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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 26 2022

D. SIORDIAN

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**
10 **(Riverside)**

11 PEOPLE OF THE STATE OF
12 CALIFORNIA,

Plaintiff,

14 v.

15 RUSSELL AUSTIN,

16 Defendant.

Case No. RIF1800692

**MOTION FOR A HEARING &
RELIEF PURSUANT TO THE
RACIAL JUSTICE ACT
Penal Code § 745(C)**

Date: 08/05/2022
Time: 8:30 a.m.
Dept. 44

18 **TO: MICHAEL HESTRIN, DISTRICT ATTORNEY FOR RIVERSIDE**
19 **COUNTY, KIMBERLY DEGONIA, DEPUTY DISTRICT ATTORNEY, AND**
20 **THE CLERK OF THE ABOVE-ENTITLED COURT:**

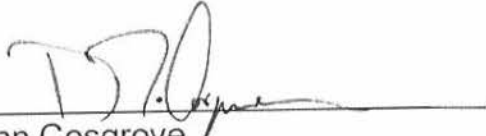
22 PLEASE TAKE NOTICE that on August 5, 2022, the defendant,
23 Russell Austin, through his counsel, will and hereby does move the court
24 for an order Austin has established a prima facie violation of the Racial
25 Justice Act and is therefore entitled to an evidentiary hearing to prove the
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27

1 violations of the Racial Justice Act.

2 This motion is made on the ground the failure to grant the motion
3 would deprive defendant of his rights as guaranteed by Penal Code section
4 745, his right to equal protection of the law,¹ and cause a miscarriage of
5 justice.²

6
7 Dated: July 25, 2022.

8
9 Respectfully submitted
10 Steven L. Harmon, Public Defender

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13 Brian Cosgrove
14 Deputy Public Defender

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26 ¹ Assem. Bill No. 1542 (2019-2020 Reg. Sess.) § 2(a); Cal. Const., art. I, §
27 7.

² Cal. Const., art VI.

1 INTRODUCTION

2 In 2020, the Legislature passed Assembly Bill 2542, the California
3 Racial Justice Act. [CRJA]. The new law is contained in Penal Code section
4 745. The CRJA is an ambitious piece of legislation.³ The intent of the
5 Legislature in enacting AB-2542 was to extinguish the effects of race in the
6 criminal justice system.⁴ The Legislature explained, "In California, in 2020,
7 we can no longer accept racial discrimination and racial disparities as
8 inevitable in the criminal justice system and we must act to make clear that
9 this discrimination and these disparities are illegal and will not be tolerated
10 in California."⁵

14 Elimination of explicit bias in the courtroom has been a longstanding
15 judicial goal.⁶ The federal Supreme Court has congratulated itself for its
16 alleged "unceasing efforts" to eliminate racial prejudice from the criminal
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21 ³ The legislative findings accompanying AB-2542 are entitled to
22 "considerable weight" in construing Penal Code section 745. (*Young v.*
23 *Superior Court* (2022) 79 Cal.App.5th 138, 157 [294 Cal.Rptr.3d 513].)

24 ⁴ AB-2542, *supra*, at § 2(i) ["It is the intent of the Legislature to eliminate
25 racial bias from California's criminal justice system. . ."]

26 ⁵ *Id.* at § 2(g).

27 ⁶ See e.g., *Strauder v. West Virginia* (1880) 10 Otto 303, 100 U.S. 303, 312
[25 L.Ed. 664] [State violates equal protection when an accused is put on
trial before a jury from which members of his race have been purposely
excluded].

1 justice system.⁷ As seen above, the Legislature has found racial bias
2 continues to be rampant in California courts.⁸ AB-2542 was adopted to
3 eliminate racial bias and racial disparities in the criminal justice system.
4

5 I.

6 **A BRIEF HISTORY OF AFRICAN AMERICANS IN CALIFORNIA**
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8 The CRJA was passed by the Legislature and signed by Governor
9 Newsom against a history of pervasive racial discrimination dating back to
10 the colonial era. In the view of the Legislature, the CRJA was necessary in
11 light of "history and human experience."⁹ The findings of fact accompanying
12 AB-2542 describe the persistence of racial discrimination and the
13 inadequacy of current law to eliminate this bias.¹⁰ It is therefore appropriate
14 to include an abbreviated history of African Americans in California.
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18 ⁷ *McCleskey v. Kemp* (1987) 481 U.S. 279, 309 [107 S.Ct. 1756, 95
19 L.Ed.2d 262] ["Because of the risk that the factor of race may enter the
20 criminal justice process, we have engaged in 'unceasing efforts' to
21 eradicate racial prejudice from our criminal justice system."]; *Batson v.*
22 *Kentucky* (1986) 476 U.S. c79, 85, fn. 3 [106 S.Ct. 1712, 90 L.Ed.2d 69]
23 [listing 14 case between 1880 and 1986 in which the Court upheld the right
24 of Blacks to serve as jurors]. Apparently, the Court lacked a sense of irony.
25 The "unceasing efforts" to stamp out racism in the criminal justice system
26 apparently did not extend to people of color subjected to systemic racism in
27 administration of the death penalty in Georgia.

⁸ AB 2542 at § 2(h) ["Examples of the racism that pervades the criminal
justice system are too numerous to list."]

⁹ *McCleskey v. Kemp*, *supra*, 481 U.S. 279, 328 (dis. opn. of Brennan, J.).

¹⁰ Assm. Bill AB-2542 (2019-2020 Reg. Sess.) § 2.

1 **(A) Slavery in California**

2 California was supposed to be a free state.¹¹ In 1849, the state
3
4 adopted an antislavery Constitution and applied to enter the union as a free
5 state.¹² Nevertheless, slavery existed in the state.¹³ The early state
6 government protected the institution and severely limited the rights of
7
8 African Americans.¹⁴ As a result of the gold rush, it has been estimated
9 there were at least 500 to 600 enslaved persons in California. Another
10 estimate placed the number as high as 1,500 in 1852.¹⁵

11
12 Life for slaves in California was harsh. Young men and boys were
13 forced to work in the mining industry. They performed backbreaking labor
14 and worked in dangerous conditions. Injuries and death occurred.¹⁶ Women
15 and girls brought to California as slaves usually worked as servants, cooks
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¹¹ This history is largely taken from the Interim Report of the California Task Force to Study and Develop Reparation Proposals for African Americans. [Interim Report] A copy of the report is included as an exhibit to this motion. It is also available at State of California Department of Justice, Reparations Report <https://oag.ca.gov/ab3121/reports> [as of July 21, 2022]

¹² Library of Congress, Compromise of 1850, <https://guides.loc.gov/compromise-1850> [as of June 21, 2022].

¹³ Interim Report at p. 68.

¹⁴ *Ibid.*

¹⁵ *Id.* at p. 69.

¹⁶ *Ibid.*

1 or laundry workers.¹⁷ Like everywhere else where humans held their fellow
2 beings in bondage, cruelty and brutality were commonplace.¹⁸

3
4 Although slavery was forbidden by the California Constitution, there
5 were no laws in place to enforce the ban on human bondage. No law freed
6 enslaved persons in the state. No law punished slaveholders.¹⁹ Once
7 California was officially a state and the antislavery constitution became
8 operative, the Legislature passed a Fugitive Slave Law. It defined a
9 "fugitive slave" as any person who arrived in California before statehood
10 but who refused to return to the slave states with his or her master.²⁰
11 Blacks who should have been freed under the state constitution were
12 instead returned to the south in bondage.
13

14 15 **(B) The Oppression of Free Blacks**

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17 Free Blacks who remained in California were subjected to restriction
18 of their rights. African Americans were denied the vote.²¹ Blacks could not
19 testify in a case involving white persons, were prohibited from marrying
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24 ¹⁷ *Ibid.*

25 ¹⁸ *Id.* at p. 70.

26 ¹⁹ *Ibid.*

27 ²⁰ *Id.* at p. 71.

²¹ *Id.* at p. 72.

1 Caucasians, excluded from obtaining homesteads²² on state land and
2 denied funding for public education of their children.²³ The vicious anti-
3 Black tone of state politics was so poisonous an estimated 800 African
4 Americans migrated north to the British colonies of Vancouver and British
5 Columbia.²⁴

8 (C) Reconstruction and Jim Crow

9 With the shackles of slavery outlawed and African Americans granted
10 rights protected by the Thirteenth,²⁵ Fourteenth,²⁶ and Fifteenth
11 Amendments,²⁷ whites in the south resorted to new tools to control the
12 Black population. One tool of oppression was the Black Codes. These
13 pernicious statutes exposed African Americans to forced labor for
14 "vagrancy," the crime of being unemployed while Black.²⁸ In some southern
15 states, African Americans could not change employers without permission
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19 ²² A homestead is "a tract of land usually consisting of 160 acres acquired
20 from U.S. public lands by filing a record and living on and cultivating the
21 tract." (Merriam-Webster Unabridged Dictionary, homestead
<https://unabridged.merriam-webster.com/unabridged/homestead> [as of
22 June 21, 2022].)

23 ²³ Interim Report at p. 73.

24 ²⁴ *Ibid.*

25 ²⁵ The Amendment abolished slavery in the United States and its territories.

26 ²⁶ The Amendment provided for birthright citizenship, due process and
27 equal protection. The Amendment also prohibited the states from abridging
"the privileges or immunities" of all citizens.

²⁷ The Amendment prohibited any limitation of the rights of citizens on the
basis of race or "previous condition of servitude."

1 as a result of labor contracts.²⁹ Criminal codes provided for much harsher
2 punishment of Blacks as compared to whites.³⁰

3
4 Vagrancy laws were used to trap Blacks into virtual slavery. A
5 lawman would arrest a Black and take him before a magistrate. Following a
6 two or three minute "trial," the magistrate would impose a fine. If the African
7 American was unable to pay, a white man would discharge the obligation
8 and have the Black man work off the debt. This labor could take weeks,
9 months or even years.³¹

10
11 The second tool of control was the blunt instrument of terror. The
12 Reconstruction era following the Civil War saw the founding of the Ku Klux
13 Klan and an assortment of white militias.³² These groups terrorized African
14 Americans across the southern states, burning homes and lynching
15 innocent victims.³³
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22 ²⁸ Interim Report at p. 77.

23 ²⁹ Constitutional Rights Foundation, The Southern "Black Codes" of 1865-
24 1866," [https://www.crf-usa.org/brown-v-board-50th-anniversary/southern-](https://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.htm)
24 [black-codes.htm](https://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.htm) [as of June 21, 2022].

25 ³⁰ *Ibid.*

26 ³¹ See Blackmon, *Slavery by Another Name: The Re-Enslavement of Black*
26 *Americans from the Civil War to World War II*, ch. V, pp. 117-154 (2008).

27 ³² Interim Report at p. 79.

27 ³³ *Id.* at pp. 102-103.

1 **(D) California Democrats Rejected Rights for Blacks**

2 Democrats swept to power in the 1866 California elections by
3 pledging to preserve white power, reject Reconstruction and oppose any
4 rights for Blacks, Native Americans or Chinese.³⁴ A Democratic Legislature
5 refused to consider ratification of the Fourteenth Amendment. The
6 Legislature rejected the Fifteenth Amendment in 1870.³⁵

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8
9 California courts joined in the disenfranchisement of African
10 Americans. In a preview of *Plessy v. Ferguson*,³⁶ the California Supreme
11 Court in *Ward v. Flood* held segregated schools did not violate the
12 Fourteenth Amendment.³⁷ The decision did come with a caveat: where
13 there were no separate schools for Black children, they could attend white
14 schools.³⁸ The decision was cited with approval by the *Plessy* Court.³⁹

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17 In *Plessy*, a railroad passenger complained about being removed
18 from a car reserved for whites and forced to sit in a car designated for
19 Blacks. Petitioner argued the forced removal violated his right to equal
20 protection of the law as guaranteed by the Fourteenth Amendment. The
21 Supreme Court disagreed:

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25 ³⁴ *Ibid.*

26 ³⁵ *Ibid.*

27 ³⁶ *Plessy v. Ferguson* (1896) 163 U.S. 537 [16 S.Ct. 1138, 41 L.Ed. 256].

³⁷ *Ward v. Flood* (1874) 48 Cal. 36 [1874 WL 1216, 17 Am.Rep. 405].

³⁸ *Id.* at pp. 56-57.

1 "The object of the amendment was undoubtedly to
2 enforce the absolute equality of the two races before the
3 law, but, in the nature of things, it could not have been
4 intended to abolish distinctions based upon color, or to
5 enforce social, as distinguished from political, equality, or
6 a commingling of the two races upon terms unsatisfactory
7 to either."⁴⁰

8 In other words, the court drew a distinction between political and
9 social equality. The Fourteenth Amendment protected political equality but
10 not social equality. In a social setting like a train car, the state was free to
11 require separate but equal accommodations for the two races. "Separate"
12 was easy to define and enforce. "Equal" turned out to be subjective, in the
13 eye of the beholder—so long as the beholder was white.

14 *Plessy* caused enormous harm over half a century: "its baneful
15 effects lasted longer than any other civil rights decision in American history.
16 It gave legal cover to an increasingly pernicious series of discriminatory
17 laws in the first half of the twentieth century."⁴¹ Because of *Plessy*,
18 generations of Black and brown children received inferior educations which
19 left them ill-equipped for college or to compete in the workplace.
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25 ³⁹ *Plessy v. Ferguson*, *supra*, 163 U.S. 537, 545.

26 ⁴⁰ *Id.* at p. 544.

27 ⁴¹ Luxenberg, *Separate: The Story of Plessy v. Ferguson, and America's Journey from Slavery to Segregation*, p. xviii (2019).

1 **(E) Racial Terror in California**

2 The Ku Klux Klan (KKK) reached California in the 1920s.⁴² The initial
3
4 KKK chapter was formed in San Francisco. The KKK quickly spread to
5 other cities, including Riverside.⁴³ The KKK had some 2,000 members in
6 Riverside during the 1920s.⁴⁴ The group held mass events, including
7 parades with marching bands, floats, and KKK members in full regalia.⁴⁵
8
9 Membership declined in the 1930s, but the KKK continued to make
10 appearances and burned crosses.⁴⁶

11 There were at least 352 lynchings in California between 1850 and
12 1935.⁴⁷ Eight African Americans were among the victims, who were
13 primarily Native Americans, Chinese and Hispanic.⁴⁸ In the late 1930s and
14 1940s, the KKK experienced a revival in the Inland Empire.⁴⁹ Their
15
16 activities were intended to maintain racial segregation and keep Blacks out
17
18 of Caucasian neighborhoods, schools, and parks.⁵⁰

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22 ⁴² Interim Report at p. 99.

23 ⁴³ *Ibid.*

24 ⁴⁴ *Id.* at p. 101.

25 ⁴⁵ *Ibid.*

26 ⁴⁶ *Ibid.*

27 ⁴⁷ *Id.* at p. 113.

