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DEPARTMENT OF JUSTICE



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December 27, 2023

Honorable Chief Justice Patricia Guerrero
and Honorable Associate Justices
California Supreme Court
350 McAllister Street, Mail Room 1279
San Francisco, CA 94102-4797

RE: People v. Maurice Walker
California Supreme Court Case No. S278309
People's response to proposed judicial notice

Dear Chief Justice Guerrero and Associate Justices:

On December 13, 2023, this Court provided the parties notice pursuant to Evidence Code sections 459, subdivision (c) and 455, subdivision (a) that it intends to take judicial notice of a video recording of the Senate Floor Session held on September 10, 2021, at which Senator Nancy Skinner requested, and received, unanimous consent to submit her letter addressing Senate Bill No. 81 for inclusion within the Senate Daily Journal. (See Senate Floor Session (Sept. 10, 2021) at 6:06:27-6:06:47.)¹ The video recording depicts Senator Skinner on the Senate Floor stating the following: "Thank you Madam President. I rise to request unanimous consent to submit two letters to the journal. These letters are to clarify intent in Senate Bills 81 and 524. The letters have been approved by both sides." (*Ibid.*)

The People do not oppose the Court's proposal to take judicial notice of this video recording. This video recording accurately reflects the post-enactment legislative history that Senator Skinner requested and received unanimous consent from the Senate to include her letter in the Senate Daily Journal.

As explained in the People's answer brief on the merits and answer to the amicus curiae brief, however, the content of Senator Skinner's letter does not reflect or clarify the Legislature's intent regarding Senate Bill No. 81. Rather it reflects Senator Skinner's personal views regarding the legislation. (See ABM 30-31; AACB 9-12; see also Opn. 15-16; *People v. Ponder*

¹ Available at <<https://www.senate.ca.gov/media/senate-floor-session-20210910/video>> [as of Dec. 20, 2023].

(2023) 96 Cal.App.5th 1042, 1052 [Senator Skinner’s letter “intended to provide clarity on the *legislator’s* intent,” italics added].) A court does not consider the understandings of individual legislators in construing a statute, and there is no “exception to this principle simply because the legislator whose motives are proffered actually authored the bill in controversy.” (*California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 699-700.)

Senator Skinner’s statements on the Senate Floor do not change this conclusion. In the video recording, Senator Skinner states that the letter is meant to “clarify intent” as to Senate Bill No. 81. But while the Senate consented to the letter’s submission, that does not establish that the content of the letter accurately reflects the intent of the Legislature itself as relevant to the issue in this case. Indeed, the portion of the letter relied upon by Walker and amici—“it was *my* intent that this great weight standard [in Senate Bill No. 81] be consistent with [*People v. Martin* (1986) 42 Cal.3d 437]”—leaves no ambiguity that the letter reflects Senator Skinner’s own personal views regarding the legislation. (See Sen. Nancy Skinner, letter to Secretary of the Sen. (Sept. 10, 2021) 121 Sen. J. (2021-2022 Reg. Sess.) p. 2639, italics added.) Moreover, as explained in the People’s answer to the amicus curiae brief, Senator Skinner’s letter does not reflect the Legislature’s intent regarding Senate Bill No. 81 because the letter was neither supported nor endorsed by the Assembly. (See AACB 10-11.) This is significant because it was the Assembly, not the Senate, that “removed the presumption requiring clear and convincing evidence to overcome, replacing it with the more flexible discretionary language that now appears in section 1385, subdivision (c)(2).” (*People v. Anderson* (2023) 88 Cal.App.5th 233, 240, rev. granted April 19, 2023, S278786; see Assem. Amend. to Senate Bill No. 81 (2021-2022 Reg. Sess.) August 30, 2021.) Finally, as also explained in the People’s answer to the amicus curiae brief, the content of the letter is entitled to little or no weight in light of the relevant legislative history and the letter’s inherent inconsistencies. (See AACB 12-14.)

Sincerely,

ROB BONTA
Attorney General of California
LANCE E. WINTERS
Chief Assistant Attorney General
SUSAN SULLIVAN PITHEY
Senior Assistant Attorney General
CHUNG L. MAR
Deputy Attorney General

/s/ CHRISTOPHER G. SANCHEZ
CHRISTOPHER G. SANCHEZ
Deputy Attorney General
Attorneys for Respondent

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **People v. Maurice Walker** No.: **S278309**

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 collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence that is submitted electronically is transmitted using the Court's TrueFiling system. Participants who are registered with TrueFiling will be served electronically. Participants who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On **December 27, 2023**, I caused the attached **SUPPLEMENTAL LETTER BRIEF**, to be electronically served by transmitting a true copy via this Court's TrueFiling system to:

Jason Szydlik, Esq. Attorney for Appellant E-mail: jason@sworklaw.com	William Robinson, Esq. E-mail: bill_robinson@fdap.org
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Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on **December 27, 2023**, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

David Slayton, Court Executive Officer / Clerk
Los Angeles County Superior Court
for delivery to: Hon. David R. Fields, Judge
111 North Hill Street
Los Angeles, CA 90012

I also served the attached **SUPPLEMENTAL LETTER BRIEF**, by transmitting a true copy via electronic mail using my email address lici.garcia@doj.ca.gov to:

Renee Rose
Office of the District Attorney

CAP-LA
California Appellate Project

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **December 27, 2023**, at Los Angeles, California.

Lici Garcia
Declarant

/s/ Lici Garcia
Signature

CGS:lxg
LA2023601296

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. WALKER**
Case Number: **S278309**
Lower Court Case Number: **B319961**

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: **christopher.sanchez@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL DOCUMENTS	S278309_SLB_People v. Walker

Service Recipients:

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Jason Szydlik Law Offices of Jason Szydlik 238356	jason@sworklaw.com	e-Serve	12/27/2023 1:25:39 PM
William Robinson First District Appellate Project 95951	bill_robinson@fdap.org	e-Serve	12/27/2023 1:25:39 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.

12/27/2023

Date

/s/Lici Garcia

Signature

Sanchez, Christopher (316386)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm