* (2018) 4 Cal.5th 647, 653-655.)

An explicit element of subdivision (c) of section 667.6 is that "the crimes involve the same victim on the same occasion." Accordingly, subdivision (c) of section 667.6 is not a lesser included allegation to subdivision (d) of that section. And accordingly, appellant's case may not be remanded for resentencing under subdivision (c) of section 667.6.

8. The Double Jeopardy Clauses bar a trial based upon acts of which appellant was acquitted.

The Double Jeopardy Clauses of the state and federal constitutions bar a trial based upon acts of which appellant has been acquitted. (*Evans v. Michigan* (2013) 568 U.S. 313; U.S. Const., 5th Amend.; Cal. Const., art. I, § 15) Appellant has been acquitted of all but six of the acts described by Doe.

Respondent now asks this court to give the district attorney the option of presenting to a jury allegations under subdivision (d) of section 667.6 based upon all of the acts that Doe described. (ABM 51-53.) But unless the trial is confined to Doe's description of the six acts that the jury found to be proved, it will violate the Double Jeopardy Clauses. And, because it is impossible to identify which six acts the

jury credited, it is impossible now to hold a trial that does not violate the Double Jeopardy Clauses.[3]

9. A trial on allegations pursuant to subdivision (d) of section 667.6 is not an available remedy because it is impossible for the evidence to be sufficient to support a verdict that each of the acts of which the jury convicted appellant occurred on a "separate occasion."

As appellant reviewed in his opening brief, because it is impossible to discern which acts were the basis of the jury's verdicts, and because Doe described acts that occurred on the same occasion as well as separate occasions upon which acts occurred, the record would not support a new jury's finding that the acts that were the basis of the original jury's guilty verdicts each occurred on a separate occasion. (OBM 21-22.) Beyond suggesting that subdivision (c) of section 667.6 would apply whenever the district attorney fails to prove the elements of subdivision (d) (ABM 51), respondent does not dispute this point.

Conclusion

Because the finding that it occurred on a "separate occasion" within the meaning of subdivision (d) of section 667.6 increases the mandatory minimum term on each subordinate count, the Sixth Amendment requires that finding to be made by a jury, not a judge. Accordingly, the sentence imposed upon appellant was a denial of his

---

[3] The same would be true if respondent sought to prove to a jury, now, that the six acts of which appellant was convicted occurred on the "same occasion" within the meaning of subdivision (c) of section 667.6.

right to a jury trial. The sentence should be reversed and appellant's case remanded for resentencing without reference to section 667.6.

Dated: June 15, 2022

Respectfully submitted,

Ron Boyer

Attorney for Appellant
Edgar Catarino

Certification of Word Count

I, Ron Boyer, attorney at law, certify that the attached brief was produced on a computer and that by the word count of the computer program used to prepare the brief, the attached brief contains 4,186 words, including footnotes.

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

Executed June 15, 2022.

Ron Boyer

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. CATARINO**
Case Number: **S271828**
Lower Court Case Number: **D078832**

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: **boyer@mac.com**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	S271828_RBM_Catarino

Service Recipients:

Person Served	Email Address	Type	Date / Time
Ron Boyer Attorney at Law 160513	boyer@mac.com	e-Serve	6/15/2022 3:14:41 PM
Melissa Meth Office of the Attorney General 263571	Melissa.Meth@doj.ca.gov	e-Serve	6/15/2022 3:14:41 PM
Jonathan Grossman Sixth District Appellate Program 154452	jonathan@sdap.org	e-Serve	6/15/2022 3:14:41 PM
Santa Clara County Superior Court	sscriminfo@scscourt.org	e-Serve	6/15/2022 3:14:41 PM
Santa Clara County District Attorney	dca@dao.sccgov.org	e-Serve	6/15/2022 3:14:41 PM
Socorro Gonzalez	Socorro.Gonzalez@pdo.sccgov.org	e-Serve	6/15/2022 3:14:41 PM
Office of the Attorney General	sfag.docketing@doj.ca.gov	e-Serve	6/15/2022 3:14:41 PM
Sixth District Appellate Program	servesdap@sdap.org	e-Serve	6/15/2022 3:14:41 PM
Edgar Catarino, BH8934	CMC, P.O. Box 8101 San Luis Obispo, CA 93409	Mail	6/15/2022 3:14:41 PM

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.

6/15/2022
Date

/s/Ron Boyer

Signature

Boyer, Ron (160513)

Last Name, First Name (PNum)

Ron Boyer, Attorney at Law

Law Firm