⁴⁸ *Ibid.*

⁴⁹ *Id.* at p. 114.

⁵⁰ *Ibid.*

1 **(F) The Right to Vote**

2 Another tool of discrimination was political disenfranchisement, which
3 used physical violence, intimidation, poll taxes and literacy tests to keep
4 Black Americans from exercising a right protected by the Fifteenth
5 Amendment.⁵¹ California used a poll tax and a literacy test to keep African
6 Americans and Chinese men from voting.⁵²

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8
9 In California, the state Constitution initially limited the right to vote to
10 white men.⁵³ As seen above, the Legislature rejected the Fifteenth
11 Amendment.⁵⁴ When the amendment nonetheless became law, the state
12 Attorney General instructed county clerks not to register Black voters until
13 Congress adopted legislation commanding the state to comply with the
14 amendment.⁵⁵ In 1870, Congress passed an Enforcement Act to provide a
15 mechanism to ensure states honored the Fifteenth Amendment. Only after
16 this law became effective did California register Black men to vote.⁵⁶

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19 **(G) Housing Discrimination**

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21 For one hundred years, from the Civil War to the 1960s, local
22 governments used zoning ordinances to bar Blacks from certain
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⁵¹ *Id.* at pp. 137-140.

25 ⁵² *Id.* at p. 146.

26 ⁵³ *Id.* at p. 134.

27 ⁵⁴ *Id.* at p. 136.

⁵⁵ *Ibid.*

1 neighborhoods.⁵⁷ After the Supreme Court found race-based zoning
2 violated the Constitution, city planners used proxies for race to maintain all-
3 white neighborhoods.⁵⁸ In California, communities used a variety of
4 strategies to maintain separate neighborhoods for Blacks and whites.⁵⁹

6 Eminent domain was often used as a way to destroy Black or
7 integrated neighborhoods.⁶⁰ From 1949 to 1973, African Americans were
8 five times more likely to be displaced by eminent domain as compared to
9 white Americans.⁶¹

11 In California, eminent domain was used against Black communities,
12 as well as other communities of color. Like the rest of the country,
13 California used park construction, freeway construction and slum clearance
14 to destroy Black neighborhoods.⁶² California remains racially segregated.⁶³
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17 Lenders continue to discriminate against African Americans in California.⁶⁴
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22 ⁵⁶ *Ibid.*

23 ⁵⁷ *Id.* at p. 168.

24 ⁵⁸ *Ibid.*

25 ⁵⁹ *Id.* at pp. 170-171.

26 ⁶⁰ *Id.* at p. 171.

27 ⁶¹ *Ibid.*

⁶² *Id.* at p. 173.

⁶³ *Id.* at p. 188.

⁶⁴ *Ibid.*

1 **(H) Separate & Unequal Education**

2 Since the arrival of Europeans in the Americas, the new arrivals and
3 their descendants have seldom, if ever, ensured Black, brown and native
4 peoples received an education. In California, before the Civil War the state
5 provided Black students with segregated schools which had few
6 resources.⁶⁵ This parsimony was deliberate. School funding was
7 determined by the number of white students in each county.⁶⁶ Although
8 Black citizens paid state taxes, California made no provision for the
9 education of Black children.⁶⁷

10 *Brown v. Board of Education* failed to end segregation in California's
11 schools.⁶⁸ School boards refused to take any steps to desegregate
12 schools.⁶⁹ Laws were passed to limit the ability of state courts to
13 desegregate schools.⁷⁰ Proposition 1, endorsed by the voters in 1979,
14 prohibited courts from ordering desegregation in the absence of proof of
15 intentional discrimination.⁷¹ The law was upheld by the federal Supreme
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22 ⁶⁵ *Id.* at p. 207.

23 ⁶⁶ *Id.* at p. 209.

24 ⁶⁷ *Ibid.*

25 ⁶⁸ *Brown v. Board of Education* (1954) 347 U.S. 483 [74 S.Ct. 686, 98 L.Ed.
26 686].

27 ⁶⁹ Interim Report at p. 221.

⁷⁰ *Id.* at p. 222.

⁷¹ *Ibid.*

1 Court.⁷² As of 2014, Black and Latino students in California were among
2 the most segregated and congregated in schools with lower quality and
3 resources than their white and Asian peers.⁷³
4

5 (I) A Skewed Legal System

6 California's legal system is weighted against Black Americans. The
7 California Supreme Court approved school segregation in 1874.⁷⁴ The
8 court upheld racially restrictive housing covenants in 1919.⁷⁵ The
9 Legislature, like the courts, enforced discrimination. These efforts have
10 been described in earlier sections of this brief and need not be repeated
11 here.⁷⁶
12

13
14 Beginning in the 1960s, candidates of both major political parties
15 supported "law and order" and "tough on crime" legislation.⁷⁷ As a result,
16 California's Determinate Sentencing Law [DSL] was skewed by a blizzard
17 of enhancements. The tough on crime movement culminated in the 1994
18 Three Strikes Laws, a rare confluence of legislation⁷⁸ and a ballot initiative,
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22 ⁷² *Crawford v. Board of Education of City of Los Angeles* (1982) 458 U.S.
23 527 [102 S.Ct. 3211, 73 L.Ed.2d 948].

24 ⁷³ Interim Report at p. 222.

25 ⁷⁴ *Id.* at p. 374.

26 ⁷⁵ *Ibid.*

27 ⁷⁶ See sections I(A) and I(B).

⁷⁷ *Id.* at p. 372.

⁷⁸ Stats. 1994, ch. 12 (AB 971) § 1 (eff. Mar. 7, 1994).

1 Proposition 184.⁷⁹ The unjust sentences caused by these measures
2 eventually resulted in an amendment by initiative in 2012, Proposition 36.⁸⁰
3
4 This change limited the reach of the law by requiring the current offense be
5 a serious or violent felony.⁸¹

6 The natural result of the burdens imposed on Blacks described in this
7 introduction was mass incarceration, particularly of young Black men.
8 Blacks are only six percent of the population in California, yet they account
9 for 28.3 percent of the prison population.⁸²

11 **(J) Hate Groups in California**

12
13 The most blatant racism is perpetrated by White Nationalist and Neo-
14 Nazi groups. There are 65 hate groups—including white nationalists and
15 Neo-Nazis—in California, the majority of which are concentrated in
16 Southern California. Racist and white nationalist groups statewide include
17 AC Skins, American Freedom Party, American Front, Counter-Currents
18 Publishing, Folks Front, Inject Division, Koschertified, National Reformation
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22 ⁷⁹ Ballotpedia, California Proposition 184, Three Strikes Sentencing
Initiative,

23 [https://ballotpedia.org/California Proposition 184 Three Strikes Sentencing Initiative \(1994\)](https://ballotpedia.org/California_Proposition_184_Three_Strikes_Sentencing_Initiative_(1994)) [as of July 24, 2022]

24 ⁸⁰ Ballotpedia, California Proposition 36, Changes to Three Strikes
25 Sentencing Initiative (2012)

26 [https://Ballotpedia.org/California Proposition 36 Changes to Three Strikes Sentencing Initiative \(2012\)](https://Ballotpedia.org/California_Proposition_36_Changes_to_Three_Strikes_Sentencing_Initiative_(2012)) [as of July 24, 2022]

27 ⁸¹ *Ibid.*

1 Party, Patriot Front, and Vinland Clothing.⁸³ This list does not include 11
2 additional groups classified as “general hate.”

3
4 In 2019, California led the nation with 956 white supremacist
5 propaganda-related incidents.⁸⁴

6 **(K) Racism in Riverside County**

7
8 In 1870, the City of Riverside was formally established. Over the
9 decades to come, white residents utilized various political, social, and
10 economic mechanisms to “[position] longtime residents and Chinese
11 migrants as undeserving,” while using “violence, exploitation, and force in
12 restructuring regional racial hierarchies to the advantage of white
13 settlers.”⁸⁵

14
15 In 1871, Lyman C. Waite was appointed as Riverside’s first “Justice
16 of the Peace.” At an early peak of 19th Century anti-Latino sentiments,
17 Waite claimed that he had “about half of the Mexican population under
18 bonds to keep the peace.” Waite was defeated by a Mexican American
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22 ⁸² Interim Report at p. 385.

23 ⁸³ Southern Poverty Law Center, Hatewatch, California
24 <https://www.splc.org/States/California> [as of July 11, 2022].

25 ⁸⁴ Daily Bulletin, Inland Empire heavily targeted in 120% increase in white
26 supremacist propaganda in U.S.,
27 <https://www.dailybulletin.com/2020/02/14/southern-california-heavily-targeted-in-120%-increase-in-white-supremacist-propaganda-in-u-s/> [as of July 11, 2022].

1 man in his re-election campaign, prompting county supervisors to divide the
2 township and re-appoint Waite to its new court.⁸⁶

3
4 In September 1875, Sherriff Nicholas Hunsaker of San Diego and an
5 armed posse of twenty men forced the eviction of a Native American tribe
6 from Rancho Little Temecula in modern day Riverside County. The armed
7 mob drove wagons to the homes of the tribe where they forced entry,
8 loaded all native belongings into the wagons, and threatened any native
9 tribesman who resisted the eviction would be shot. Once the posse and
10 their wagons had trekked about three miles from the village, the white men
11 quickly emptied the wagons, damaging many of the native possessions.
12 The displaced Native Americans were then forced to salvage what they
13 could from their belongings and search for a new territory to settle.⁸⁷

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17 In July 1878, an armed mob seized Refugio Baca, a Latino man, from
18 his preliminary examination in Riverside. The mob hanged Baca from a tree
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24 ⁸⁵ Carpio, *Collisions at the Crossroads: How Place and Mobility Make Race*
25 at p. 35 (2019).

26 ⁸⁶ Patterson, *A Colony for California* at p. 118 (1971).

27 ⁸⁷ *The Eviction of the Temecula Indians*, Pechanga Band of Indians,
<https://www.pechanga-nsn.gov/index.php/history/temecula-eviction> [as of
July 24, 2022].

1 outside the courthouse. Baca was accused of murdering a white couple
2 after they denied his requests for food.⁸⁸

3
4 San Bernardino residents established a chapter of an organization
5 called the "Native Sons of the Golden West," which celebrated California's
6 "white pioneer" history. The organization only admitted California-born
7 white men into its membership and stressed the importance of preserving
8 California's identity as "the White Man's Paradise."⁸⁹

9
10 Also in 1888, the white residents of "South Riverside" (later renamed
11 Corona) discussed openly their nativist and racial animus with the local
12 press. One called the town "a representative American settlement[,] not
13 composed of foreigners, but of an intelligent, thrifty and cultured class of
14 people."⁹⁰

15
16
17 In January 1889, Riverside's first anti-Chinese citizens' committee was
18 formed, and vowed to act against unregistered Chinese laborers in
19 Riverside. In a speech at Loring Opera House, J.S. Loveland professed,
20 "We must exclude [the Chinese] or be overrun. We must exclude [the
21

22
23 ⁸⁸ Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* at p.
24 86 (2006).

25 ⁸⁹ *Old San Bernardino Pioneers, Long May They Be With Us*, San
26 Bernardino Sun (Sept. 8, 1907) at p. 6; Newton, *Justice for All: Earl Warren
27 and the Nation He Made* at pp. 73-75 (2006).

⁹⁰ Alamillo, *Making Lemonade Out of Lemons: Mexican American Labor
and Leisure in a California Town 1880-1960* at pp. 14-15 (2006).

1 Chinese] or be demoralized.”⁹¹ Inland residents justified residential
2 segregation against Chinese persons in Riverside, at least in part, by
3 publishing racist op-eds in local newspapers. In one editorial from August
4 1889, *The Daily Courier* noted “it is a wonder to a white man how a human
5 being, even a heathen, can exist in such vile, foul-smelling quarters and yet
6 the Chinamen prefer them to fresh, well-ventilated rooms.”⁹²
7

8
9 In 1892, The United States government developed an off-reservation
10 boarding school for Native American students in Riverside County called
11 the Perris Indian School.⁹³ The school took Native children from their
12 families on reservations and placed them into military camp-like conditions
13 for the purpose of eliminating indigenous cultural practices.⁹⁴
14

15
16 In September 1893, Riverside’s anti-Chinese citizens’ committee called
17 for a raid on Riverside’s Chinatown. The committee suspected Chinese
18 immigrant laborers resided there in violation of the Geary Act, which a year
19 prior had extended the Chinese Exclusion Act with additional anti-Chinese
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23 ⁹¹ *The Chinese Discussed*, Riverside Daily Press & Tribune (Jan. 24, 1889)
24 (quoted in City of Riverside, Chinese Americans in Riverside: Historic
Context Statement 28 (2016)).

25 ⁹² *A Trip Through Chinatown*, San Bernardino Daily Courier (Aug. 23, 1889)
at p. 1.

26 ⁹³ Carpio, *supra* note 87, at p. 35.

27 ⁹⁴ *Id.* at p. 31; see also Christina Rice, *The Sherman Institute of Riverside,
California: A History in Photos*, Los Angeles Public Library, (Nov. 1, 2017),

1 provisions.⁹⁵ This raid culminated with the arrest of 15 Chinese immigrants
2 who spent the night at Riverside County Jail and were later deported by
3 court order.⁹⁶
4

5 In 1895, the first Chinese resident of Riverside, Wong Fong, was
6 arrested for allegedly violating the Geary Act.⁹⁷ Authorities detained Fong
7 for working as a wagon driver without his certificate of residence and
8 imprisoned him in Los Angeles for 15 months. During his trial and in
9 accordance with the Geary Act, Fong could not have other Chinese
10 Americans testify on his behalf. Fong was found guilty and subject to
11 deportation, but his conviction was later overturned because the California
12 court of appeals held Fong qualified as a “merchant” and not a “laborer” in
13 violation of the Geary Act.⁹⁸
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17 In 1904, Riverside’s school superintendent “abandoned one school and
18 carefully located three others with the apparent purpose and effect of
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22 <https://www.lapl.org/collections-resources/blogs/lapl/sherman-institute> [as
23 of July 24, 2022].

24 ⁹⁵ McClain, *In Search of Equality: The Chinese Struggle against*
25 *Discrimination in Nineteenth Century America* at p. 203 (1996).

26 ⁹⁶ *Must Be Deported: An Important Decision by Judge Ross*, L.A. Times
27 (Sept. 6, 1893) at p. 4; *All to Be Deported*, S.F. Examiner, (Sept. 12, 1893)
at p 2.

⁹⁷ City of Riverside, *supra* note 93, at p. 39.

⁹⁸ Carpio, *supra* note 87, at pp. 55-57.

