

SUPREME COURT COPY

In the Supreme Court of the State of California

In re C.B., a Person Coming Under the Juvenile Court Law.
THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. C.B., Defendant and Appellant.
In re C.H., a Person Coming Under the Juvenile Court Law.
THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, v. C.H., Defendant and Appellant.

Case No. S237801

First Appellate District
Division Three, Case
No. A146277

Contra Costa County
Superior Court, Case
No. J1301073

The Honorable Thomas
M. Maddock, Judge

Case No. S237762

First Appellate District,
Division Three, Case
No. A146120

Contra Costa County
Superior Court, Case No.
J1100679

The Honorable Thomas
M. Maddock, Judge

SUPREME COURT
FILED

MAY 23 2018

Jorge Navarrete Clerk

Deputy

RESPONDENT'S SUPPLEMENTAL BRIEF

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In anticipation of oral argument in these consolidated cases, respondent calls attention to two decisions that were not available at the time of its briefs on the merits. (Cal. Rules of Court, rule 8.520(d).)


1. *People v. Valencia* (2017) 3 Cal.5th 347, 357, 365-367, 372-375 [declining to find Proposition 47 amended Proposition 36 when the initiative and ballot materials are silent to that possibility and observing that a contrary rule “would not protect the voters’ right to directly enact laws but could very likely encourage the subversion and manipulation of that democratic right”];

2. *People v. Harris* (2017) 15 Cal.App.5th 47, 57-66 & fn. 9, review granted Nov. 21, 2017, S244792 [opinion by Division One of the Fourth Appellate District reassessing its decision in *Alejandro N. v. Superior Court* (2015) 238 Cal.App.4th 1209, denying DNA sample expungement after Proposition 47 resentencing, and rejecting equal protection and privacy claims associated with retention of DNA database samples collected for offenses impacted by Proposition 47].

Dated: May 23, 2018

Respectfully submitted,

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DECLARATION OF SERVICE

Case Name and No.: *In re C.B. (S237801)*
In re C.H. (S237762)

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 23, 2018, I served the attached **RESPONDENT'S SUPPLEMENTAL BRIEF** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Anne Hanson Mania Attorney at Law 1946 Embarcadero, Suite 220 Oakland, CA 94606 <i>Attorney for Defendants C.B. and C.H.</i> (2 copies)	Superior Court of California County of Contra Costa Wakefield Taylor Courthouse 725 Court Street Martinez, CA 94553-1233
The Honorable Mark Peterson District Attorney Contra Costa County District Attorney's Office 900 Ward Street Martinez, CA 94553 (BY E-MAIL: by transmitting a PDF version of this document via electronic mail to: appellate.pleadings@contracostada.org)	Attn.: Executive Director First District Appellate Project 475 Fourteenth Street, Suite 650 Oakland, CA 94612 (BY E-MAIL: by transmitting a PDF version of this document via electronic mail to: eservice@fdap.org)
First Appellate District Division Three Court of Appeal of the State of California Division Three 350 McAllister Street San Francisco, CA 94102 (served via TrueFiling)	

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 23, 2018, at San Francisco, California.

J. Wong
Declarant

J Wong
Signature

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