

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff/Appellant,

v.

JACOB FREDERICK BALL,

Defendant/Respondent.

Case No. S292969

(DCA

Case No. G064274

(Superior Court

Case No.

20HF0795)

ANSWER BRIEF ON THE MERITS

Following the Published Decision of the
California Court of Appeal
Fourth Appellate District, Division Three,
Reversing the Order of
The Honorable Gary S. Paer, Judge Presiding

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To the Honorable Patricia Guerrero, Chief Justice and the
Associate Justices of the California Supreme Court:

ISSUE PRESENTED

This Court’s order granting review is limited to the
following issue: Does drawing or exhibiting a firearm in a
threatening manner in the presence of a motor vehicle occupant
(Pen. Code, § 417.3) require proof of both objective and subjective
fear, or is proof of objective fear alone sufficient?

INTRODUCTION

Respondent attempts to read a subjective requirement of
fear into a statute that provides for none. The Legislature spoke
clearly when it employed the “reasonable person” standard in
enacting Penal Code section 417.3. By choosing an objective
measure, the Legislature ensured that the law would be applied

uniformly to all who choose to brandish firearms in traffic, regardless of whether the victim is brave, distracted, or stoic. Penal Code section 417.3 punishes the defendant's conduct, not the victim's psychological resilience. To hold otherwise would allow a defendant to benefit from the "luck" of his victim's temperament—a result that would undermine the Legislature's urgent mission to curb highway violence and preserve public safety.

STATEMENT OF THE CASE

On May 12, 2020, the Orange County District Attorney filed a felony complaint charging respondent with, in pertinent part, brandishing a firearm at a person in a motor vehicle in violation of Penal Code section 417.3 (count one). (C.T. 1-2.)¹

On February 2, 2023, a preliminary hearing was held. (C.T. 12.) Respondent was held to answer. (C.T. 13.) He was arraigned on the information at a later date. (C.T. 16-17.)

On March 12, 2024, respondent filed a motion to dismiss count one pursuant to Penal Code section 995. (C.T. 17.)

¹ "C.T." refers to the Clerk's Transcript followed by the page number.

On June 7, 2024, a hearing on the motion to dismiss was held. (C.T. 20.) The court granted the motion and dismissed count one pursuant to Penal Code section 995. (C.T. 21.)

On June 10, 2024, the People filed a notice of appeal. (C.T. 21.) On August 13, 2025, the Court Appeal, Fourth Appellate District, Division Three, reversed the trial court's decision and reinstated count one. (*People v. Ball* (2025) 114 Cal.App.5th 181.) In so doing, the Court of Appeal held that Penal Code section 417.3 “sets forth an objective test about causing fear and does not require a victim to subjectively experience it.” (*Id.* at p. 183.)

This Court granted review on December 10, 2025.

STATEMENT OF FACTS

On January 11, 2020, at approximately 6:00 p.m., Deputy Carrasco responded to an incident that occurred on Oso Parkway. (R.T. 7-8.)² Deputy Carrasco spoke with Christopher N.—an off-duty police officer. (R.T. 8.) Christopher was driving westbound on Oso Parkway when respondent drove in a reckless manner.

² “R.T.” refers to the Reporter’s Transcript of the preliminary hearing followed by the page number.

(R.T. 8, 14.) Respondent drove at a high rate of speed, engaged in tailgating, and cut off cars. (R.T. 9, 21.) Christopher got behind respondent's car and took a photo of his license plate. (R.T. 9.)

Eventually, Christopher stopped at a red light. (R.T. 9, 22.) Respondent pulled alongside Christopher and stopped next to him. (R.T. 9, 12, 23.) Respondent pointed a black handgun at Christopher; the handgun appeared to be a Glock.³ (R.T. 9-10.) Respondent drove away and continued onto the freeway. (R.T. 9, 12.) Christopher pulled into a gas station and called 911. (R.T. 12.)

Investigator Scott Ferraro located respondent by running his license plate. (R.T. 25-29.) A search of respondent's apartment revealed a black handgun. (R.T. 27.) A loaded Glock was located in respondent's car. (R.T. 29.)