1 increasing the degree of segregation” within the city’s schools.⁹⁹ Two years
2 later, the Riverside City School Board ruled that all children must attend
3 school in the district where they lived. This policy, coupled with housing
4 segregation efforts by Riverside officials, reinforced school segregation in
5 the city.¹⁰⁰

6
7
8 In June 1913, a mob of white citizens from Hemet confronted a group of
9 Korean apricot pickers, accused them of being Japanese, and forced them
10 onto a train out of Riverside County.¹⁰¹

11
12 On January 1, 1915, Riverside’s Loring Opera House presented the
13 world premiere of a film called *The Clansman* (later renamed *The Birth of a*
14 *Nation*). The film is recognized today as one of the most racist films ever
15 made. *Birth of a Nation* glorified lynching and depicted Black men as sexual
16 predators towards white women. In 1915 however, the film was heralded by
17 the *Riverside Enterprise* as “the greatest of all motion pictures.”¹⁰²

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21 ⁹⁹ Patterson, *supra* note 88, at p. 371.

22 ¹⁰⁰ *A History of Mexican Americans in California: Historic Sites – Casa*
23 *Blanca School*, Nat’l Park Serv.,
24 https://www.nps.gov/parkhistory/online_books/5views/5views5h10.htm [as
of July 24, 2022].

25 ¹⁰¹ *Koreans Driven Out of California Town*, *The Potter Enterprise*
(Coudersport, Pennsylvania), (July 10, 1913) at p. 3.

26 ¹⁰² Lennig, *Myth and Fact: The Reception of ‘The Birth of a Nation,’* Vol.16,
27 No. 2 *Film History* 117-141 (2004)
<https://www.jstor.org/stable/3815447> [as of July 24, 2022].

1 In December 1915, a Japanese immigrant, Jukichi Harada, purchased a
2 house in a white neighborhood in Riverside despite California's Webb-
3 Haney Act (referred to also as "Alien Land Law of 1913") which barred
4 noncitizens from owning property in the state. When Harada's white
5 neighbors learned of his Japanese heritage, they organized into a
6 committee to convince him to sell the house. When he refused, the
7 committee demanded that the California Attorney General's office charge
8 Harada with violating the Webb-Haney Act. The state brought charges and
9 after a two-year trial, a Riverside judge ruled that Jukichi Harada could not
10 own land, but that his U.S.-born children were entitled to 14th Amendment
11 protections, including land ownership. The Harada family owned and lived
12 in the house until 1942 when, because of their Japanese ancestry, they
13 were forcibly relocated to internment camps.¹⁰³

18 In September 1921, after two police officers were killed in Riverside,
19 hundreds of white residents joined a manhunt for a Latino suspect later
20 identified as Juan Palmarin. The mob made lynching threats and vowed
21 that two "necktie parties" would "[save] the county the expense of trying
22

26 _____
27 ¹⁰³ Harada House, Nat'l Park Serv.,
<https://www.nps.gov/places/harada-house.htm> (as of July 24, 2022).

1 murderers by jury."¹⁰⁴ White Riverside residents bought out an
2 advertisement in the *Riverside Daily Press* lobbying for state gun reform
3 because "every booze-soaked Mexican is a potential murderer."¹⁰⁵ One
4 Riverside resident penned an editorial that described, "In dealing with
5 lawless Mexicans, it behooves officers to shoot and shoot quickly when the
6 occasion arises, to keep their eyes open and their hands on their six-
7 shooters."¹⁰⁶ Another editorial called for the prosecution of every Mexican in
8 Southern California, noting "Southern California has a lawless Mexican
9 class that needs the iron hand of the law."¹⁰⁷

13 After the manhunt for murder suspect Juan Palmarin was unsuccessful,
14 white residents and law enforcement authorities located and detained 19-
15 year-old Luis Guillen, who was charged with two counts of first-degree
16 murder. Guillen was convicted while represented by an attorney who was a
17 friend of the police victims. Guillen was executed by hanging on February
18 24, 1922.¹⁰⁸

22 ¹⁰⁴ *Man Hunt on for Murderers of Deputies Crossley and Nelson*, *Riverside*
23 *Daily Press* (Sept. 23, 1921).

24 ¹⁰⁵ *Stop Firearms Sales*, *Riverside Daily Press* (Sept. 23, 1921).

25 ¹⁰⁶ *Urge Statute to Govern Firearms*, *Riverside Daily Press* (Sept. 24,
1921).

26 ¹⁰⁷ *Mexicans and Guns*, *Riverside Independent Enterprise* (Sept. 23, 1921).

27 ¹⁰⁸ Sheila O'Hare et. al, *Legal Executions in California: a Comprehensive*
Registry, 1851-2005 at p. 265 (2006).

1 On March 20, 1922, the *Riverside Daily Press* reported that the Ku Klux
2 Klan (KKK) had established a local branch in Riverside.¹⁰⁹ 11 days later,
3 Riverside's KKK chapter held an open induction ceremony for residents.¹¹⁰
4 In January 1924, the Inland KKK chapter held an induction ceremony to
5 honor a class of new members.¹¹¹ In July of the same year, the KKK held
6 an open induction of over 200 new members before "the largest
7 assemblage any fraternal order has ever attracted in Riverside," The crowd
8 was entertained by an airplane pulling a fiery cross across the sky.¹¹² The
9 Riverside County School Board approved the event, held at Polytechnic
10 High School.¹¹³ In August, citizens elected KKK member Clemens August
11 Sweeters as Riverside County Sheriff.¹¹⁴

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16 In January 1925, the KKK staged a parade through downtown
17 Riverside to celebrate the visit of "Imperial leaders" from the national
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21 ¹⁰⁹ *Has Riverside A Ku Klux Klan Band?* *Riverside Daily Press* (Mar. 20,
1922) at p. 2.

22 ¹¹⁰ *Riverside Men Received Into Membership in the Ku Klux Klan*, *Riverside*
Daily Press (Mar. 31, 1922) at p. 9.

23 ¹¹¹ *Ku Klux Klan*, *San Bernardino Sun* (Jan. 4, 1924).

24 ¹¹² Riverside Mun. Museum, Exhibit Catalog, "*Westward to Canaan:*"
African American Heritage in Riverside, 1890 to 1950" at p. 2 (1996).

25 ¹¹³ Irving G.Hendrick, *The Development of a School Integration Plan in*
Riverside, CA: A History and Perspective at p. 29 (1968).

26 ¹¹⁴ Robert Fitch, *Profile of a Century: Riverside County, California 1893-*
27 *1993* at p. 228 (1993).

1 headquarters in Atlanta,¹¹⁵ with music performed by a Klan band, floats,
2 Klavaliers, Klanswomen, and Junior Knights in full regalia.¹¹⁶

3
4 In August 1927, the white owner of the Parkridge Country Club in
5 Corona agreed to sell the resort to a Black businessman. When news of
6 the transaction spread through the area, the Inland KKK chapter held a
7 cross burning in front of the resort and declared itself “ready to wage a race
8 war” to “prevent the club from falling into the hands of negroes.” After
9 heavy public pressure from the KKK, the white owner reconsidered his deal
10 to sell the resort.¹¹⁷ In November of the same year, Riverside elected a
11 KKK-backed Mayor, Edward M. Dighton.¹¹⁸

14 In the spring 1942, within months of the bombing of Pearl Harbor,
15 federal officials uprooted, detained, and incarcerated in internment camps
16 several well-known Japanese American residents of Riverside.¹¹⁹

18 During the 1950s, city officials in Palm Springs organized “cleanups”
19 and demolished dwellings, trailers, and cars around the city which primarily
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22 ¹¹⁵ Hendrick, *supra* note 115.

23 ¹¹⁶ *Klan Members Will Parade*, Riverside Press Enterprise (Jan. 6, 1925);
Ku Klux Klan Parade, Riverside Daily Press (Jan. 9, 1925).

24 ¹¹⁷ Alamillo, *supra* note 92, at pp. 24-25.

25 ¹¹⁸ Riverside Mun. Museum, *supra* note 114.

26 ¹¹⁹ *Reading the Walls: Riverside Stories of Internment and Return*, City of
27 Riverside,
<https://www.riversideca.gov/museum/haradahouse/lessonintro.asp> [as of
July 24, 2022].

1 belonged to Black and Latino residents. Thousands of nonwhite working-
2 class residents were pushed out of their homes during this period so the
3 city could develop a casino, hotels, and a convention center. In 1968, the
4 California Attorney General reported, "The City of Palm Springs not only
5 disregarded the residents of [the neighborhood] as property-owners,
6 taxpayers, and voters; Palm Springs ignored that the residents [of the
7 neighborhood] were human beings."¹²⁰

10 In 1961, seven years after *Brown v. Board of Education* outlawed
11 state-sanctioned school segregation, the Riverside School District
12 continued to segregate.¹²¹ The district maintained its neighborhood school
13 policy, and in 1961, established Alcott Elementary in a predominantly white
14 neighborhood. Building another new school in a white neighborhood, in
15 effect, ensured that white students would remain separated from nonwhite
16 students.¹²²

20 In 1965, on the Sunday night before the start of a new school year,
21 terrorists set ablaze and destroyed Lowell School, a predominantly Black
22 and Latino elementary school in Riverside. This arson took place after
23

24 ¹²⁰ Rosalie Murphy, 'It was beautiful for the white people:' 1960s still cast a
25 shadow of distrust over Palm Springs, *Desert Sun* (Sept. 22, 2016),
26 [https://www.desertsun.com/story/money/real-estate/2016/09/22/palm-
springs-segregation-section-14/88835270/](https://www.desertsun.com/story/money/real-estate/2016/09/22/palm-springs-segregation-section-14/88835270/) [as of July 24, 2022].

27 ¹²¹ *Brown v. Board of Education*, *supra*, 347 U.S. 483.

1 months of organizing against the substandard physical and educational
2 conditions at the school and the district's de facto segregation.¹²³ Within a
3 month after the fire-bombing, the Riverside Unified School District adopted
4 a desegregation plan without court order.¹²⁴

6 According to a 1967 Department of Justice report on Palm Springs,
7 most white landlords in the city were unwilling to rent to nonwhite residents.
8 Accordingly, people of color in Palm Springs commonly rented land from
9 the Agua Caliente tribe members in a neighborhood called Section 14,
10 where there was no trash service, an inadequate supply of water, and
11 where local resorts would dump their trash and waste.¹²⁵

14 In April 1971, Riverside Police Chief Lambert Kinkead ordered the
15 police raiding of the "Eastside"—a predominantly Black neighborhood.
16 During this raid, Riverside's police were told to stop, frisk, and question
17 every Black individual they saw. These orders were made on the baseless
18

20 ¹²² Patterson, *supra* note 88, at 481.

21 ¹²³ Susan Straight, *The Heroic Hours: Men Who Changed Education in*
22 *Riverside--and America*, KCET, (May 15, 2013),
23 <https://www.kcet.org/social-focus/the-heroic-hours-men-who-changed-education-in-riverside-and-america> [as of July 24, 2022].

24 ¹²⁴ David Downey, *Lowell Elementary students reunite 53 years after a*
25 *desegregation battle burned down their school*, The Press Enterprise (Aug.
26 15, 2018), <https://www.pe.com/2018/08/15/lowell-elementary-students-reunite-53-years-after-a-desegregation-battle-burned-down-their-school/>
27 [as of July 24, 2022].

¹²⁵ Murphy, *supra* note 122.

1 suspicion that Black people had killed two local police officers, despite
2 witness accounts that claimed three of four individuals who opened fire on
3 the officers were white.¹²⁶ As part of their investigation, armed police
4 officers raided several Black churches looking for suspects. In one episode,
5 gun-wielding police broke into Allen Chapel during a youth group meeting,
6 causing a frantic evacuation by Black parishioners. Riverside police officers
7 took similar action at several other Black churches. Chief Kinkead later
8 said, "I don't think what was done there was overreaction. It was
9 aggressive action."¹²⁷

10
11
12
13 In April 1972, arsonists burned the Black House at UC Riverside. The
14 Black House had been a gathering space for Black students, many of
15 whom were advocating for the university's adoption of a Black studies
16 program. No one was ever charged with the arson. ¹²⁸

17
18 In 1978 and 1979, KKK recruitment literature was widely
19 disseminated inside student lockers at North High School in Riverside.
20 News of the Klan's advertising to students prompted conflict between the
21 Riverside superintendent and the NAACP. The superintendent argued the
22 Klan's activity and influence on students was exaggerated, while the head
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26 ¹²⁶ Ben Bradlee Jr., *The Ambush Murders* at p. 78 (1982).

27 ¹²⁷ *Id.* at pp. 81-82.

1 of the Riverside NAACP criticized the district for downplaying the attempted
2 infiltration of the Klan within the school.¹²⁹ In September 1982, the KKK
3 held a cross burning ceremony with robed Klansmen in Glen Avon in
4 Riverside County.¹³⁰

6 In 1989, the Palm Springs City Council announced plans to build a
7 statue to celebrate the life and contributions of former Palm Springs mayor
8 and city councilman Frank Bogert. As a public official during the 1950s,
9 Bogert oversaw the "slum clearing" of Section 14, which displaced
10 thousands of Black and Latino Palm Springs residents from 1958 to 1966.
11 Black activists in Palm Springs spoke out against the statue as an offensive
12 symbol to nonwhite residents of the city, and a reminder of the city's history
13 of racial oppression. The statue was built despite this public pushback.¹³¹

17 In 1990, White supremacist vandals tagged swastikas, white power
18 slogans, and Ku Klux Klan symbols around a racially mixed neighborhood
19

22 ¹²⁸ 'Black House' Destroyed by Arson-Set Explosion, The Highlander
(Riverside) (Mar. 9, 1972).

23 ¹²⁹ Parker, Cox, NAACP Head Disagree on Klan's Impact in Schools,
24 Riverside Press Enterprise (May 23, 1980).

25 ¹³⁰ James Richardson Papers on the Ku Klux Klan," UCLA Libr. Dep't of
Special Collections, Box 1, doc. 1, pg. 30.

26 ¹³¹ City of Palm Springs Human Rights Commission, Frank Bogert: Palm
27 Springs' Civic Leadership, Institutionalized Segregation, and Racial Bias
1958-1966 at pp. 40-42 (2021).

1 in Moreno Valley.¹³² The next year, high school students in Riverside
2 County reported a growing effort by the local white supremacist movement
3 to recruit new members from the student population.¹³³
4

5 On April 1, 1996, Riverside County Sherriff's deputies beat two
6 undocumented Mexican immigrants. The deputies dragged one of the
7 victims, a 32-year-old woman, from a truck, smashed her face against the
8 hood of the car, threw her on the ground, and continued beating her. This
9 incident was captured on widely circulated video. Riverside County later
10 paid \$370,000 to each victim in a settlement.¹³⁴
11
12

13 In 1998, White parents in Riverside fought against a plan to name a
14 new high school after Martin Luther King Jr., under the justification that the
15 school "would be branded as a black school, hurting graduates' college
16 chances."¹³⁵
17

18 On December 28, 1998, Riverside police officers shot a 19-year-old
19 Black woman named Tyisha Miller, who was sleeping in her car with a
20

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22 ¹³² *Racist Marks Stir Fears in Moreno Neighborhood*, The Press-Enterprise
(May 17, 1990).

