

**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

Chelsea Becker,)	No. F081362
Petitioner,)	
v.)	Trial Court No. 19CM-5304
Superior Court of Kings County,)	(Kings County)
Respondent)	

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

(Application for Immediate Release)

Following order denying own recognizance release and setting \$2,000,000 money bail
(Pen. Code §§ 1270, 1271, 1275, 1319, *et seq.*)
From the Superior Court for Kings County,
Hon. Robert S. Burns, Tel: (559) 582-1010

*ROGER T. NUTTALL (SBN 42500)
NUTTALL & COLEMAN
2333 Merced Street
Fresno, California 93721
Tel: (559) 233-2900

DANIEL N. ARSHACK
(NY BAR# DA-2036)
(Admitted Pro Hac Vice 8/27/20)
Consulting Attorney to the
National Advocates for Pregnant Women
Arshack, Hajek & Lehrman, PLLC
1790 Broadway, Suite 710
New York, New York, 10019
Tel: (212)582-6500

JACQUELINE GOODMAN
(SBN 172308)
THE GOODMAN LAW BUILDING
712 N. Harbor Blvd.
Fullerton, California 92832
Tel: (714) 879-5770

SAMANTHA LEE (SBN 315464)
NATIONAL ADVOCATES FOR
PREGNANT WOMEN
575 8th Avenue, 7th Floor
New York, New York 10018
Tel: (212) 255-9253

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	3
INTRODUCTION.....	5
ARGUMENT	6
I. Ms. Becker Should be Released Because She is Held on a Charge that is Not a Crime	7
II. Respondent Fails to Address the Overwhelming Evidence that Ms. Becker is Not a Flight Risk and Would Appear at Future Court Dates.....	9
III. Respondent’s Only Argument for Continued Detention is to Prevent a Future Pregnancy Which is Prohibited by the US and California’s Constitutions.....	10
IV. Respondent Fails to Explain How the Superior Court’s Imposition of \$2,000,000.00 Bail Can Possibly Satisfy Ms. Becker’s Rights to Due Process and Equal Protection	11
V. Respondent’s Contention that Ms. Becker is Safer in Jail from COVID-19 Clearly Contrary to the Reality in Kings County – Petitioner’s Life is At Risk in Jail due to the COVID-19 Pandemic and the Risks of COVID-19 Strongly Outweigh Any Risks Presented by Her Release.....	13
CONCLUSION	16
CERTIFICATE OF WORD COUNT	17
PROOF OF SERVICE	18

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>In re Humphrey</i> , (2018) 233 Cal.Rptr.3d 129 [417 P.3d 769]	6, 7, 11, 12
<i>In re White</i> , 21 Cal.App.5th 18 [229 Cal.Rptr.3d 827]	12
<i>People v. Davis</i> , (1994) 7 Cal.4th 797 [30 Cal.Rptr.2d 50, 872 P.2d 591]	8
<i>People v. Dominguez</i> , (1967) 256 Cal.App.2d 623 [64 Cal.Rptr. 290]	11
<i>People v. Pointer</i> , (1984) 151 Cal.App.3d 1128 [199 Cal.Rptr. 357]	10
<i>Skinner v. Oklahoma</i> , (1942) 316 U.S. 535	10
Statutes	
Cal. Const. Art. I § 12	11, 12
Cal. Pen. Code	
§ 187	8
§ 1271	11, 12, 13
§ 1275	5, 7, 16
§ 1275(a)(1)	6, 11
Other Authorities	
Chabria, Anita, “‘Broken’ coronavirus tracking system leaves California in the dark: ‘We have no idea’,” The Los Angeles Times (August 6, 2020), https://www.latimes.com/california/story/2020-08-06/coronavirus-california-undercount	14
County of Kings, Coronavirus Disease 2019, https://www.countyofkings.com/departments/health-welfare/public-health/coronavirus-disease-2019-covid-19	14
https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=2052&context=blr	11
https://link.springer.com/chapter/10.1007/978-1-59259-446-7_4	11

Document received by the CA 5th District Court of Appeal.