³ Deputy Carrasco wrote in his report that Christopher said the driver pointed the handgun in his direction. (R.T. 11, 15-16, 19.)

ARGUMENT

Penal Code section 417.3 Requires Proof of Objective Fear Alone

While respondent concedes the plain language of Penal Code section 417.3 sets forth an objective “reasonable person” standard for the determination of fear, he argues this Court must infer an extra-statutory element of subjective fear in order to promote the Legislature’s purpose in enacting the statute.

This Court should reject respondent’s attempt to convert an objective safety statute into a subjective psychological inquiry. The “reasonable person” standard in Penal Code section 417.3 serves as a clear, predictable boundary for conduct. This is why the Legislature chose to enact such a standard in passing the statute. Moreover, the “reasonable person” standard is the only consistent metric with which to ensure the Legislature’s goal of preventing violence on California’s roadways. And it is the only metric by which to avoid absurd, illogical results.

1. The Plain Language of the Statute is the Best Evidence of Intent

The plain language of Penal Code section 417.3 is unambiguous. As respondent concedes, the statute plainly sets forth an objective standard. Because the statute is clear, this Court need not consider evidence of legislative intent. “Rather than interpret a statutory provision based upon an assumption about the Legislature’s intent, courts must analyze a statute’s plain language, and may look to the legislative history underlying a statute’s enactment only if the plain language is ambiguous. [Citation.]” (*Olson v. Automobile Club of Southern California* (2008) 42 Cal.4th 1142, 1151.) Therefore, consideration of legislative history in this instance is not warranted.

Penal Code section 417.3 provides, “Every person who ... in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway, draws or exhibits any firearm, whether loaded or unloaded, in a threatening manner against another person **in such a way as to cause a reasonable person apprehension or fear of bodily harm** is guilty of a felony” (Pen. Code, § 417.3, emphasis added.)

The Legislature’s use of the term “reasonable person” is a specific choice of a well-settled legal term of art. The reasonable person standard has long been understood to be an objective one; its genesis is firmly rooted in the English common law. (See *Vaughn v. Menlove* (1837) 132 Eng. Rep. 490.) This Court has recognized the objective reasonable person standard in a variety of contexts in criminal law. (See, e.g., *People v. Watson* (1981) 30 Cal.3d 290, 296 [“finding of gross negligence is made by applying an *objective* test: if a *reasonable person* in defendant’s position would have been aware of the risk involved”]; *Williams v. Garcetti* (1993) 5 Cal.4th 561, 574 [under “the criminal negligence standard, knowledge of the risk is determined by an objective test: ‘[I]f a *reasonable person* in defendant’s position would have been aware of the risk involved, then defendant is presumed to have had such an awareness’ [Citation.]”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1087 [standard for killing in self-defense is the objective standard of a reasonable person].)

By tethering Penal Code section 417.3 to this external, objective standard, the Legislature removed the victim's internal state of mind from the equation. This objective-only standard is further reflected in the jury instruction contained in CALCRIM No. 980, which states the People must prove that:

1. The defendant drew or exhibited a firearm in the presence of another person who was in a motor vehicle that was being driven on a public street or highway; AND
2. The defendant drew or exhibited the firearm against the other person in a threatening manner **that would cause a reasonable person to fear bodily harm.**

(CALCRIM No. 980, emphasis added.)

Penal Code section 417.3—by its plain language—employs an objective standard alone. This is the best evidence of the Legislature's intent and obviates the need for consideration of legislative history.

Moreover, the grammatical structure of Penal Code section 417.3 further reinforces this objective-only interpretation. The phrase “**in such a way as to cause**” functions as a connector between the “threatening manner” of the exhibition with the “reasonable person” standard. Grammatically, this structure defines the nature of the defendant’s conduct rather than the effect on a specific victim. By using the result-oriented phrase “in such a way as to cause,” the Legislature ensured that the conduct was evaluated by whether it caused fear in a hypothetical reasonable person. Had the Legislature intended to require subjective fear, it would have utilized a conjunctive construction (i.e., “in a threatening manner **and** in such a way as to cause”).