23 ¹³³ *School Leaders Battle White Supremacist Movement*, The Press-
24 Enterprise (Dec. 15, 1991).

25 ¹³⁴ Urquijo-Ruiz & Vasquez, *Police Brutality against an Undocumented*
26 *Mexican Woman*, 4 *Chicana/Latina Studies: The Journal of Mujeres Activas*
27 *en Letras y Cambio Social* 62 (2004).

¹³⁵ *White Parents Resist Naming School for King*, S.F. Chronicle (Jan. 5,
1998).

1 handgun on her lap. Officers fired 23 rounds into the car, hitting her at least
2 12 times.¹³⁶ The supervising officer at the scene allegedly compared the
3 crying of family members who rushed to the scene to “a Kwanzaa festival,”
4 “Watts death wails,” and “animals coming in by the busload.”¹³⁷

6 In May 1999, the District Attorney decided against filing charges
7 against the four police officers involved in the killing of Tyisha Miller.¹³⁸
8 Days later, the Riverside Police Department arrested 46 activists including
9 Dick Gregory, the Reverend Al Sharpton, and Martin Luther King III at a
10 demonstration at the police headquarters.¹³⁹

13 In two separate incidents in August and September of 2003, Black
14 students at Murrieta Valley High School were attacked and beaten by white
15 students. Three white students were arrested and charged with hate
16 crimes, and the NAACP demanded that the school take administrative
17

20 ¹³⁶ *Tyisha Miller: A decade later, critics fear it could happen again*,
21 Riverside Press-Enterprise, (Dec. 28, 2008)
22 [https://www.pe.com/2008/12/28/tyisha-miller-a-decade-later-critics-fear-it-](https://www.pe.com/2008/12/28/tyisha-miller-a-decade-later-critics-fear-it-could-happen-again/)
23 [could-happen-again/](https://www.pe.com/2008/12/28/tyisha-miller-a-decade-later-critics-fear-it-could-happen-again/) [as of July 24, 2022].

24 ¹³⁷ *Organizing to Stop Police Brutality in Riverside, California: Organizing*
25 *for Accountability, interview with Chani Beeman*, Against the Current,
26 <https://againstthecurrent.org/atc083/p1713/> (as of July 24, 2022).

27 ¹³⁸ Gorman, *Officers Won't Be Charged in Slaying of Tyisha Miller*, L.A.
Times (May 7, 1999).

¹³⁹ Gorman et al., *46 People Arrested at Rally Over Riverside Police*
Shooting, L.A. Times (May 11, 1999).

1 action to combat anti-Black violence in the school district.¹⁴⁰ A week after
2 the second episode of racial violence at Murrieta Valley High School, a
3 group of boys at Elsinore High School marched around campus carrying
4 flags with swastikas and white supremacist markings as they chanted racist
5 slogans.¹⁴¹

6
7
8 Students at Riverside's Martin Luther King High School shared on
9 social media a picture posing with a confederate flag and a swastika.¹⁴² On
10 June 5, 2020, the Mayor of Temecula resigned after public backlash to an
11 email about police killings, which included his assertion "I don't believe that
12 any good person of color has been killed by police."¹⁴³ On July 1, 2020, the
13 Riverside City Council declared racism a public health crisis.¹⁴⁴

14
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16 In January 2022, the Palm Springs Historic Site Preservation Board
17 approved plans to remove the statue of former Palm Springs Mayor Frank

18
19 ¹⁴⁰ Joanna Corman et al., *NAACP demands steps for safety*, The
20 Californian (Sept. 16, 2003).

21 ¹⁴¹ Bennet, *Racial Tension Surfaces, Elsinore Students Allege*, The
22 Californian (Sept. 13, 2003).

23 ¹⁴² Beau Yarbrough, *Students at Riverside's King High posed in photo with
24 swastika, Confederate flag*, Press-Enterprise (Feb. 10, 2020).

25 ¹⁴³ Lai, *Temecula mayor resigns after backlash over email about police
26 killings*, L.A. Times (Jun. 5, 2020),

27 <https://www.latimes.com/california/story/2020-06-05/temecula-mayor-resigns-after-backlash-over-email-about-police-killings> [as of July 24, 2022]

¹⁴⁴ Hagen, *Riverside Declares Racism a Public Health Crisis*, The Press-Enterprise (Jul. 1, 2020), <https://www.pe.com/2020/07/01/riverside-declares-racism-a-public-health-crisis/> [as of July 24, 2022].

1 Bogert from City Hall. This decision followed decades of outcry that the
2 monument was a symbol of systemic racism that oppressed Black and
3 Latino residents during the 20th Century.¹⁴⁵
4

5 Turning to the death penalty, in 2015, Riverside County earned the
6 title "the buckle of a new Death Belt" for producing more death sentences
7 than the other 57 counties in California combined.¹⁴⁶ Superior court judges
8 in Riverside County imposed 29 death sentences from 2010-2015, making
9 it the nation's second most prolific death-sentencing county. Over this
10 period, 76% of those sentenced to death in Riverside were defendants of
11 color.¹⁴⁷ From 2015 to 2019, Riverside County accounted for about 6
12 percent of the state's population but imposed 37 percent of the state's
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19 ¹⁴⁵ Reyes, *Palm Springs moves forward with removing Bogert Statue from*
20 *city hall*, KESQ Channel 3 News (Feb. 1, 2022),
21 <https://kesq.com/news/2022/02/01/palm-springs-moves-forward-with-removing-bogert-statue-from-city-hall/> [as of July 24, 2022].

22 ¹⁴⁶ *Southern California Tops Deep South in New Death Sentences Amid*
23 *Mounting Evidence of Misconduct*, Death Penalty Info. Ctr. (Sep. 10, 2015),
24 <https://deathpenaltyinfo.org/news/southern-california-tops-deep-south-in-new-death-sentences-amid-mounting-evidence-of-misconduct> [as of July 24, 2022].

25 ¹⁴⁷ *Outlier Counties: Riverside County, 'Buckle of a New Death Belt,'* Death
26 *Penalty Info. Ctr.* (Oct. 3, 2016), <https://deathpenaltyinfo.org/news/outlier-counties-riverside-county-the-buckle-of-a-new-death-belt> [as of July 24, 2022].
27

1 death judgments (16).¹⁴⁸ Of the 88 people currently on death row who were
2 sentenced in Riverside County, 76% are people of color.¹⁴⁹

3
4 **(L) Summary**

5 In summary, overt, implicit and structural racism have existed in
6 California from the Gold Rush to today. This survey of explicit racism in
7 California has shown a comprehensive effort to marginalize Blacks in every
8 area of life, from rejection of the Fourteenth and Fifteenth Amendments by
9 the Legislature to red lining housing to inferior education resources to a
10 legal system which results in the mass incarceration of young Black men,
11 California has a dishonorable history of racism. The animus towards Black,
12 Hispanic and Asian people continues to this day in the many hate groups
13 located in Southern California.

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16
17 The legacy of centuries of slavery, segregation and racism cannot be
18 wiped away in a generation. Hundreds of years of seeing Blacks as inferior
19 persons with "no rights which the white man was bound to respect,"¹⁵⁰
20 cannot be blinked away in a moment. As Justice Brennan noted concerning
21 race and the death penalty in Georgia, "we cannot pretend in three
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23
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25 ¹⁴⁸ Office of the State Public Defender, California's Broken Death Penalty:
26 It's Time to Stop Tinkering with the Machinery of Death 26 (2021).

27 ¹⁴⁹ Comm. on Revision of the Penal Code, Death Penalty Rep. 20 (2021).

¹⁵⁰ *Dred Scott v. Sandford* (1857) 60 U.S. 393, 407 [19 How. 393].

1 decades we have completely escaped the grip of a historical legacy
2 spanning centuries.”¹⁵¹

3
4 The effects of slavery, segregation and racism have not disappeared.
5 As William Faulkner said, “The past is never dead. It is not even past.” The
6 implicit and institutional effects of slavery, marginalization and segregation
7 have not disappeared into history. It is against this background the
8 Legislature enacted the CRJA.
9

10 II.

11 **THE CRJA DOES NOT REQUIRE PROOF OF EXPLICIT RACIAL BIAS**

12
13 The CRJA does not require proof of overt racial animus. It does not
14 require proof anyone is racist. The CRJA does not require evidence any
15 actor had the intent to discriminate against a defendant of color. Instead,
16 the statute is focused on the harm to individual defendants and to the
17 criminal justice system.¹⁵² Whether discrimination is overt, implicit or
18 structural, the defendant is harmed and public confidence in the courts is
19 brought into question.¹⁵³
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23 ¹⁵¹ *McCleskey v. Kemp, supra*, 481 U.S. 279, 344 (dis. opn. of Brennan, J.).

24 ¹⁵² AB 2542 § 2(i). [“The intent of the Legislature is not to punish this type of
25 bias, but rather to remedy the harm to the defendant’s case and to the
26 integrity of the judicial system.”]

27 ¹⁵³ *Id.* at § 2(a). [“Discrimination undermines public confidence in the
fairness of the state’s system of justice and deprives Californians of equal
protection of the law.”]

1 When the law requires a defendant to show deliberate racial animus
2 to obtain relief, obvious racism can evade censure. The Legislature's
3 findings in AB 2542 contain egregious examples of race-based actions
4 which were not punished.¹⁵⁴ To avoid these problems, AB 2542 prohibits
5 both explicit and implied bias.
6

7 The Legislature has recognized everyone has implicit biases.¹⁵⁵
8 "Implicit bias, although often unintentional and unconscious, may inject
9 racism and unfairness into proceedings similar to intentional bias."¹⁵⁶ The
10 Legislature had no desire to punish implicit bias, "but rather to remedy the
11 harm to the defendant's case and the integrity of the judicial system."¹⁵⁷ In
12 other words, the focus of the CRJA is not the individual or structure which
13 injects race into a criminal case. Instead, the CRJA is designed to remedy
14 the effects of explicit, implicit and structural bias on people of color.
15 Banishing all forms of racism from the courts will raise public esteem for the
16 judicial branch of the state government.
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25 ¹⁵⁴ *Id.* at §§ 2(d), (e) and (f).

26 ¹⁵⁵ *Id.* at § 2(g).

27 ¹⁵⁶ *Id.* at § 2(i).

¹⁵⁷ *Ibid.*

1 III.

2 TO OBTAIN AN EVIDENTIARY HEARING REQUIRES

3 A PRIMA FACIE SHOWING OF A CRJA VIOLATION

4
5 A defendant is entitled to an evidentiary hearing upon a prima facie
6 showing of a CRJA violation.¹⁵⁸ The prima facie standard is a low burden of
7 proof. It is defined in the CRJA: "Prima facie showing' means that the
8 defendant produces facts that, if true, establish that there is a substantial
9 likelihood that a violation of subdivision (a) occurred. For purposes of this
10 section, a 'substantial likelihood' requires more than a mere possibility, but
11 less than a standard of more likely than not."¹⁵⁹

12
13
14 The courts have turned to the dictionary to define prima facie: "The
15 Oxford English Dictionary defines 'prima facie' as meaning, as an adverb,
16 '[a]t first sight; on the face of it; as it appears at first without investigation,'
17 and, as an adjective, '[a]rising at first sight; based or founded on the first
18 impression; (of evidence, etc.) acceptable unless contradicted.'
19 [Citation.]"¹⁶⁰ In short, a prima facie showing requires the defendant to
20 produce evidence which, if true, would establish a substantial likelihood of
21
22
23

24
25 ¹⁵⁸ "If a motion is filed in the trial court and the defendant makes a prima
26 facie showing of a violation of subdivision (a), the trial court shall hold a
27 hearing." (§ 745, subd. (c).)

¹⁵⁹ § 745, subd. (h)(2).

1 a CRJA violation.

2 In assessing a defendant's proffer a substantial likelihood a violation
3 of section 745, subdivision (a) took place, the court must accept the facts
4 alleged by the defendant at face value.¹⁶¹ The court does not weigh
5 conflicting evidence, assess credibility or draw inferences. Instead, the
6 court acts as a gatekeeper to filter out frivolous allegations.¹⁶²
7

8
9 The statutory definition of prima facie as a substantial likelihood is
10 equivalent to "reasonable probability."¹⁶³ A reasonable probability means
11 only a "reasonable chance" or "more than an abstract possibility."¹⁶⁴ It
12 follows to obtain an evidentiary hearing a defendant need only provide
13 enough facts to show a reasonable chance a violation of the CRJA has
14
15

16 ¹⁶⁰ *Mendez v. Valencia resort Partners, LLC* (2016) 3 Cal.App.5th 248, 278
17 [207 Cal.Rptr.3d 532].

18 ¹⁶¹ *Burtscher v. Burtscher* (1994) 26 Cal.App.4th 720, 725-726 [31
19 Cal.Rptr.2d 682] ["the trial court may not make findings as to the existence
20 of facts based on a weighing of competing declarations. Whether or not the
21 evidence is in conflict, if the petitioner has presented a sufficient pleading
22 and has presented evidence showing that a prima facie case will be
23 established at trial, the trial court must grant the petition."]

24 ¹⁶² *Id.* at p. 726.

25 ¹⁶³ *Id.* at pp. 725-726 ["we reject defendants' contention that establishing a
26 'reasonable probability' under the statute goes beyond a prima facie case.
27 As defendants themselves concede, the "seminal" case, *Hung v. Wang* (1992) 8 Cal.App.4th 908 [11 Cal.Rptr.2d 113], interprets
'reasonable probability' under section 1714.10 to mean only a prima facie
showing."]

¹⁶⁴ *Richardson v. Superior Court* (2008) 43 Cal.4th 1040, 1050 [77
Cal.Rptr.3d 226, 183 P.3d 1199].

1 occurred.¹⁶⁵ A defendant need only show more than a mere possibility a
2 violation of the CRJA occurred in order to obtain a hearing.¹⁶⁶ If this low
3 threshold is satisfied, defendant is entitled to an evidentiary hearing.
4

5 IV.

6 RACIAL DISCRIMINATION AND DISPARATE IMPACTS 7 8 MAY BE EMPIRICALLY IDENTIFIED AND MEASURED

9 In enacting AB 2542, the Legislature recognized three forms of bias:
10 explicit or conscious bias; implicit or unconscious bias; and systemic bias,
11 which is also known as structural or institutional bias.¹⁶⁷
12

13 (A) Racial Discrimination can be Explicit, Implicit or Systemic

14 "Explicit bias need not be graphic, extreme or large in magnitude
15 although it sometimes is. Instead, it is better to understand 'explicit' as
16
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18 ¹⁶⁵ § 745, subd. (c) ["If a motion is filed in the trial court and the defendant
19 makes a prima facie showing of a violation of subdivision (a), the trial court
20 shall hold a hearing."]

21 ¹⁶⁶ § 745, subd. (h)(2) ["'Prima facie showing' means that the defendant
22 produces facts that, if true, establish that there is a substantial likelihood
23 that a violation of subdivision (a) occurred. For purposes of the section, a
24 'substantial likelihood' requires more than a mere possibility, but less than a
25 standard of more likely than not."]

26 ¹⁶⁷ See AB 2542 § (c) ["Even though racial bias is widely acknowledged as
27 intolerable in our criminal justice system, it nevertheless persists because
28 courts generally only racial bias in its most extreme and blatant form.]; § (g)
29 ["The Legislature has acknowledged that all persons possess implicit
30 biases."]; § (f) ["Existing precedent also accepts racial disparities in our
31 criminal justice system as inevitable."]

1 being subject to direct introspection.”¹⁶⁸ Explicit bias is endorsed as
2 appropriate by the person who harbors it.¹⁶⁹

3
4 “Implicit racial biases refer to the unconscious stereotypes and
5 attitudes that we associate with racial groups. These biases are pervasive
6 and can influence real world behaviors.”¹⁷⁰ Implicit biases “are not
7 consciously accessible through introspection. Accordingly, their impact on a
8 person's decision making and behaviors does not depend on that person's
9 awareness of possessing these attitudes or stereotypes. Consequently,
10 they can function automatically, including in ways the person would not
11 endorse as appropriate if he or she had conscious awareness.”¹⁷¹

12
13
14 Systemic, structural or institutional bias must also be considered.
15 Research has shown “discrimination can be built into institutional
16 structures, practices and norms—literally into the fabric of an institution—
17
18

19
20 ¹⁶⁸ Kang, What Judges can do About Implicit Bias at p. 78.

21 <https://www.njcourts.gov/courts/assets/supreme/judicialconference/Kang-2021-What-Judges-Can-Do-About-Implicit-Bias.pdf> [as of July 18, 2022].

22 ¹⁶⁹ Kang et al., *Implicit Bias in the Courtroom* (2012) 59 UCLA L. Rev. 1124, 1129. <https://law.ucla.edu/news/implicit-bias-courtroom> [as of July 21, 2022].

23
24 ¹⁷⁰ Richardson, *Systemic Triage: Implicit Racial Bias in the Criminal Courtroom Cook County: Racism and Injustice in America's Largest Criminal Court* (2017) 126 YLJ 862, 876.

25 <https://www.yalelawjournal.org/aarticle/systemic-triage-implicit-racial-bias-in-the-courtroom> [as of July 21, 2022].

26
27 ¹⁷¹ *Implicit Bias in the Courtroom*, *supra*, 59 UCLA L. Rev. 1124, 1129.

1 and that actors within these structures act according to established
2 institutional norms and practices that may reflect discriminatory beliefs."¹⁷²
3

4 Institutional processes "can lock in past inequalities, reproduce them
5 and indeed exacerbate them even without formally treating persons worse
6 simply because of attitudes and stereotypes about the groups to which they
7 belong."¹⁷³ As a result, institutional practices "perpetuate racial inequality
8 without relying on racist actors."¹⁷⁴ With institutional bias, causation is
9 understood as a cumulative process rather than the result of any particular
10 moment of decision-making.¹⁷⁵
11

12
13 The National Research Council [NRC] of the National Academy of
14 Science, Engineering, and Medicine has explained how systemic
15 discrimination develops:
16

17 "[T]he United States has a long history as a racially biased
18 society. This history has done more than change individual
19 cognitive responses; it has also deeply affected

20 ¹⁷² Paterson, Rapp & Jackson, *The Id, the Ego and Equal Protection in the*
21 *21st Century: Building Upon Charles Lawrence's Vision to Mount a*
22 *Contemporary Challenge to the Intent Doctrine* (2008) 40 Conn. L. Rev.
23 1175, 1188 [*The Id, the Ego and Equal Protection*].

24 [https://semanticscholar.org/paper/The-Id%2C-the-Ego%2C-and-Equal-
25 Protection%3A-A-Reckoning-Lawrence](https://semanticscholar.org/paper/The-Id%2C-the-Ego%2C-and-Equal-Protection%3A-A-Reckoning-Lawrence)

26 ¹⁷³ *Implicit Bias in the Courtroom, supra*, 59 UCLA L. Rev. 1124, 1133.

27 ¹⁷⁴ Powell, *Structural Racism: Building upon the Insights of John Calmore*
(2008) 86 N.C. L. Rev 791, 795 [*Structural Racism*].

[https://case.edu/thinkbig/sites/case.edu/thinkbig/files/2021-
02/powell202008.pdf](https://case.edu/thinkbig/sites/case.edu/thinkbig/files/2021-02/powell202008.pdf)

¹⁷⁵ *Id.* at p. 796.

1 institutional processes. Organizations tend to reflect many
2 of the same biases as the people who operate within them.
3 Organizational rules sometime evolve out of past histories
4 (including past histories of racism) that are not easily
5 reconstructed, and such rules may appear quite neutral on
6 the surface. But if these processes function in a way that
7 leads to differential racial treatment or produces differential
8 racial outcomes, the results can be discriminatory. Such an
9 embedded institutional process—which can occur formally
10 and informally within society—is sometimes referred to as
11 structural discrimination.”¹⁷⁶

12 Professor Kang et al. emphasize the importance of understanding the
13 interaction among conscious, unconscious and structural bias because “all
14 are involved in producing unfairness in the courtroom.”¹⁷⁷

15 **(B) Racial Disparities Can Arise from a Variety of Factors**

16 “A disparity is an inequality, difference, inconsistency, or imbalance
17 between groups of people, and may highlight policies or practices that
18 might be implemented unfairly. Disparities can be caused by unconscious
19 or conscious bias and from outwardly neutral policies and practices that in
20 fact cause unequal effects based on race, sex, age, etc.”¹⁷⁸

21
22 ¹⁷⁶ NRC, *Measuring Racial Discrimination* (2004) at p. 63
23 <https://nap/nationalacademies.org/read/10887/chapter/1> [as of July 19,
24 2022]

25 ¹⁷⁷ *Implicit Bias in the Courtroom*, *supra*, 59 UCLA L. Rev. 1124, 1132.

26 ¹⁷⁸ Measure for Justice, *The Power and Problem of Criminal Justice Data:*
27 *A Twenty-State Review* at p. 12 [https://measureforjustice.org/about/docs
The Power And Problem Of Criminal Justice Data.pdf](https://measureforjustice.org/about/docs/The_Power_And_Problem_Of_Criminal_Justice_Data.pdf)
(measureforjustice.org) [as of July 19, 2022].

1 Racial disparities are not always or exclusively the result of racial
2 discrimination.¹⁷⁹ Instead, “disparity is used to denote between-group
3 differences in outcomes, irrespective of their origin. (Disparity might stem
4 from differences in offending, from laws or policies that differentially impact
5 minority youth, or from racism in the juvenile justice system.)”¹⁸⁰ In the
6 criminal courts, [d]isparities can be caused by conscious or unconscious
7 bias and from outwardly neutral policies and practices that in fact cause
8 unequal effects based on race, sex, age, etc.”¹⁸¹

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12 Whatever the origin, “persistent disparity should be taken as a strong
13 signal that some underlying problematic circumstance and process are
14 operating, whether or not direct race bias is the cause.”¹⁸² It should be
15 recalled section 745, subdivisions (a)(3) and (a)(4) do not require a
16 showing any disparity was the result of racial discrimination. As the court of
17 appeal explained:

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20 _____
21 ¹⁷⁹ NRC, *Measuring Racial Discrimination*, *supra*, at p. 15.

22 ¹⁸⁰ National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (2013) at p. 214.

23 <https://nap.nationalacademies.org/download/14685> [as of July 19, 2022].

24 ¹⁸¹ *The Power and Problem of Criminal Justice Data*, *supra*, at p. 12; see also *Measuring Racial Discrimination*, *supra*, at p. 5 [“differential outcomes may indicate that discrimination is occurring, that the historical effects of racial exclusion and discrimination (cumulative disadvantage) continue to influence current outcomes, that other factors are at work, or that some combination of current and past discrimination and other factors is operating.”]

1 "By endorsing statistics as an appropriate mode of proof
2 and eliminating any requirement of showing discriminatory
3 purpose, the Racial Justice Act revitalizes the venerable
4 principle recognized 135 years ago in *Yick Wo [v. Hopkins]*
5 that we must offer a remedy where a facially neutral law is
6 applied with discriminatory effect."¹⁸³

6 (C) Quantifying Discrimination and Disparities

7 When the focus of an argument shifts from observed events to
8 statistical analysis, the criminal defense attorney is reminded why he is not
9 a partner in a tax law firm or a patent attorney seeking protection for newly
10 invented lifeforms. And so it is with statistics. Fortunately, in this case the
11 numbers are so unequivocal even a philosophy student can understand the
12 meaning of the numbers.
13

14
15 To begin, "statistical significance" is a term commonly used but
16 difficult to explain. It seeks to measure how likely it would be to observe a
17 difference consistent with the one observed in the data if the difference
18 occurred by chance. In her declaration, Dr. Marisa Omori explained, "In the
19 social sciences, a probability value (p-value) of 0.05 (5%) is a common
20 threshold for statistical significance. Because the American Statistical
21 Association discourages strict thresholds for statistical significance, I report
22 both whether the statistical test meets the 0.05 threshold and is statistically
23
24
25

26 ¹⁸² Reforming Juvenile Justice, *supra*, at p. 214.

27 ¹⁸³ *Young v. Superior Court*, *supra*, 79 Cal.App.5th 138, 165.

1 significant or not, and the actual probability value along with an
2 interpretation.”¹⁸⁴ While the statistical evidence is important, in the end
3 defendant has raised a legal issue rather than a scientific question.¹⁸⁵
4

5 Whether a finding is of practical significance is not dependent upon
6 statistical significance.¹⁸⁶ Practical significance also requires an
7 understanding of the magnitude of the disparities observed, the sample
8 size of the data analyzed, and the contextual importance of the reported
9 results.¹⁸⁷ Practical significance “means that the magnitude of the effect
10 being studied is not de minimis—it is sufficiently important substantively for
11 the court to be concerned.”¹⁸⁸
12
13

14 Practical significance has no preset value: “There is no specific
15 percentage threshold above which a result is practically significant.
16 Practical significance must be evaluated in the context of a particular legal
17
18

19
20 ¹⁸⁴ Declaration of Marisa Omori at p. 4, fn. 6.

21 ¹⁸⁵ See *State v. Gregory* (Wash. 2018) 192 Wash.2d 1, 19 [427 P.3d 621,
22 633] [“The most important consideration is whether the evidence shows
23 that race has a meaningful impact on imposition of the death penalty. We
24 make this determination by way of legal analysis, not pure science.”]

25 ¹⁸⁶ Kaye & Freedman, Reference Guide on Statistics (2011) p. 252.
26 <https://nap.nationalacademies.org/read/13163/chapter/7> [as of July 21,
27 2022].

¹⁸⁷ *Id.* at pp. 252-253.

¹⁸⁸ Rubinfeld, Reference Guide on Multiple Regression at p. 318.
<https://nap.nationalacademies.org/read/13163/chapter/8#304> [as of July
21, 2022].

1 issue."¹⁸⁹ In assessing practical significance, it is important to recognize
2 because discrimination and disparities are cumulative, data examining one
3 particular point in a system may not tell the whole story. "Small levels of
4 discrimination at multiple points in a process may result in large cumulative
5 disadvantage."¹⁹⁰ Moreover, the effects of discrimination may cumulate
6 over time through the course of an individual's life across different
7 domains."¹⁹¹

10 Because it is much easier to assess the occurrence of discrimination
11 at one point in a process than to identify effects of discrimination that occur
12 earlier in a process," it is useful "to combine methods, using data and
13 results from multiple sources."¹⁹² To be confident in statistical findings of
14 observational data, social scientists look for convergent validity, to see if
15 other relevant data suggest the same outcome. "Consistent patterns of
16 results across studies and different approaches tend to provide the
17 strongest argument" a result is externally valid.¹⁹³

21 The practical significance of the results from analysis of observational
22 data is thus supported when the outcome or association at issue "is seen in
23

24 ¹⁸⁹ *Id.* at p. 318, fn. 40.

25 ¹⁹⁰ Measuring Racial Discrimination, *supra*, at p. 69.

26 ¹⁹¹ *Id.* at p. 68.

27 ¹⁹² *Id.* at p. 73.

¹⁹³ *Id.* at p. 5.

1 studies with different designs, on different kinds of subjects, and done by
2 different research groups. That reduces the chance that the association is
3 due to a defect in one type of study, a peculiarity in one group of subjects,
4 or the idiosyncrasies of one research group.”¹⁹⁴

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V.

**THE STATISTICAL EVIDENCE IN THIS CASE DEMONSTRATES
A PRIMA FACIE VIOLATIONS OF SECTION 745, SUBDIVISION
(a)(3) AND (a)(4)(A)**

The statistics analyzed by Marisa Omori, Ph.D., confirm what experienced practitioners in the Riverside County criminal courts have seen for years. In Riverside County, Black defendants receive the harshest punishment of any racial or ethnic group. Blacks are 5.89 times more likely to have murder charges filed against them than Caucasians.¹⁹⁵ Professor Omori found this discrepancy to be statistically significant.¹⁹⁶ Blacks have special circumstances filed in their homicide cases at the rate of 64.86 per 100,000 adult population, a rate which dwarfs that of Hispanics (16.84 per 100,000 adult population) and Caucasians (5.00 per 100,000 adult

¹⁹⁴ Reference Guide on Statistics, *supra*, at p. 221.

¹⁹⁵ Marisa Omori, Ph.D. Declaration at p. 4, ¶ 14.

¹⁹⁶ *Id.* at p. 4, ¶ 15.

1 population).¹⁹⁷

2 The District Attorney filed a notice of intent to seek the death penalty
3 against 22 defendants during the years 2016 through 2021. Once again,
4 the rate for Black offenders (6.05 per 100,000 adult population) far
5 exceeded that for Hispanic (1.45 per 100,000 adult population) and
6 Caucasian (0.29 per 100,000 adult population) defendants.¹⁹⁸

7
8
9 These numbers are more than sufficient to make out a prima facie
10 showing. It is much more than a “mere possibility” there are racial
11 disparities among similarly situated defendants in charging murder cases,
12 filing special circumstances and filing a notice of intent to seek the death
13 penalty.¹⁹⁹ There is more than a mere possibility capital punishment is
14 imposed in a racially disparate manner. Russell Austin should be provided
15 a hearing in order to prove violations of the CRJA by a preponderance of
16 the evidence.
17
18

19
20 **(A) The Data Set**

21 The declaration of Deputy Public Defender Brian Cosgrove filed with
22 the 745, subdivision (d) motion for discovery described the process by
23 which he accumulated statistics for the period from January 1, 2016,
24

25
26 ¹⁹⁷ *Id.* at p. 6, ¶ 21.

27 ¹⁹⁸ *Id.* at p. 9, ¶ 31.

¹⁹⁹ § 745, subd. (a)(3), (h)(2).

1 through December 31, 2021.²⁰⁰ The information submitted in support of the
2 discovery motion was tweaked slightly with the addition of several
3 defendants identified by the District Attorney.
4

5 During this six-year period, the District Attorney filed murder charges
6 against 696 individuals. The accused are listed in a pdf file arranged
7 alphabetically by the last name of the defendant. A copy of the list is
8 attached as Exhibit A. This information was turned over to Marisa Omori,
9 Ph.D. Her work with the data set is detailed in her declaration, which is
10 Exhibit B.
11
12

13 **(B) Dr Omori's Analysis of the Data**

14 Professor Omori conducted a review of the data and was able to
15 draw several conclusions from the data. Her work is summarized in a 13-
16 page declaration.
17

18 To determine whether any group was disproportionately charged with
19 murder Dr. Omori obtained adult population numbers for Riverside County
20 from the American Community Survey [ACS] of the United States Census
21 Bureau.²⁰¹ For the period from 2016 through 2020, the Hispanic population
22
23
24

25 ²⁰⁰ A declaration describing how DPD Cosgrove compiled the information is
26 included as Exhibit C.

27 ²⁰¹ United States Census Bureau, American Community Survey
<https://www.census.gov/programs-surveys/acs/> [as of July 20, 2022].

1 was 825,328 (45.2%), white non-Hispanic 700,651 (38.4%), Black non-
2 Hispanic 115,632 (6.3%) and others 182,854 (10.0%).

3
4 The breakdown of persons charged with murder yielded the following
5 numbers:

6 **Racial Composition:**

7	[1] Caucasian	143	20.5%	20.41 per 100,000
8	[2] Hispanic	395	56.8%	47.86 per 100,000
9	[3] Black	139	20%	120.21 per 100,000
10	[4] Other	19	2.7%	
11	[5] Total	696		

12 By the professor's calculations, Blacks had murder cases filed
13 against them at 5.89 times the rate of whites. Hispanics had a rate of 2.34
14 times higher than white non-Hispanics. Dr. Omori found the "rate of Black
15 non-Hispanic murder cases filed is statistically significantly higher than the
16 rate of White non-Hispanic murder cases filed in the adult population."²⁰²

17
18 The professor also found the rate of Hispanic murder cases higher than for
19 Whites and to be statistically significant.²⁰³ It should be recalled statistical
20 significance is an important term, as it calls attention to the fact the
21 outcome is not likely to be the result of chance. Here, the
22 overrepresentation of Blacks and Hispanics as compared to whites among
23

24
25
26 ²⁰² Omori declaration at p. 4, ¶ 15.

27 ²⁰³ *Id.* at p. 5, ¶ 16.

1 those charged with murder is important and unlikely to be the result of
2 chance.

3
4 **Special Circumstances:**

5	[1] Caucasian	35	13.8%	5 per 100,000
6	[2] Hispanic	139	54.9%	16.84 per 100,000
7	[3] Black	75	29.6%	64.86 per 100,000
8	[4] Other	4	1.6%	
	[5] Total	253		

9 In order to compare the rates for Blacks and Hispanics to whites,
10 Professor Omori incorporated the adult populations into the numbers. The
11 result was Blacks had an incident rate of 12.98 relative to whites. Hispanics
12 had an incident rate ratio of 3.37 when compared to whites.²⁰⁴ Again, Dr.
13 Omori concluded the differences for Black²⁰⁵ and Hispanic²⁰⁶ defendants
14 when compared to whites were statistically significant.
15
16

17 **Notice of Intent to Seek Death:**

18	[1] Caucasian	2	9.1%	0.29 per 100,000
19	[2] Hispanic	12	54.5%	1.45 per 100,000
20	[3] Black	7	31.8%	6.05 per 100,000
21	[4] Other	1	4.5%	
22	[5] Total	22		

23
24
25
26 ²⁰⁴ *Id.* at p. 6, ¶ 22.

27 ²⁰⁵ *Id.* at p. 7, ¶ 22.

²⁰⁶ *Id.* at p. 7, ¶ 23.

1 The incident rate ratio for Black defendants when compared to whites
2 was 21.21.²⁰⁷ The incident rate for Hispanics compared to whites was
3 5.09.²⁰⁸ Once again, Dr Omori found the numbers to be statistically
4 significant. For the results to be caused by chance was a remote
5 possibility.²⁰⁹ Professor Omori concluded Blacks²¹⁰ and Hispanics²¹¹ were
6 overrepresented in cases where the District Attorney filed a notice of intent
7 to seek the death penalty. Whites were underrepresented.²¹²

10 **(C) The Statistics Confirm Violations of Section 745,**
11 **subdivisions (a)(3) and (a)(4)(A)**

13 The statistics show Blacks are charged with more murders, special
14 circumstances and notices of intent to seek the death penalty than white
15 offenders, in violation of section 745, subdivision (a)(3). Blacks also
16 received more severe sentences than whites charged with the same
17 crimes, contrary to section 745, subdivision (a)(4)(A).

19 The present motion does not allege District Attorney Hestrin is a
20 racist who has explicit racial biases. An explicit bias is one accessible to
21

24 ²⁰⁷ *Id.* at p. 9, ¶ 32.

25 ²⁰⁸ *Ibid.*

26 ²⁰⁹ *Id.* at p. 10, ¶¶ 33, 34.

27 ²¹⁰ *Id.* at p. 12, ¶ 37.

²¹¹ *Id.* at p. 12, ¶ 38.

²¹² *Id.* at p. 12, ¶ 37.

1 the individual through introspection.²¹³ In other words, an explicit bias is
2 one the person is aware of and affirms through reflection. Again, the
3 present motion does not allege Mr. Hestrin or any member of his
4 management team entertains conscious racial bias.
5

6 Rather than make baseless claims of conscious racism, the motion
7 focuses on implicit and structural bias. These forms of prejudice can
8 function to the detriment of Blacks without any of the actors being aware of
9 the bias. As seen above, the Legislature has found everyone has implicit
10 biases which have an effect on the criminal justice system, “and that
11 negative implicit biases tend to disfavor people of color.”²¹⁴ Similarly,
12 structural bias “can be built into institutional structures, practices and
13 norms—literally the fabric of an institution—and that actors within these
14 structures act according to established institutional norms and practices
15 that may reflect discriminatory beliefs.”²¹⁵ Systemic bias can perpetuate
16 racial inequality without relying upon any racist actors.²¹⁶
17
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20

21 Because of implicit and structural biases, it is possible for the District
22 Attorney and his deputies to operate in good faith without any awareness of
23

24 _____
25 ²¹³ Kang, What Judges Can do About Explicit Bias, *supra*, at p. 78.

26 ²¹⁴ AB 2542, *supra*, at § 2(g).

27 ²¹⁵ *The Id, the Ego and Equal Protection*, *supra*, 40 Conn. L. Rev. at p.
1188.

²¹⁶ *Structural Racism*, *supra*, 86 N.C. L. Rev. at p. 795.

1 implicit or institutional bias and nevertheless help to perpetuate disparate
2 outcomes. In any event, the defense burden is to make a prima facie
3 showing of a violation of the CRJA, not trace the source or sources of the
4 violation. The analysis by Dr. Omori easily satisfies the minimal burden
5 imposed to obtain a hearing on the merits.
6

7
8 **CONCLUSION**

9 For all of the foregoing reasons, it is respectfully requested the court
10 grant the motion for a hearing.

11 Dated: July 25, 2022.

12
13 Respectfully Submitted,
14 Steven L. Harmon, Public Defender

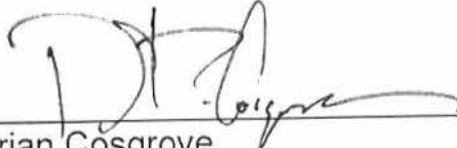
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17 Brian Cosgrove
18 Deputy Public Defender
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EXHIBIT "A"

Defendant Name (PC 187 – 01/01/2016-01/01/2022)	Case Number	Race	DP Eligible	Special Allegation	Notice of DP Filed
AASENG, LAWRENCE EARL	RIF1700493	White	No		
ABSHER, WHITNEY LOGAN	BAF1600867	White	No		
ACEVEDO, MARK ANTHONY	BAF1900272	Hispanic	No		
ACEVES, AARON JOSEPH	SWF1800501	White	No		
ACOSTA, ANGEL CHRISTOPHER	RIF1605051	Hispanic	No		
ACOSTA, SAMUEL JESUS	BAF1700333	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(17)	Notice Not Seeking DP
ACUNA, SANDY	RIF2104789	Hispanic	No		
AGUAYO, ALEXANDER	RIF1802240	Hispanic	No		
AGUILAR, JUAN LUIS	RIF1901604	Hispanic	No		
AGUILAR, MIGUEL ANGEL	RIF1901604	Hispanic	No		
AGUILAR, VINCENT	RIF1990237	Hispanic	No		
AGUILAR VEGA, RAFAEL	INF2100361	Hispanic	No		
AGUILAR, WENDY	RIF2105309	Hispanic	No		
AGUIRRE, RUBEN	RIF1902403	Hispanic	No		
ALANIZ, RENA LIZETTE	INF2001393	Hispanic	No		
ALKANA, RYAN	INF1900236	White	No		
ALFREDO, REYNA	RIF1900194	Hispanic	No		
ALGER, NATHAN	INF2001860	White	No		
ALVARADO, ENRIQUE HEREDIA	BAF1800198	Hispanic	No		
ALVARADO, LIZETH MARGARITA	RIF1900995	Hispanic	No		
ALVARADO, RAMIRO	RIF1604688	Hispanic	No		
ALVAREZ, ADRIAN MIRANDA	RIF2002770	Hispanic	Yes	PC 190.2(a)(22)	Pending
ALVAREZ, ARTHUR ARMANDO	RIF1803144	Hispanic	No		
ALVAREZ, CARLOS IGNACIO	SWF2007552	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(17)	Pending
ALVAREZ, EDWARD	INF2001691	Hispanic	No		
ALVAREZ, ISAAS	RIF1601767	Hispanic	No		
ANDRITCH, SHAWNA JOELLE	RIF1805207	White	No		
ANGLE, JAMES JOHN	INF1900061	White	No		
ANSON, KYLE LEE	BAF1801432	White	No		
ANTONIO, ADRIAN	RIF2101618	Hispanic	No		
AQUINO, ALEXANDER	RIF2002916	Hispanic	Yes	PC 190.2(a)(17)	Pending
ARANGO, OMAR	RIF2000911	Hispanic	Yes	PC 190.2(a)(17)(A)	PC 187 charges w/d
ARANGURE, ANGEL	INF2001108	Hispanic	No		

ARCHULETA, DIEGO	RIF1702037	Hispanic	No		
ARCHULETA, ORLANDO	INF1700972	Hispanic	No		
ARELLANO, ABEL JUNIOR	INF1600488	Hispanic	No		
ARELLANO, JOSE	INF2100265	Hispanic	No		
AREVALO, KAYLA MARIE	SWF1601533	Hispanic	No		
AREVALO, SAUL	SWF1601533	Hispanic	Yes	PC 190.2(a)(22); PC 190.2(a)(17);	Seeking Death
ARIAS, JOSEPH ANDREW	RIF1805023	Hispanic	No		
ARMENDARIZ, JOSE	INF 1601092	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking DP
ARMENDARIZ, CHRISTOPHER	RIF2003172	Hispanic	Yes	PC 190.2(a)(22); PC 190.2(a)(3)	Pending
ARMENDARIZ, WILLIAM ARNOLD	RIF 2003524	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending
ARMENDARIZ, WILLIAM ARNOLD	RIF 2003172	Hispanic	Yes	PC 190.2(a)(22); PC 190.2(a)(3)	Pending
ARMSTEAD, CHRISTOPHER JISHION	RIF1704077	African American	Yes	PC 190.2(a)(3); PC 190.2(a)(22)	Notice Not Seeking DP
ARMSTEAD, JONATHAN	RIF1704077	African American	Yes	PC 190.2(a)(3); PC 190.2(a)(22)	Notice Not Seeking DP
ARRELLANO, JOSE MANUEL ANGEL	INF2100265	Hispanic	No		
ARREZ, JOSEPH	INF1701898	Hispanic	No		
ARTEAGA, LAUREANO	BAF1900449	Hispanic	No		
AUBREY, AARON ALLEN	BAF2001115	African American	Yes	PC 190.2(a)(3); PC 190.2(a)(15)	Pending
AUSTIN, RUSSELL LYNWOOD	RIF1800692	African American	Yes	PC 190.2(a)(3)	Seeking Death
AVALOS, MISAEL CASTENEDA	RIF1902545	Hispanic	No		
AYALA, GABRIELA T	RIF1605051	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(18)	Notice Not Seeking DP
AYALAFLORES, JOSUE	RIF2003375	Hispanic	No		
BACA, BRODY	BAF1900013	Hispanic	No		
BAILON, CASTANEDA, EMELY	INF2100855	Hispanic	No		
BAKER, CHRISTOPHER	RIF2104871	White	No		
BALDWIN, KEVIN	RIF2102602	African American	Yes	PC 190.2(a)(15)	Pending
BALLINGER, BELINDA	RIF1800957	White	No		
BARBARA, CHRISTOPHER PATRICK	SWF1707617	White	No		
BARBER, BRANDON JOSEPH	RIF1901698	White	No		
BARNES, MARLEIYA ONSHEL	RIF2000873	African American	No		
BARNES, SALVADOR JOSEPH	RIF2100470	Hispanic	No		
BARNETT, KAMYRON	RIF1901406	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending
BARRAZA, JUAN CARLOS	RIF1803463	Hispanic	No		
BARRETT, CONNIE LYNN	RIF2000905	White	No		
BARTON, JASON LYNN	BAF2001115	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(3)	Pending