<https://tinyurl.com/y2cw49ky>..... 6

<https://www.countyofkings.com/home/showdocument?id=23823> 14

<https://www.latimes.com/archives/la-xpm-1991-01-17-me-61-story.html> 11

<https://www.nytimes.com/1991/01/10/us/implanted-birth-control-device-renews-debate-over-forced-contraception.html> 11

“Virus keeps spreading as schools begin to open, frightening parents and alarming public health officials,” Fowler, Sarah The Washington Post (Aug. 6, 2020), https://www.washingtonpost.com/politics/virus-keeps-spreading-as-schools-begin-to-open-frightening-parents-and-alarming-public-health-officials/2020/08/06/7ef4f362-d80d-11ea-930e-d88518c57dcc_story.html?hpid=hp_hp-banner-main_coronavirus-8pm%3Ahomepage%2Fstory-ans 13

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

In its Informal Response to the Renewed Petition for Writ of Habeas Corpus (“Opposition”), the Respondent District Attorney (“Respondent”) fails to address any of the Superior Court’s obvious errors set forth below. This Court is, of course, aware that Petitioner has argued that she is being held on charges that do not constitute a crime in California, and therefore, she is not charged with a “serious “ offense, and instead, as concluded by the State’s own Attorney General, she is being held on no offense at all. The Superior Court failed to take into consideration any of the required factors when setting bail (*See*, Cal. Pen. Code § 1275), and instead, set a bail amount that is obviously excessive and without regard for Petitioner’s individual circumstances. For the first time, in the Opposition to this Petition for Writ, it is acknowledged, because it is the truth, that Petitioner has no felony record, has never absconded nor failed to appear in court when required to do so, and has no “strike” convictions. This, despite arguing exactly the opposite to the Superior Court (*See*, Renewed Writ of Habeas Corpus and Ex. 9 p 5 and Ex. 17 p 32-33) and which, in apparent reliance on those false statements, the court declined to reduce the \$2,000,000 bail. Respondent’s sole contention is that Ms. Becker must remain incarcerated prior to trial or any adjudication of guilt in order to prevent her from becoming pregnant. This is, frankly, a perversion of justice which is contrary to clear federal and California constitutional law that prohibits incarceration, continued detention, or conditions of probation that are designed to limit a person’s procreation. The Superior Court failed to consider Ms. Becker’s inability to pay bail, and continued bail set at \$2,000,000.00 in violation of Ms. Becker’s right to liberty and to her presumed innocence, her right to the least restrictive means of ensuring that she appear pre-trial, and her Equal Protection rights not to be held in

custody simply because she is poor. As the global pandemic continues to rage especially through the Central Valley and its incarceration systems, continuing to hold Ms. Becker, for a charge that is not a crime in California, threatens not only her freedom, but her life.

ARGUMENT

As more fully addressed in our Petition, when setting, reducing, or denying bail, a court must consider: “[1] protection of the public, [2] the seriousness of the offense charged, [3] the previous criminal record of the defendant, and [4] the probability of his or her appearing at trial or at a hearing of the case.” Cal. Pen. Code § 1275(a)(1)).¹ The court must further consider the defendant’s ability to pay (In re Humphrey (2018) 19 Cal.App.5th 1006 [228 Cal.Rptr.3d 513].)and balance the risk of release against the risks of keeping a person incarcerated.

On August 26, 2020, the California Supreme Court <https://tinyurl.com/y2cw49ky> made binding to trial courts Part III of the opinion in *Humphrey*, barring judges from relying on bail schedules, such as was done in Petitioner’s case, which the high court has now confirmed, violates the due process rights of low-income people who are arrested for felonies in the state. Part III of the *Humphrey* decision which now has precedential effect, holds that:

Failure to consider a defendant’s ability to pay before setting money bail is one aspect of the fundamental requirement that decisions that may result in pretrial detention must be based on factors related to the individual defendant’s circumstances. This requirement is implicit in the principles we have discussed—that a defendant may not be imprisoned solely due to poverty and that rigorous procedural safeguards are necessary to assure the accuracy of determinations that an

¹ In the interests of judicial economy, the arguments and citations in the Writ of Prohibition; Reply to Opposition to Writ of Prohibition and the Attorney General’s Amicus which are all filed in the Fifth District Court of Appeal case # F081341 are incorporated herein by reference.

arrestee is dangerous and that detention is required due to the absence of less restrictive alternatives sufficient to protect the public.

(In re Humphrey (2018) 19 Cal.App.5th 1006, 1041 [228 Cal.Rptr.3d 513].)

It is respectfully submitted that the Superior Court accomplished none of these objectives in setting and declining to lower a \$2,000,000 bail on the indigent Petitioner.