On this point, the Legislature knows how to write a subjective fear requirement when it intends one. Contrast Penal Code section 417.3 with Penal Code section 422, which explicitly requires that the threat “thereby causes that person reasonably to be in sustained fear for his or her own safety” (Pen. Code, § 422, subd. (a).) The absence of similar “actual” fear language in Penal Code section 417.3 is a deliberate choice that must be given effect. (See CALCRIM No. 1300 [the criminal threat must

actually cause the victim to be in sustained fear and the fear must be reasonable under the circumstances].)

For this reason, this Court may resolve the issue on principles of statutory construction alone. The plain language sets forth an objective-only standard. The use of a well-settled legal term of art—the reasonable person standard—combined with the rules of grammatical construction support this conclusion. The statute is not so ambiguous as to require analysis of legislative intent.

2. The Legislative Intent—A Broad Public Safety Purpose Aimed at Deterring Highway Violence

Respondent contends that an extra-statutory element of subjective fear is necessary in order to promote the legislative purpose of Penal Code section 417.3—i.e., to prevent the danger that arises by frightened motorists who overreact. On this, respondent takes too narrow a view. As evidenced by the documents respondent provides in connection with his request for judicial notice, the legislative intent behind Penal Code section 417.3 is far broader than “erratic driving” alone.

The Legislature's intent was to deter the *conduct* of brandishing guns in traffic because that conduct—regardless of the victim's reaction—creates a volatile situation that threatens the safety of everyone on the road. The legislative history confirms that the Legislature's primary concern was the “rash of freeway shootings” in which “four people have been killed and 19 have been injured by these senseless attacks. ... there have been 119 incidents ... of brandishing or actually firing a firearm at occupants of vehicles.” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 2.)⁴ While it is true that the Committee identified an **additional specific** risk that a driver, “when faced with someone threatening him or her with a gun, will drive erratically in an attempt to escape the danger, quite possibly in such a manner as to increase the danger to either motorists or passengers,”⁵ this additional specific concern does not prove a legislative intent to require the occupant of a car to actually be

⁴ See Exhibit 1 of Respondent's Motion for Judicial Notice.

⁵ (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 3)

afraid.

The Committee's own deliberations suggest the opposite. The Committee specifically questioned whether a "reasonable person standard" should be utilized to focus on "how a reasonable person perceived the threat." (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 4.) Thus, the Committee signaled that the legal threshold should be objective alone. That an objective standard was adopted in the enacted version of the statute is obvious confirmation of the Legislature's intent.

An objective standard is consistent with, and effectuates, the aforementioned purpose of the statute. If the statute required the prosecution to prove the victim's subjective internal state, the public safety goal of the statute would be frustrated. A driver who is threatened with a firearm creates a risk to every motorist or passenger on the road, regardless of whether that specific driver is brave or fails to perceive the danger. The Legislature's focus on the "reasonable person standard" confirms that the crime is defined by the nature of the conduct, not the idiosyncrasy of the victim's response.

If the law only applies when a victim is “scared enough,” it fails to deter the aggressive conduct that leads to shootings, road rage, erratic driving, and public chaos. This was the very conduct that the Legislature was so concerned by—conduct which contributed at the time to approximately 119 reported incidents of brandishing or actually firing a firearm at occupants of vehicles.

To prevent highway violence, the law must stop the brandishing *before* it happens. An objective reasonable person standard provides a clear, bright-line rule that deters everyone, regardless of who their victim happens to be.

3. The “Brave Victim” Fallacy

It is well established that courts must construe a statute to avoid illogical or absurd results. (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 142.) Respondent advocates for such an illogical and absurd result when he asserts that the danger Penal Code section 417.3 seeks to prevent “cannot arise unless the motorist actually experiences fear.” (Opening Brief, p. 31.) This is the “Brave Victim” fallacy.

Respondent assumes the law's only purpose is to prevent a *completed* disaster (like a car crash) rather than to deter the dangerously reckless conduct that makes such a disaster likely. At its core, respondent's argument favors a result-based analysis— rather than the conduct-based analysis the Legislature so desired.

It is absurd to suggest that the Legislature intended for a defendant who points a gun at a “Brave Victim” to go free, while a defendant who points a gun at a fearful one goes to jail. The Legislature intended to punish the threat, not the victim's response. As discussed in Section 2, *ante*, Penal Code section 417.3 was part of a larger legislative effort (Assem. Bill No. 2625 (1987-1988 Reg. Sess.)) to address a “rash of ‘freeway shootings’ experienced in California.” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 2.) The danger to public safety was so pressing that “several legislators ha[d] introduced urgency legislation or sacrifice[d] existing bills in an attempt to deal with the problem.” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 2.) It is clear that

Penal Code section 417.3 was enacted to address the problem of highway violence and to protect occupants of vehicles from the threatening display of firearms. Thus, only a bright-line rule would have served such a purpose: if you brandish a firearm on the road you are committing a crime.

Highway violence occurs the moment a gun is produced. Whether the other driver happens to be brave, or distracted, the peace is breached—and the potential for danger is active. Were this Court to adopt respondent’s subjective standard, it would lead to truly absurd and inconsistent results that would wholly undermine the purpose of the statute.

This is the “Brave Victim” Fallacy: a defendant who brandishes a gun at a combat veteran who remains calm would be “innocent,” while the same defendant who brandishes a gun at a nervous, anxiety-ridden teenager would be “guilty.” Were criminal liability to hinge on the results-based analysis of victim temperament, the entire purpose of Penal Code section 417.3 would be frustrated.

This applies in equal measure to the “Oblivious Victim” fallacy. Under respondent’s logic, a defendant could wave a

loaded rifle at a driver for miles, but so long as the driver is focused on the road and didn't look over, no crime occurred. This would grant a free pass for the exact type of conduct the statute was designed to eradicate. The danger is created the moment a defendant brandishes a gun. Whether the victim's attention was diverted does not lessen the inherent danger of the defendant's actions. Moreover, the statute applies to drawing a weapon "in the presence of" an occupant. It does not require that the weapon is pointed at the occupant or even that the occupant be the intended target of the "threatening manner." Because the crime can be committed "in the presence of" someone who may not even realize they are in danger until after the fact, the only logical measurement of the conduct is an objective one.

It is absurd and illogical to allow a free pass for the defendant who brandishes a gun on a highway at the "Brave" or "Oblivious" victim. The danger to the public—whether it be by escalation, erratic driving, the intervention/reaction of other drivers, police response, or shootings—exists whether the driver sees it or not (or thinks it is scary).

As such, the plain meaning of the statute setting forth an

objective-only standard must be given effect; this Court should reject an interpretation that would result in absurd consequences—i.e., creating a loophole for people who engage in extremely dangerous conduct.

4. Respondent’s Reliance on *Lara, Howard,* and *Michael D.* is Misplaced

In support of his position, respondent relies on three cases for the proposition that a violation of Penal Code section 417.3 requires an extra-statutory element of **actual** fear on the part of the occupant. Based on the discussion set forth below, his reliance on those cases is misplaced.

Respondent misinterprets the holding of *People v. Lara* (1996) 43 Cal.App.4th 1560 as the court did not consider whether an occupant must *actually* be in fear. Instead, the court considered whether the brandishing must be at an occupant of a motor vehicle as opposed to a non-occupant in the vicinity. (*Id.* at p. 1565.)

Interestingly, the court did note that, “the threatening behavior required to constitute a violation of section 417.3 must *cause* a ‘reasonable’ person apprehension or fear of bodily harm.”

(*People v. Lara, supra*, 43 Cal.App.4th 1560, 1565, emphasis in original.) This was an explicit recognition of the objective standard and weighs against respondent's interpretation of the case.

Even more, the *Lara* court's discussion of the purpose of the statute supports an objective standard for evaluating fear. "The obvious purpose of [Penal Code section] 417.3, is to deter and punish more severely conduct that is substantially more dangerous—threats to persons inside vehicles, which threats may well result in erratic driving endangering the safety of the innocent driving and pedestrian public." (*People v. Lara, supra*, 43 Cal.App.4th 1560, 1560.) As discussed in Sections 1., 2., and 3., *ante*, the purpose of the statute would be undermined by the imposition of a subjective standard. The purpose of the statute was to eliminate and punish the potential for danger and violence that follow when a person points a firearm at another car on the open road. Only an objective reasonable person standard of analysis could accomplish that.

Respondent's reliance on *People v. Howard* (2002) 100 Cal.App.4th 94 is also misplaced because the case turned on the

physical impossibility of the harm the statute was designed to prevent. In *Howard*, the court reversed the conviction for a violation of Penal Code section 417.3 because the victim’s vehicle was inoperable—stalled in the center median of a street. (*People v. Howard, supra*, 100 Cal.App.4th 94, 96-100.) While the court acknowledged that its exclusion of inoperative cars is “consistent with the purpose of section 417.3 to deter and punish ‘threats to persons *inside* vehicles, which threats may well result in erratic driving endangering the safety of the innocent driving and pedestrian public[]’ [Citation.],” the court did not state that this was the sole purpose of the statute. (*Id.* at p. 99.) *Howard* does not support respondent’s position that subjective fear is a necessary metric to comport with the Legislature’s intent in enacting Penal Code section 417.3. Rather, the case stands from the proposition that the threat must be capable of triggering the kind of public safety hazard the Legislature sought to curb in the first place.

Moreover, the *Howard* court’s discussion of the lesser included offense of Penal Code section 417 supports an objective-only standard of fear. *Howard* concluded that, “brandishing a

weapon ‘in the presence of any other person,’ is a lesser included offense of section 417.3 because a section 417.3 offense cannot be committed without necessarily committing a section 417 offense. [Citations.] The elements of section 417.3 include all the elements of section 417, plus the additional requirements that the exhibition of the firearm must be made in the presence of an occupant of a motor vehicle proceeding on a street or highway, and must be made in such a way ‘as to cause a reasonable person apprehension or fear of bodily harm.’ [Citation.]” (*People v. Howard, supra*, 100 Cal.App.4th 94, 99-100.)

That Penal Code section 417 is a lesser included offense of Penal Code section 417.3 significantly undercuts respondent’s argument in favor of an extra-statutory element of subjective fear. A violation of Penal Code section 417 does not require any proof of subjective fear on the part of the victim or any other person. (See CALCRIM No. 983.) Nor does it require awareness on the victim’s part that the gun was being brandished. (See *People v. McKinzie* (1986) 179 Cal.App.3d 789, 794 [the victim’s awareness of the weapon that is in his or her presence is not an element of Penal Code section 417].) If the lesser included offense

requires no subjective awareness, what requires it of the greater offense? None of the additions to Penal Code section 417.3 support the notion of an extra-statutory requirement of subjective actual fear, particularly when Penal Code section 417.3 plainly employs the objective reasonable person standard alone.

Even more, the legislative intent behind the lesser included offense of brandishing a weapon (Pen. Code, § 417) supports appellant's position that Penal Code section 417.3 was enacted to deter a wide range of highway violence—an intent far broader than “erratic driving” alone. As recognized by the court in *People v. Hall* (2000) 83 Cal.App.4th 1084, “brandishing a firearm can result in violence. Indeed, ‘[t]he chief evil to be avoided by criminalizing exhibition of weapons is the potential for further violence’ [Citation.]” (*Id.* at p. 1092, declined to follow on other grounds in *People v. Correa* (2012) 54 Cal.4th 331, 343.) This tracks with the Committee's statement that Penal Code section 417.3 “is a response to the recent rash of ‘freeway shootings’ experienced in California.” (Sen. Com. on Judiciary, Analysis of Assem. Bill No. 2625 (1987-1988 Reg. Sess.) as amended Aug. 20, 1987, p. 2.)