BELTRAN, GABRIEL	BAF1800147	Hispanic	No		
BEACH, BLAKE	BLF1600008	White	No		
BEAUSHAUSEN, JAMES	INF1701836	White	No		
BENSON, JOSHUA TYLER	RIF1805207	White	No		
BERNAL, AARON FERNANDO	INF2001112	White	Yes	PC 190.2(a)(10)	Pending
BERNAL, RICHARD ALEX	INF2002034	Hispanic	No		
BETTASSO, MICHAEL GEORGE	INF1600885	White	No		
BEUSHEUSEN, JAMES	INF1701836	Hispanic	No		
BIAS, BRAYDON ALLEN	SWF2007631	African American	No		
BISCHOFF, JARED GORDON	RIF1603333	White	Yes	PC 190.2(a)(17)(B)	Notice Not Seeking DP
BISCHOFF, JARED GORDON	RIF1802195	White	Yes	PC 190.2(a)(3); PC	Notice Not Seeking DP
BLAKLEY, STEPHEN	BAF2100112	African American	No		
BLANCHETTE, LAWSON	BAF2000799	White	No		
BONILLA, ABRAHAM DAVID	RIF1803069	Hispanic	No		
BORG, TYLER CATLIN	RIF1805408	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
BOSWELL, BRIAN WILLIAM	SWF2101148	White	No		
BOUKES, NOY ESTEL	BAF1600917	White	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
BOWMAN, DANIEL KEITH	RIF1903642	African American	Yes	PC 190.2(a)(22)	Pending
BRADFORD, THOMAS SAMUEL	INF2100798	White	No		
BRANDT, GREGORY	SWF1900099	White	No		
BRASSARD, BRANDON	BAF1800430	White	No		
BRAZILE, KENNEISHA INFINITY	RIF2001019	African American	No		
BRJERLEY, MARK AARON	RIF1770145	White	Yes	PC 190.2(a)(15); PC 190.2(a)(17)	Notice Not Seeking DP
BRIONES, BENJAMIN	INF2102131	Hispanic	Yes	PC 190.2(a)(1); PC 190.2(a)(17)	Pending
BROOKS, DAMASCUS	RIF2003607	African American	No		
BROWN, ERIAN JACOB	RIF1704405	African American	Yes	PC 190.2(a)(17)(L)	Notice Not Seeking DP
BRUCE, SHELDON B	RIF1770138	African American	No		
BRUNSON, PATRICK LEE	RIF2001300	African American	Yes	PC 190.2(a)(21)	Pending
BUCARO, JUAN ALBERTO	RIF2001042	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(21)	Notice Not Seeking DP
BUENROSTRO, NOAH ARATH	SWF2007610	Hispanic	No		
BUNN, SHELLEY ANN	INF1701658	White	No		
BURGESS, JEFFREY	INF2100977	White	No		
BURKE, ANDREW JOSEPH	SWF1907494	White	Yes	PC 190.2(a)(3)	Pending
BURNETT, TEVI	RIF2103284	African American	Yes	PC 190.2(a)(22)	Pending

BURNS, KIAREE	SWF2101656	African American	No		
BURTS, JAWHON	INF2102259	African American	Yes	PC 190.2(a)(18)	Pending
BUSH, JOHN LAMONT	RIF2000873	African American	Yes	PC 190.2(a)(17)(A)	Pending
BUSTOS, OSCAR ANGEL	INF2000849	Hispanic	Yes	PC 190.2(a)(22)	Pending
BUTTLER, STEPHON DERRON	BAF1600043	African American	No		
CABRERA, JESUS RAMON	RIF1603688	Hispanic	No		
CALDERA, JAVIER	SWF1907357	Hispanic	No		
CALDERON, ENOC	INF1600738	Hispanic	No		
CALDERON, VINCENT	BAF1800886	Hispanic	No		
CALDERON, MARCOS	RIF2101440	Hispanic	No		
CALLAHAN, MICHAEL JOSEPH	SWF1907227	White	No		
CALO, STEPHAINE	SWF2101370	White	No		
CAMACHO, ROBERTO ROMAN	SWF1907551	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(18)	Notice Not Seeking DP
CAME, JODI	SWF2100475	White	Yes	PC 190.2(a)(17)	Pending
CAMPBELL, CHARLES LAMAR	INF2100315	African American	Yes	PC 190.2(a)(17)	Pending
CANIMO, CRISTINA NOELLE	INF1902018	Other	Yes	PC 190.2(a)(18)	Pending
CANO, JOSEPH	RIF2101928	Hispanic	No		
CARLTON, JEREMIAH	SWF2100295	White	No		
CARDENAS, PEDRO JORGE	RIF1601208	Hispanic	No		
CARRILLO, STEVEN	RIF2003935	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending
CARTER, DANTE DANIL	RIF1605552	African American	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
CARVAJAL, HECTOR FERNANDO	RIF1600481	Hispanic	No		
CASADOS, JEREMY PHILLIP	SWF2007416	White	No		
CASTANEDA, ADILENE INES	INF2001112	Hispanic	Yes	PC 190.2(a)(10)	Pending
CASTANEDA, HECTOR EDUARDO	INF1701808	Hispanic	No		
CASTILLO, GABRIEL	RIF2100956	Hispanic	No		
CASTRO, ANDREW	INF1600621	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
CASTRO, FRANK SCOTT	INF1901624	Hispanic	Yes	PC 190.2(a)(3)	Notice Not Seeking DP
CAUSER, WILLIAM	SWF1600513	White	No		
CAVAZOS, MIGUEL ANGEL	INF1901765	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending
CAZARES, GAZEL	RIF2102192	Hispanic	No		
CAZAREZ, MIGUEL MEJIA	INF2100077	Hispanic	No		
CEJA, ITATI MARIBI	INF2000849	Hispanic	Yes	PC 190.2(a)(15)	Pending
CENICEROZ, ALIZE OLIVIA	INF2101431	Hispanic	No		

CERVANTES, VICTOR	INF1900447	Hispanic	No		
CHAGOLLA, DIANA LOUISA	INF2100736	Hispanic	No		
CHAGOLLA, JAMES ANTHONY	BAF1700629	Hispanic	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
CHAIRES, MANUEL	RIF1901427	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(22)	Plea Prior to Notice
CHAMBERS, CAINEN CAMERON	RIF1905050	African American	No		
CHANDRA, ANURAG	RIF2000290	Other	Yes	PC 190.2(a)(3)	Pending
CHAPAROSA, MICHAEL DOUGLAS	BAF2000982	African American	No		
CHAPARRO, ERIC	RIF2002794	Hispanic	Yes	PC 190.2(a)(15); PC	Notice Not Seeking DP
CHAVEZ, MAURILLO FELIPE	RIF1703948	Hispanic	No		
COLBERT, DERRICK	RIF1903203	African American	Yes	PC 190.2(a)(1); PC 190.2(a)(15);	Notice Not Seeking DP
COLEMAN, RONALD	RIF1880029	African American	No		
CONDOLUCI, TIMOTHY A.	BAF1900738	White	No		
CONROY, BRIAN PATRICK	INF1702046	White	No		
CONSTANZA, JOSEPH MICHAEL	RIF2100641	White	No		
COOLEY, DENZEL DEON	RIF1701507	African American	No		
COON, JAMES CURTIS	SWF1707439	White	Yes	PC 190.2(a)(17)(A); PC 190.2(a)(17)(G)	Notice Not Seeking DP
CORDOVA, EDWIN	SWF2100408	Hispanic	Yes	PC 190.2(a)(18)	Pending
CORTES, RUBEN	RIF1701214	Hispanic	Yes	PC 190.2(a)(16); PC 190.2(a)(22);	Notice Not Seeking DP
CORTEZ, CECILIA	RIF1601767	Hispanic	No		
COSIO, JOSE SANTIAGO	RIF1801051	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
COTTER, MATTHEW DAMIEN	BLF1600008	White	No		
COVINGTON, ROBERT	RIF1703396	White	No		
CRAIG, KELLY ROXANNE	INF2000571	White	No		
CROCKETT, KENYATTA K.	RIF1805353	African American	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
CRUZ, AGUSTIN CONTRERAS	SWF1601272	Hispanic	No		
CUMMINGS III, CURTIS AARON	RIF1903934	African American	Yes	PC 190.2(a)(21); PC 190.2(a)(22);	Pending
CURTIS, GABRIEL	INF2101431	Hispanic	No		
DAVIDSON, BRIAN JAY	RIF1904943	White	No		
DAVIS, DONTAY DWAYNE	RIF2002860	African American	Yes	PC 190.2(a)(15)	Pending
DE LOS SANTOS, DAMIAN JR.	INF1600621	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
DELACRUZ, CHRISTOPHER ROBERTO	RIF2004064	Hispanic	Yes	PC 190.2(a)(22)	Pending
DELARA, ANGEL ANTONIO	INF1600779	Hispanic	No		
DELAROSA, ISAAC MANUEL	SWF2007471	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
DELEON, AEXEL EDUARDO	RIF1703804	Hispanic	No		

DELGADO, ANDREW ELIJAH	BAF1801200	Hispanic	No		
DELOSRIOS, OMAR	RIF2001248	Hispanic	No		
DEMAR, TERESA LOUISE	RIF1801778	African American	No		
DENAVA, ADRIAN DAVID	SWF2100220	Hispanic	No		
DIAZ, JORGE	RIF2100968	Hispanic	No		
DIAZ, LILLIANA RUVALCABA	BAF2100038	Hispanic	No		
DIAZ, LIZBET	RIF1904715	Hispanic	No		
DIAZ, MICHAEL ALLEN	BAF1600808	Hispanic	No		
DIAZ SANDOVAL, VICTOR	BAF2101075	Hispanic	No		
DIAZ, TYLER ALLEN	RIF1903846	Hispanic	No		
DONATO, ESTEVAN	INF1902094	Hispanic	No		
DORSEY, MARQUIS	BAF1601403	African American	No		
DRAYER, AARON JOSEPH	INF1700112	White	No		
DUARTE, MAURY	INF1901183	Hispanic	No		
DUNCAN, SCOTT EDWARD	RIF1600312	White	No		
DUNN, MEGAN LOUISE	BAF1600867	White	No		
DUNN, TIMOTHY ROBERT	BAF1600867	White	No		
EAGLE, MAXAMILLION BERNARD	BAF1600867	White	Yes	PC 190.2(a)(17)(B)	Notice Not Seeking DP
EDDINGTON, ANTHONY	RIF1606009	African American	Yes	PC 190.2(a)(3)	Deceased
EDGERSON, DERRICK ANTHONY	SWF2100398	African American	No		
EDWARDS, REX CARL	BAF1700906	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
ESCALANTE, VINCENTE	RIF2105143	Hispanic	No		
ESCALANTE, VINCENT	RIF2100422	Hispanic	Yes	PC 190.2(a)(17)	Pending
ESCLOVON, ALGERON	RIF2104452	African American	No		
ESCOBAR, CESAR	BAF1600919	Hispanic	No		
ESCOTO, EDUARDO	RIF1904433	Hispanic	No		
ESPARZA, ANDY	RIF1801510	Hispanic	No		
ESPINOZA, DANIEL JOSEPH	RIF1904845	Hispanic	No		
ESPINZA, TANYA	RIF1605080	Hispanic	No		
ESQUEDA, ALFREDO AVRAN	BAF1700078	Hispanic	No		
ESQUIVEL, RUBEN CORRIA	INF2001157	Hispanic	No		
ESTRADA, MARTIN JASON	RIF1600916	White	No		
EUGENE, MARCUS	RIF1770138	African American	No		
FABELA, VALENTIN	RIF2100027	Hispanic	No		

FAJARDO, RAYMOND JESSE	RIF1603985	Hispanic	No		
FELIX, JOHN HERNANDEZ	INF1601497	Hispanic	Yes	PC 190.2(a)(7); PC 190.2(a)(3)	Seeking Death
FELIX, JONATHAN	RIF2002080	Hispanic	Yes	PC 190.2(a)(15)	Pending
FERNANDEZ, JOHN	RIF1703650	Hispanic	No		
FERNANDEZ, LEONARDO DANIEL	INF2000098	Hispanic	Yes	PC 190.2(a)(18)	Seeking Death
FISHER, DAREANTE SCOTT	RIF2003062	African American	Yes	PC 190.2(a)(17)(C)	Seeking Death
FLECK, DAWN LOUISE	INF1700654	White	No		
FLORA, JONATHAN ALAN	INF1700919	White	No		
FLORES, CARLA	INF2100664	Hispanic	No		
FLORES, JUAN	RIF1701833	Hispanic	No		
FLORES, RUDY	RIF2100833	Hispanic	No		
FLORES, VICTOR	RIF1605689	Hispanic	No		
FLORES, ZUE	INF2000098	Hispanic	No		
FLORES CANTOR, LUIS MIGUEL	INF2101530	Hispanic	Yes	PC 190.2(a)(3); PC 190.2(a)(17)	Pending
FORD, LONZO LEE	RIF1803153	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
FORTNEY, JAMES BECKHAM	SWF1800013	White	No		
FRANCO, ALBERTO	BAF2001346	Hispanic	No		
FREGOSO, ABRAHAM	INF2000863	Hispanic	Yes	PC 190.2(a)(10)	Pending
FRENES, MARTIN EZEQULE	BAF1701308	Hispanic	Yes	PC 190.2(a)(10); PC	Notice Not Seeking DP
FREY, JEREMY MICHAEL	BAF1801434	White	No		
GAETA, MARCOS CRUZ	INF1900439	Hispanic	No		
GALLEGOS, MATTHEW JAMES	INF1901989	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(22)	Notice Not Seeking DP
GALLEGOS, JOSUE LEYVA	RIF1802468	Hispanic	No		
GAMBOA, JACOB	RIF1604198	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(3)	Seeking Death
GARCIA, ALEXIS MARY	BAF1800075	Hispanic	No		
GARCIA, ANTHONY ABRAHAM	INF1700133	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(22)	Notice Not Seeking DP
GARCIA, DANIEL	RIF1802162	Hispanic	Yes	PC 190.2(a)(3)	Notice Not Seeking DP
GARCIA, HERACLIO	RIF1701104	Hispanic	No		
GARCIA, JEANETTE	RIF1703980	Hispanic	No		
GARCIA, GILBERTO	BAF2101075	Hispanic	No		
GARCIA, MICHAEL ISAAC	INF1901989	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(22)	Notice Not Seeking DP
GARCIA, MIGUEL	RIF2100968	Hispanic	No		
GARCIA, ROBERT	INF1700208	Hispanic	No		
GARCIA, RODOLFO ANDREA	RIF1804628	Hispanic	No		

GARCIALANDEROS, JUAN ALFREDO	INF2000468	Hispanic	No		
GARCIAMIRELES, MARK ANTHONY	SWF1907396	Hispanic	No		
GARCIAPENA JR, SIXTO JESUS	RIF2100171	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(17)	Pending
GARZA, ANTHONY	INF1601917	Hispanic	No		
GARZA, JESUS	INF1600474	Hispanic	No		
GASTELUM, VICTOR	RIF1770111	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
GATISON, JOHNNIE JOSEPH PAUL	BAF2100903	African American	No		
GILBERT, LILLIE MARIE	RIF1701752	White	No		
GOBERT, LATRAVIUS BRIAN	RIF1801370	African American	No		
GOEHNER, MICHAEL LESLIE	INF2101305	White	No		
GOLDSMITH, JOSEPH LEWIS	RIF2003152	African American	Yes	PC 190.2(a)(21)	Pending
GOMEZ GARCIA, EDGAR IVAN	RIF1904417	Hispanic	No		
GOMEZ, CHRISTIAN ANSELMO	BAF2001346	Hispanic	No		
GOMEZ, GUILLERMO CINTORA	INF1801051	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
GOMEZ, JUAN	INF1700053	Hispanic	No		
GONZALES, ERNESTO	BAF2100008	Hispanic	No		
GONZALEZ, ANDRIEN GABRIEL	RIF2103146	Hispanic	Yes	PC 190.2(a)(21)	Pending
GONZALEZ, DANILO	INF2101431	Hispanic	No		
GONZALEZ, JUAN	RIF2004064	Hispanic	Yes	PC 190.2(a)(22)	Plea Prior to Notice
GONZALEZ, NOE PEREZ	RIF2004024	Hispanic	No		
GORDON, MALCOLM	RIF1903203	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(17);	Pending
GRAJOLA, SHANE	INF2001864	Hispanic	No		
GRANADOS, ERNEST RALPH	BAF1700333	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(17);	Notice Not Seeking DP
GRANDISON, RODERICK LAMAR	RIF2000873	African American	No		
GREEN, MARCUS NOVELL	INF1700805	African American	No		
GREEN, MARCUS NOVELL	INF1600592	African American	No		
GRIGSBY, PATRICK DEWAYNE	SWF2100596	White	No		
GUARDADO, ISRAEL RAMIREZ	INF1800165	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(18)	Seeking Death
GUERRERO, ETHAN HAROLD	RIF2004064	Hispanic	Yes	PC 190.2(a)(22)	Pending
GUERRERO, KEVIN DANIEL	RIF2004064	Hispanic	Yes	PC 190.2(a)(22)	Pending
GURLEY, DAVID NORMAN	RIF2102502	African American	No		
GUTIERREZ, ALVARO	RIF1802627	Hispanic	No		
GUTIERREZ, SERGIO	RIF2103536	Hispanic	No		
GUZMAN, ERIC	RIF2002770	Hispanic	Yes	PC 190.2(a)(22)	Pending