I. Ms. Becker Should be Released Because She is Held on a Charge that is Not a Crime

In considering the seriousness of the crime under Pen. Code § 1275, the Superior Court failed to address the lack of prosecutorial authority *vel non* to bring a murder charge against Ms. Becker. This charge—based on the underlying fact that she experienced a stillbirth allegedly as a result of ingesting methamphetamines during her pregnancy—is contrary to the statutory language, the legislative history, the **case law** in every court that has considered this issue, and the interpretation of the highest law enforcement official in California, the California Attorney General. Moreover, given the Prosecution’s repeated statements affirming that Ms. Becker had no intention of terminating her pregnancy, she, by the prosecution’s own admission, lacked malice aforethought, a required element of the crime charged. Neither Ms. Becker’s pregnancy nor her drug dependency problem constitute a crime, and no law in California makes the combination a crime. As a result, she should be released immediately.

Respondent acknowledges that the attempt to fit Ms. Becker’s alleged actions or inactions into the requirements for murder is tortured. According to Respondent, Ms. Becker did not at any time purposefully attempt to terminate her pregnancy; the stillbirth was unintended. Opp. at 26. Rather, as indicated in the very first paragraph of Respondent’s opposition, these facts, even according to Respondent, would not constitute murder, but rather, technically a manslaughter. But Respondent also

correctly acknowledges that manslaughter of a fetus is not a crime in California. Opp. at 7. Accordingly, Ms. Becker was charged with murder despite the fact that neither the evidence nor the Murder statute support such a charge. Respondent's Opposition papers may well be better understood as a legislative proposal for new statutory crimes and civil remedies. Respondent argues that "[a]dding the phrase 'or a fetus' to the manslaughter and wrongful death statutes would provide" a basis "for holding women accountable for their deadly conduct" in relationship to their own pregnancies. In the absence of these legislative enactments (which have already been rejected by the legislature), Respondent asks this Court, instead, to judicially rewrite and expand Pen. Code § 187 so that the prosecution can then have "the legal authority for charging Petitioner with the murder" for experiencing a stillbirth. *Id.* Petitioner has been locked up on millions of dollars bail since November 6, 2019 and *now* the Respondent is asking for this Court's authority to charge her with murder.

Not only does this Court lack the authority to do this, Respondent's request fails to address the fact that the legislature has specifically considered, and has repeatedly rejected, proposed expansions of the murder and manslaughter statutes, as well as other punitive measures to address issues involving pregnancy and drug use. See, Writ of Prohibition p. 36 et seq. Further, Respondent ignores *People v. Davis*, (1994) 7 Cal.4th 797 [30 Cal.Rptr.2d 50, 872 P.2d 591] which holds that:

California is a "code" state, i.e., the Legislature has the exclusive province to define by statute what acts constitute a crime, and statutory provisions must "be construed according to the fair import of their terms, with a view to effect [their] objects and to promote justice.

Davis (1994) 7 Cal.4th at 810.

Here, Respondent is in fact proposing new judicially created legislation that would authorize prosecution of Ms. Becker and any other

pregnant woman who engages in “dangerous acts or omissions toward her fetus,” at Opp. at 18, The fact that Respondent argues that in order to even try to make out the existence of a crime, there must be a fundamental change to the existing statutory language, demonstrates that Ms. Becker stands charged with something that, as of yet, does not constitute a crime under California’s statutory scheme. Ultimately, the Superior Court failed to consider the lack of seriousness of the alleged crime, both because the alleged facts simply fail to support any crime, and specifically, a murder charge, and that even if hypothetically the acts may appear to constitute manslaughter, there is no crime of manslaughter of a fetus in California.

II. Respondent Fails to Address the Overwhelming Evidence that Ms. Becker is Not a Flight Risk and Would Appear at Future Court Dates

Respondent now acknowledges Opp. at 12-13 that there is no basis for holding Petitioner on \$2,000,000 bail. Despite having asserted to the Superior Court previously that Petitioner had failed in the past to appear in court, Respondent now admits that there is no evidence that Ms. Becker has ever failed to appear in court. Despite having claimed before the Superior Court previously that Petitioner had been convicted of a felony, it is now admitted that there is no evidence that Petitioner has ever been convicted of a felony. Additionally, despite having claimed before the Superior Court that Petitioner had a strike offense, it is now admitted that Petitioner has never had a strike offense. Apparently, these truths were of little consequence to the Court at the time when Petitioner was able to present the true facts.