Lastly, respondent’s reliance on *In re Michael D.* (2002) 100 Cal.App.4th 115, is unavailing. *Michael D.* did not consider whether the phrase “reasonable person” denotes a purely objective standard, or a mixed objective and subjective standard. Instead, the court broadened the “victim pool” for purposes of a violation of Penal Code section 417.4, finding that it included anyone who witnessed the actions of the perpetrator. This expansion of qualifying victims was prompted by the court’s recognition that the Legislature’s chief concern was potential violence—a concern that was shared by the Legislature in enacting the instant statute.

Michael D. held that “the term ‘reasonable person’ in the phrase ‘draws or exhibits an imitation firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm’ refers to anyone who witnesses the actions of the perpetrator, not just to the person against whom the device is drawn or exhibited.” (*In re Michael D.*, *supra*, 100 Cal.App.4th 115, 123.) The court rejected defendant’s contention that a violation would only occur if the person against whom the device was drawn or exhibited

experienced apprehension or fear because such an interpretation would not faithfully implement the public policy the Legislature had in mind when it enacted the provision. (*In re Michael D.*, *supra*, 100 Cal.App.4th 115, 123.) The court found “the broader interpretation is more consistent with legislative intent.” (*Ibid.*) That intent, the court noted, was that the Legislature “was concerned by more than the apprehension or fear of the person against whom the imitation firearm was drawn or exhibited. Experience demonstrated that drawing or exhibiting an imitation firearm could cause apprehension or fear and, as a result, violence on the part of anyone who witnessed the act and felt compelled to act.” (*Id.* at p. 122.)

Following the logic of *Michael D.*, if the “fear” element of Penal Code section 417.3 is interpreted too narrowly—i.e., it must be both objective and subjective as to the specific occupant—it defeats the purpose of the statute to prevent violence. Under the logic of *Michael D.*, the focus should be on the threatening nature of the exhibition and its potential to cause a dangerous reaction from those in or in nearby vehicles. The danger potential of the defendant’s actions are best measured by an objective-only

standard—that of the reasonable person—as opposed to an additional subjective test for a single victim.⁶

5. The Rule of Lenity Does Not Apply

Lastly, a note on lenity. Respondent contends that under the rule of lenity, this Court should infer an extra-statutory element of subjective fear. The rule of lenity “generally requires that ‘ambiguity in a criminal statute should be resolved in favor of lenity, giving the defendant the benefit of every reasonable doubt on questions of interpretation. But ... “that rule applies ‘only if two reasonable interpretations of the statute stand in relative equipoise.’ [Citation.]” [Citations.]’ [Citations.]” (*In re M.M.* (2012) 54 Cal.4th 530, 545.) “The rule of lenity does not apply every time there are two or more reasonable interpretations of a penal statute. [Citation.] Rather, the rule applies ‘ “only if the court can do no more than guess what the legislative body intended; there must be an *egregious* ambiguity and uncertainty

⁶ To the extent that respondent points to *Howard* and *Michael D.* for the proposition that the victims in those cases were in actual fear, that does not “elevate that fact to ‘element’ status.” (*People v. McKinzie, supra*, 179 Cal.App.3d 789, 794.)

to justify invoking the rule.” ’ [Citation.]” (*People v. Manzo* (2012) 53 Cal.4th 880, 889, emphasis in original.)

For the reasons set forth in the Sections, *ante*, no such uncertainty exists here. Moreover, even if it did, lenity would favor construing the statute in favor of an objective-only standard—as to do otherwise would create a situation where a defendant would not know if they are committing a crime until they found out whether they brandished at the “Brave” or “Oblivious” victim. Only an objective standard sets forth the kind of clear, predictable boundary that would favor a defendant.

CONCLUSION

The Legislature spoke clearly when it employed the “reasonable person” standard in enacting Penal Code section 417.3. By choosing an objective measure, the Legislature ensured that the law would be applied uniformly to all who choose to brandish firearms in traffic, regardless of whether the victim is brave, distracted, or stoic. An objective-only application of the statute is the only means to effectuate the Legislature’s broad safety purpose in enacting the statute—to prevent violence on the open road.

Dated this 30th day of April, 2026.

Respectfully submitted,

Todd Spitzer, District Attorney
County of Orange, State of California

By: /s/ *Brendan Sullivan*
Brendan Sullivan
Senior Deputy District Attorney

CERTIFICATE OF WORD COUNT

[California Rules of Court, rule 8.504(d)]

The text of Answer Brief on the Merits consists of 4,464 words as counted by the word-processing program used to generate this brief.

Dated this 30th day of April, 2026.

Respectfully submitted,

Todd Spitzer, District Attorney
County of Orange, State of California

By: /s/ *Brendan Sullivan*
Brendan Sullivan
Senior Deputy District Attorney

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

RE: *People v. Jacob Ball*
Case No. S292969
(DCA Case No. G064274
(Superior Court Case No. 20HF0795)

I am a citizen of the United States; I am over the age of 18 years and not a party to the within entitled action; my business address is: Office of the District Attorney, County of Orange, 300 North Flower Street, Santa Ana, CA 92703.

On April 30, 2026, I served the ANSWER BRIEF ON THE MERITS on the interested parties in said action by placing a true copy thereof enclosed in a sealed envelope, in the United States mail at Santa Ana, California, that same day, in the ordinary course of business, postage thereon fully prepaid, addressed as follows:

Orange County Superior Court
Central Justice Center
Attn: Hon. Gary S. Paer
Dept. C-36
700 Civic Center Drive West
Santa Ana, CA 92701
(657) 622-5236

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

Executed on April 30, 2026, at Santa Ana, California.

/s/ *Victoria Carlos*
Victoria Carlos
Attorney Clerk II

PROOF OF ELECTRONIC SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

RE: *People v. Jacob Ball*
Case No. S292969
(DCA Case No. G064274
(Superior Court Case No. 20HF0795)

I am a citizen of the United States; I am over the age of 18 years and not a party to the within entitled action; my electronic service address is: appellate@ocdapa.org; my business address is: Office of the District Attorney, County of Orange, 300 North Flower Street, Santa Ana, CA 92703.

On April 30, 2026, I served the ANSWER BRIEF ON THE MERITS the interested party listed below. I caused a true electronic copy of said document to be E-Filed with the court, via TrueFiling, at the following address:

District Court of Appeal
Fourth Appellate District, Division Three
601 W. Santa Ana Blvd.
Santa Ana, CA 92701
<http://www.courts.ca.gov/4dca-efile.htm>

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

Executed on April 30, 2026, at Santa Ana, California.

/s/ Victoria Carlos
Victoria Carlos
Attorney Clerk II

PROOF OF ELECTRONIC SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

RE: *People v. Jacob Ball*
Case No. S292969
(DCA Case No. G064274
(Superior Court Case No. 20HF0795)

I am a citizen of the United States; I am over the age of 18 years and not a party to the within entitled action; my electronic service address is: appellate@ocdapa.org; my business address is: Office of the District Attorney, County of Orange, 300 North Flower Street, Santa Ana, CA 92703.

On April 30, 2026, I electronically served the ANSWER BRIEF ON THE MERITS on the interested parties in said action by transmitting a true copy via electronic mail as follows:

Office of State Attorney General
sdag.docketing@doj.ca.gov

Appellate Defender's Inc.
eservice-court@adi-sandiego.com

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

Executed on April 30, 2026, at Santa Ana, California.

/s/ *Victoria Carlos*

Victoria Carlos
Attorney Clerk II

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. BALL**
Case Number: **S292969**
Lower Court Case Number: **G064274**

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: **brendan.sullivan@ocdapa.org**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ANSWER TO PETITION FOR REVIEW	BallJacob_S292969_AnswerBriefonMerits

Service Recipients:

Person Served	Email Address	Type	Date / Time
Michael Sampson Court Added	michael@msampsonlaw.com	e-Serve	4/30/2026 8:10:50 AM
Michael Sampson Law Office of Michael Sampson 296503	mikesamp1@gmail.com	e-Serve	4/30/2026 8:10:50 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.

4/30/2026

Date

/s/Victoria Carlos

Signature

Sullivan, Brendan (285028)

Last Name, First Name (PNum)

OCDA

Law Firm