Further, as was demonstrated below and in the Renewed Petition for a Writ of Habeas Corpus (“Writ”) in this Court, Ms. Becker has strong ties to Kings County and no ties outside of California. Writ at 45. She has retained pro bono counsel, with whom she remains in close contact. *Id.* Ms.

Becker should be released on her own recognizance as the overwhelming evidence indicates that she is not a flight risk, that she has no felony record, and that she would appear at future court dates.

III. Respondent's Only Argument for Continued Detention is to Prevent a Future Pregnancy Which is Prohibited by the US and California's Constitutions.

The Superior Court failed to describe any risk which Ms. Becker might pose to the community. Respondent's contention that Ms. Becker poses a risk to the community is based solely on an imagined future risk that she may become pregnant again, and thereafter "murder," an as-of-yet, fetus that is not yet conceived. Opp. at 14. Implicit in this argument is that if the Petitioner agreed to a hysterectomy or other form of sterilization she would be entitled to immediate bail/release.² In any event, both the United States Supreme Court and the Supreme Court of California have recognized that detention or probation conditions imposed for the purpose of limiting pregnancy or procreation are unconstitutional infringements on individuals' fundamental rights to procreate, to freedom, and to privacy enshrined in both the federal and state constitutions. *Skinner v. Oklahoma* (1942) 316 U.S. 535, 541 (procreation is "one of the basic civil rights of man" and is "fundamental to the very existence and survival of the race"); *People v. Pointer* (1984) 151 Cal.App.3d 1128, 1139 [199 Cal.Rptr. 357] (reversing portion of sentencing order that prevented defendant, after felony child endangerment conviction, from conceiving during probationary period) because it "infringes the exercise of a fundamental right to privacy

² The Respondent also relies on a medically uninformed and alarming view of pregnant women and pregnancy. The Respondent argues that incarceration is appropriate "to protect the safety of potential victims" Opp at 14. The characterization of embryos and fetuses as "potential victims" provides grounds to police every pregnant woman since 15-20% of pregnancies end in miscarriage or stillbirth and it is always possible to claim that some act or omission by the woman caused the pregnancy loss.

protective by both the federal and state constitutions”); *see also People v. Dominguez* (1967) 256 Cal.App.2d 623, 629 [64 Cal.Rptr. 290] (striking a probation condition that the defendant not become pregnant because she was “entitled to her freedom on probation unless it [was] revoked for lawful reasons”); Writ at 31-32.³

Respondent failed to address any of the case law cited in Petitioner’s Petition for Writ which militates against her continued detention for the purpose of preventing a future pregnancy. As that is the *only* argument regarding a purported “risk” which Ms. Becker may pose if released, Ms. Becker should now be released.

IV. Respondent Fails to Explain How the Superior Court’s Imposition of \$2,000,000.00 Bail Can Possibly Satisfy Ms. Becker’s Rights to Due Process and Equal Protection

The purpose of bail is to ensure a defendant will appear at future court appearances. *See* Cal. Const. Art. I § 12; Cal. Pen. Code § 1271. As previously discussed, Ms. Becker’s record is clear, and she will appear for future appearances; therefore, no amount of bail is needed.

The Superior Court failed to make *any* individual inquiry or finding in setting Ms. Becker’s bail, as is required by law. Cal. Pen. Code § 1271, 1275(a)(1); *In re Humphrey* (2018) 233 Cal.Rptr.3d 129 [417 P.3d 769]. No accused person should be held simply because she is poor; when setting bail, the lower courts must consider a defendant’s ability to pay. *In re*

³ See also, Even where there might be general agreement that a person did something terrible to actual children -controlling future reproduction by imprisonment is wrong:
<https://www.nytimes.com/1991/01/10/us/implanted-birth-control-device-renews-debate-over-forced-contraception.html>
<https://www.latimes.com/archives/la-xpm-1991-01-17-me-61-story.html>
https://link.springer.com/chapter/10.1007/978-1-59259-446-7_4
<https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=2052&context=blr>

Humphrey (2018) 233 Cal.Rptr.3d 129 [417 P.3d 769]. If the court finds that it must impose money bail in excess of the defendant's ability to pay, it must consider whether there are any less restrictive alternatives that would ensure his or her future court appearances." *In re White* (2018) 21 Cal.App.5th 18, 31, n.8 [229 Cal.Rptr.3d 827] (relying on *Humphrey*).

Respondent ignored the now precedential *Humphrey* holding and the clear requirement for an individualized inquiry, because nothing about Petitioner meets those requirements. Moreover, Respondent acknowledges that the Superior Court failed to make the required individualized inquiry, and instead, blithely followed the Bail Schedule amount. Opp. at 12 and 13.

In contravention of California's clear requirements, the Superior Court also failed to consider Petitioner's inability to pay the amount set for bail. See, *Humphrey*. The Superior Court failed to acknowledge Ms. Becker's indigence, which was fully before the court via her affidavit of indigence. Writ Ex. 16. In addition, the Superior Court failed to consider whether there were any less restrictive alternatives to ensure her future appearances, as required by *In re White*.

The Superior Court's bail amount, set at \$2,000,000.00, would be unattainable for most people in the United States. Respectfully, the Court could well have assumed that setting the bail amount at \$2,000,000.00 was the equivalent of denying Ms. Becker bail, and was therefore, in contravention of her constitutional right to liberty, to reasonable bail, and to the presumption of innocence. Cal. Const. Art. I § 12; Cal. Pen. Code § 1271.

V. Respondent’s Contention that Ms. Becker is Safer in Jail from COVID-19 Clearly Contrary to the Reality in Kings County – Petitioner’s Life is At Risk in Jail due to the COVID-19 Pandemic and the Risks of COVID-19 Strongly Outweigh Any Risks Presented by Her Release

The Superior Court denied Ms. Becker her procedural and substantive due process rights by refusing to consider the increasing risk presented by the COVID-19 pandemic. In determining whether a defendant should be released on her own recognizance, a court must weigh the seriousness of the charge, the risk to the public, or of re-offense if released, and her likelihood to appear, against the fundamental liberty interest to be held in the least restrictive manner possible, as well as the risks of continued detention. Cal. Pen. Code § 1271.

Since the Petition for Writ of Prohibition and the Petition for Writ of Habeas Corpus were filed in this case on July 2 and 8, 2020, respectively, the risks and spread of COVID-19 in California’s Central Valley and Kings County specifically have only worsened. The Central Valley has so much viral material circulating that they are not able to trace it. “*Virus keeps spreading as schools begin to open, frightening parents and alarming public health officials,*” Fowler, Sarah The Washington Post (Aug. 6, 2020), https://www.washingtonpost.com/politics/virus-keeps-spreading-as-schools-begin-to-open-frightening-parents-and-alarming-public-health-officials/2020/08/06/7ef4f362-d80d-11ea-930e-d88518c57dcc_story.html?hpid=hp_hp-banner-main_coronavirus-8pm%3Ahomepage%2Fstory-ans. “Over the past week, the number of cases in [neighboring] Fresno County has risen 41 percent...” *Id.* Since the information in Ms. Becker’s renewed Writ of Habeas Corpus on July 8, 2020, Kings County has reported a fifty-five percent increase in cases, from 2,266 cases on June 30 to 3,523 on August 25. This number is likely an undercount because California’s tracking system has broken down, and the

County is not reporting current data. County of Kings, Coronavirus Disease 2019, <https://www.countyofkings.com/departments/health-welfare/public-health/coronavirus-disease-2019-covid-19>; Chabria, Anita, “*Broken’ coronavirus tracking system leaves California in the dark: ‘We have no idea’*,” The Los Angeles Times (August 6, 2020), <https://www.latimes.com/california/story/2020-08-06/coronavirus-california-undercount>. Furthermore, the rate of case growth has increased in the past month. Fully 25% of all COVID 19 cases known in Kings County since the beginning of the outbreak have emerged in the past three weeks (2,633 cases on August 2 to 3,523 on August 25). County of Kings, Coronavirus Disease 2019, <https://www.countyofkings.com/departments/health-welfare/public-health/coronavirus-disease-2019-covid-19>.

Those numbers only include the non-incarcerated population of Kings County. There are an additional 2,264 cases within in the state correctional facilities. <https://www.countyofkings.com/departments/health-welfare/public-health/coronavirus-disease-2019-covid-19> (as of August 25, 2020). This is almost double the number of cases at the last public reported data on June 30, which indicated 1,139 total cases within the state correctional facilities at that time.

<https://www.countyofkings.com/home/showdocument?id=23823>. The County’s statistics indicate that all of the correctional facility cases come from “close contact” within the facility. Such close contact is inevitable in jail, where inmates and staff must remain in tight quarters, without the ability to remain socially distant, use personal protective equipment, or regularly access hand washing or hand sanitizer.

Even more concerning in Ms. Becker’s case is the fact that the extent of spread within Kings County Jail is simply not known. As of June 26, 2020, they had tested only two (2) prisoners and had no records of testing

any staff. Pet. Hab. Ex. 10, July 8, 2020. Without knowledge of the presence of the disease, officials are unable to quarantine exposed individuals or trace their contacts, as is required. No information has been received that any further measures have been taken. Respondent's continued lack of knowledge about the state of COVID-19's spread in the jail is certainly not reassuring.⁴

Despite Respondent's disturbing and highly inaccurate suggestion that complete deprivation of all liberty through incarceration is the same as (or better than) a medical quarantine, Opp. at 16 Ms. Becker remains in an environment which has been proven in jails and in prisons across California and the country to be an ideal environment for the virus to thrive, spread and kill, while, due to Ms. Becker's asthma, she is at increased risk. Officers come in and out of the jail and mingle with the external Kings County Community, which, as Respondent notes, and which has been described above, has a significant COVID-19 load. There are no records of any of those officers having been tested. Respondent's inexplicable contention that Ms. Becker is safer in jail, where she continues to interact with officers and others who have consistent contact with the greater Kings County community and has limited ability to control her hygiene, distance, or ensure that everyone in the jail including staff and inmates take preventative measures such as consistently and properly wearing masks, appears not to be responsible and should be summarily discredited by this court.

⁴ Petitioner has been informed that, in fact, there are "people" quarantined with COVID 19 within the Kings County Jail at this time. Further, it is the prisoners, within the Kings County Jail, who are made responsible for cleaning and sanitizing the jail.

CONCLUSION

The Superior court has failed to make any individualized inquiry or finding in setting Ms. Becker's bail, as required by Penal Code § 1275. Ms. Becker is being held on allegations that do not constitute a crime in California, and she should be released. Ms. Becker has strong ties to the County, and there is no fact based reason to believe that she would not appear at future court dates. While Ms. Becker does not present a risk to the public, she personally faces grave risk as she remains in detention. If this court does not prohibit the proceedings against Ms. Becker at this time, the court should nonetheless release Ms. Becker on her own recognizance until a decision is made.

Dated: August 31, 2020

Respectfully submitted,

/s/ Roger T. Nuttall
ROGER T. NUTTALL (SBN 42500)
NUTTALL & COLEMAN
2333 Merced Street
Fresno, California 93721
Tel: (559) 233-2900

CERTIFICATE OF WORD COUNT

I, Roger T. Nuttall, co-counsel for Chelsea Becker, petitioner and defendant, do hereby certify and verify, pursuant to the California Rules of Court, rule 8.204(c)(1), that the word processing program used to generate this brief indicates that the word count for this document (Petitioner's Reply to Opposition to Writ of Habeas Corpus and Memorandum of Points and Authorities) is 3,415 words, excluding the tables, this certificate, and any attachment permitted under rule 8.520(c).

I declare that the foregoing is true and correct to the best of my knowledge and belief at the time of making this verification.

EXECUTED on August 31, 2020, under penalty of perjury under the laws of the State of California, in Fresno, California.

/s/ Roger T. Nuttall
ROGER T. NUTTALL

PROOF OF SERVICE

STATE OF CALIFORNIA,)
COUNTY OF FRESNO.)

I am employed in the County of Fresno, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is: 2333 Merced Street, Fresno, California 93721.

On August 31, 2020, I served the foregoing document described as: REPLY TO OPPOSITION TO WRIT OF HABEAS CORPUS, on the interested parties in this action by placing a copy thereof enclosed in a sealed envelope addressed as follows:

Xavier Becerra
California Attorney General’s Office
Post Office Box 944255
Sacramento, California 94244

Electronic Service

Louis D. Torch
Deputy District Attorney, COUNTY OF KINGS
1400 W. Lacey Blvd., Bldg. 4
Hanford, CA 93230

Clerk of the Court,
Kings County Superior Court
1640 Kings County Dr.
Hanford, CA 93230

Hon. Robert Shane Burns, Judge
Kings County Superior Court
1649 Kings County Dr.
Hanford, California 93230

[U.S. MAIL]

{State} I declare under penalty of perjury, under the laws of the State of California the above is true and correct. EXECUTED on August 31, 2020, at Fresno, California.

/s/ Bryan Murray
BRYAN MURRAY

Document received by the CA 5th District Court of Appeal.