GUZMAN, JESUS	RIF1804628	Hispanic	Yes	PC 190.2(a)(15)	Pending
GUZMAN, JORDAN DESTINEE	BAF2000270	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(17).	Seeking Death
GUZMAN, TRINIDAD	RIF2102453	Hispanic	No		
HALE, ROZELL ANTHONY	RIF1904692	African American	Yes	PC 190.2(a)(22); PC	Pending
HAMPTON, RICHARD SHANE	BAF2001115	Hispanic	Yes	PC 190.2(a)(15)	Pending
HANCHETTE, LUKE	INF2101185	White	No		
HANSON, JOHN RICHARD	SWF2100411	White	Yes	PC 190.2(a)(17)	Pending
HARDGROVE, RASHEMA NOEL	RIF2000934	African American	No		
HARDY, DILLON CLIFFORD	RIF1802477	Hispanic	Yes	PC 190.2(a)(17)(A);	Notice Not Seeking DP
HARMON, KENNETH ALAN	SWF2007471	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
HARPER, ALYAIS	BAF1801308	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
HARRIS, SR., GOOGIE RENE	RIF1804461	Other	Yes	PC 190.2(a)(15); PC190.2(a)(1)	Seeking Death
HARRIS, JR., GOOGIE RENE	RIF1804461	Other	No		
HARVEY, NAYRA	SWF1907360	African American	No		
HAUIKANG, YE	SWF2101907	Asian	No		
HAWKINS, TERRENCE ANTHONY	RIF1900857	African American	No		
HENDERSON, PAUL	INF2101999	African American	Yes	PC 190.2(a)(17)	Pending
HERBERT, JOSHUA RYAN	RIF1702155	White	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
HERNANDEZ, BRANDON JESUS	BLF2000175	Hispanic	No		
HERNANDEZ, BRIAN KEITH	INF1700442	Hispanic	No		
HERNANDEZ, GABRIEL	INF2000454	Hispanic	Yes	PC 190.2(a)(22)	Pending
HERNANDEZ, JERRY	RIF2103919	Hispanic	No		
HERNANDEZ, JESUS	INF1700650	Hispanic	No		
HERNANDEZ, JOSE	RIF2102829	Hispanic	No		
HERNANDEZ, JULIAN LOPEZ	RIF1770148	Hispanic	Yes	PC 190.2(a)(17); PC 190.2(a)(17); PC 190.2(a)(18)	Notice Not Seeking DP
HERNANDEZ, KEVIN	RIF2101116	Hispanic	No		
HERRERA, FABIAN HECTOR	INF2100662	Hispanic	No		
HIBBARD, ANDREW	INF2102313	White	No		
HICKS, TRAVIS	RIF1800868	African American	No		
HILL, LESTER RAY	BAF2000925	African American	No		
HILL, MARCHELLO JONATHAN-TERRELL	SWF1907816	African American	No		
HILL, MAURICE	RIF1701285	African American	No		
HOLBROOK, RICHARD	INF1901872	White	No		
HOLGUIN, ANTHONY DAVID	SWF1907757	Other	No		

HOLLEY, GEORGE	SWF2100201	White	Yes	PC 190.2(a)(17)	Pending
HOOKS, DARON	RIF2103611	African American	Yes	PC 190.2(a)(15)	Pending
HORNELL, ALAN	SWF2101515	White	No		
HUBER, RUSSELL JAY	RIF1606115	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
HUERTA, RONNIE RAMON	INF1800633	Hispanic	No		
HUNTER, RAHMAN LEON	RIF2002879	African American	No		
HUNTTANNER, NICOLAS GAYELYRD	SWF1807411	African American	No		
HYLKEMA, BRANDON	RIF2003524	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending
INTONG, ROBERT	RIF2101987	White	No		
INZUNZA, JUAN FRANCISCO	INF2100895	Hispanic	Yes	PC 190.2(a)(2)	Seeking Death
ITURBEASIAN, OLIVER	RIF2100854	Hispanic	No		
JAFFER, HYDER MAHDI	BAF2000199	Other	No		
JAMES, ANTOINE DESHAWN	RIF1606009	African American	Yes	PC 190.2(a)(16)	Seeking Death
JAMES, DIMANTRA	RIF1604679	African American	Yes	PC 190.2(a)(17)	Notice Not Seeking DP
JAMESON, BRENT MICHAEL	INF1600199	White	No		
JIMENEZ, CHRISTIAN ISALAH	INF1901566	Hispanic	No		
JIMENEZ, GERARDO DUENAS	RIF1901622	Hispanic	No		
JIMENEZ, JOSE ALFREDO	INF1900300	Hispanic	No		
JIMENEZ, JOSEPH	RIF2103205	Hispanic	Yes	PC 190.2(a)(3); PC 190.2(a)(15)	Pending
JOHNSON, CARL DASHAWN	RIF1805449	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
JOHNSON, JOSHUA	RIF2100650	African American	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
JOHNSON, MONTA JEROME	RIF1901247	African American	No		
JOHNSON, RICHARD ALAN	RIF2003256	African American	Yes	PC 190.2(a)(17)(G)	Pending
JONES, AL LORENZO	BAF1800678	African American	Yes	PC 190.2(a)(17)	Pending
JONES, ANDREW LEWIS	RIF2002860	African American	Yes	PC 190.2(a)(15)	Pending
JONES, KENDALL LEON	RIF1605644	African American	No		
JONES, MARCEL	INF2100568	African American	No		
JONES, TYRONE DAVID	SWF1907551	White	Yes	PC 190.2(a)(18); PC 190.2(a)(17)(B)	Notice Not Seeking DP
JOSEPH, ANDREW DANIEL	SWF2007561	African American	No		
JUAREZ, BRITTNEY	RIF2102291	Hispanic	No		
KALOURIA, KARENBIR SINGH	BLF2000185	Other	No		
KARNO, TIMOTHY JAMESJULIEN	RIF2003417	White	No		
KEENAN, DANIEL ARMANDO	RIF2002861	Hispanic	Yes	PC 190.2(a)(22)	Pending
KELLY, RUBEN	RIF1905231	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(22)	Pending

KENNY, KRIS D	BAF1800110	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(3)	Notice Not Seeking DP
KHEMPHOMMA, THONGLINI	INF1700929	Other	No		
KING, BRYAN RICHARD	SWF2007651	African American	Yes	PC 190.2(a)(17)(A)	Pending
KING, DION	RIF1605365	African American	No		
KITTRELL, COLLIN	RIF2003150	White	No		
KRUEGER, CURTIS LEE	SWF1800641	White	No		
KRUGER, JEFFREY	SWF1807231	White	No		
KUMPE, BRIAN KEVIN	BAF2101071	Hispanic	Yes	PC 190.2(a)(21)	Pending
KYLES, DOMINIQUE KEHEM	BAF2001424	African American	Yes	PC 190.2(a)(3)	Pending
LABRAMARTINEZ, CESAR MANUEL	RIF2004064	Hispanic	No	PC 190.2(a)(22)	Pending
LAGUNA, ARTHUR DANIEL	RIF1803494	Hispanic	No		
LANDEROS, ERNESTO	BAF2001070	Hispanic	No		
LANDRY, MELVIN	BAF2000888	African American	No		
LARA, SONIA	INF2001751	Hispanic	No		
LARINGARCIA, JOSE VLADIMIR	INF1900265	Hispanic	Yes	PC 190.2(a)(15); PC	Seeking Death
LAZARO, ENRIQUE ALBERTO	RIF1804114	Hispanic	No		
LAZCANO, MICHAEL	RIF2002489	Hispanic	Yes	PC 190.2(a)(22)	Pending
LEAL, JOAQUIN LATEEE	RIF1804461	African American	Yes	PC 190.2(a)(15)	Seeking Death
LEMUS, ANDREW	RIF2101065	Hispanic	No		
LEMUS, ELIAS CEJA	RIF1803655	Hispanic	No		
LEONARD, DEVONTA EUGENE	BAF1800272	African American	No		
LEPE, JACOB AARON	SWF1907439	Hispanic	No		
LEWIS, ISAIAH	RIF2101669	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(21)	Pending
LEWIS, NICK CLINTON	SWF2100053	White	No		
LIGHTFOOT, TRENT ALLEN	SWF2007360	White	No		
LINDO, STEPHEN	RIF2003469	White	Yes	PC 190.2(a)(15)	Specials withdrawn
LINDZY, VICTOR DAVID	SWF1907551	White	Yes	PC 190.2(a)(18); PC 190.2(a)(17)	Notice Not Seeking DP
LINTON, ALVIN	RIF2104963	African American	No		
LOIA, STEVEN SAMOA	RIF1604743	Hispanic	No		
LONGSHORE, DARELL NADIR	BAF1801429	African American	No		
LOPEZ, ANGEL ZACARIAS	INF1601092	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking DP
LOPEZ, ANTHONY RAYMOND	RIF1703683	Hispanic	No		
LOPEZ, ARMANDO	RIF1901241	Hispanic	No		
LOPEZ, EFREN CORTEZ	RIF1802327	Hispanic	No		

LOPEZ, HECTOR	BAF1700381	Hispanic	No		
LOPEZ, JAMES	RIF2103350	Hispanic	No		
LOPEZ, JOEL	RIF1601417	Hispanic	Yes	PC 190.2(a)(17)(A)	Plea before notice filing
LOPEZ, JUAN	RIF1900801	Hispanic	No		
LOPEZ, MARIO CRUZ	SWF1601533	Hispanic	Yes	PC 190.2(a)(22); PC 190.2(a)(17)	Plea before notice filing
LOPEZ, RICHARD ADAM	SWF2007409	Hispanic	Yes	PC 190.2(a)(17)	Notice Not Seeking DP
LOPEZ, STEVEN	INF1600709	Hispanic	No		
LOPEZ-GONZALEZ, GUMERCINDO	INF2102199	Hispanic	No		
LOZANO, DAVID	RIF1702057	Hispanic	No		
LUCERO, FREDI	RIF2103109	Hispanic	No		
LUEK, BUN	RIF1903740	Other	No		
LUGO, DIMETRIUS	INF2100703	African American	Yes	PC 190.2(a)(17)	Pending
LUGO, ISAIAH RALPH	RIF2002916	Hispanic	Yes	PC 190.2(a)(17)	Plea
LUGO, ROBERT RYAN	INF1601481	African American	No		
LYONS, OTHELON DALE	RIF1905254	African American	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
MACIAS, OSCAR	RIF1904842	Hispanic	No		
MACIEL, ROGELIO CRUZ	INF1801624	Hispanic	No		
MADDEN, ROBERT LEE	SWF1900578	White	No		
MALANCHE, ANDREW MARQUIE	INF1601092	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking
MANCIA, EDGAR HERNAN	SWF1907394	Hispanic	No		
MARCHAIN, ALBERT CHRISTOPHER	INF1802108	Hispanic	No		
MARCUM, DEAN	SWF2007442	Hispanic	Yes	PC 190.2(a)(18); PC 190.2(a)(22); PC	Notice Not Seeking DP
MARPLES, VINCENT JAMES	BAF1700115	White	Yes	PC 190.2(a)(18)	Seeking Death
MARRUFFO, MELVIN	BAF1700327	Other	Yes	PC 190.2(a)(15); PC 190.2(a)(17)	Notice Not Seeking DP
MARTIN, RICKY	INF2000174	White	No		
MARTINEZ III, STEVE ANTHONY	RIF1900729	Hispanic	Yes	PC 190.2(a)(17)(G)	Seeking Death
MARTINEZ, ABEL	BAF1901087	Hispanic	No		
MARTINEZ, DANIEL	INF2101580	Hispanic	No		
MARTINEZ, EDDIE	RIF2004364	Hispanic	Yes	PC 190.2(a)(17)	Complaint Amended
MARTINEZ, ERIK	RIF2103508	Hispanic	Yes	PC 190.2(a)(17)	Pending
MARTINEZ, GILBERT CONTERAS	INF1900625	Hispanic	No		
MARTINEZ, JAVIER	RIF1904204	Hispanic	No		
MARTINEZ, JOSE	INF2101007	Hispanic	No		
MARTINEZ, JOVANNY DANIEL	RIF2003524	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Pending

MARTINEZ-CORTINA, JOHN	INF2101782	Hispanic	No		
MARUKYAN, GALUST	INF2100294	Other	No		
MATEOMONTEJO, JOSE LUIS	SWF1907507	Hispanic	No		
MAY, KEVIN	SWF2100568	White	No		
MAYORAL, SAUL VALENZUELA	INF1800543	Hispanic	No		
MCBRIDE, MARTEL PATRICK	BAF1800075	African American	No		
MCCALL, KYLA MYLISSA	RIF2100087	African American	No		
MCCARTHY, KEVIN GERARD	RIF1703946	White	No		
MCCLOUD, ANTHONY DAMION	BAF2000270	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(17)	Seeking Death
MCCRACKEN, QUINTIN ANTONY	BAF2000930	African American	Yes	PC 190.2(a)(3)	Pending
MCINTOSH, BRYCE DANIEL	RIF2010203	White	Yes	PC 190.2(a)(18)	Seeking Death
MCKERNAN, STEPHEN ROY	INF1900731	White	No		
MCMICHAEL, MARK KENT PRITOS	RIF1704751	Hispanic	No		
MCMILLAN, GIOVANNI DEVON	BAF1600043	African American	Yes	PC 190.2(a)(17)(A)	Notice Not Seeking DP
MEDRANO, MICHAEL DAMION JUDE	RIF1601417	Hispanic	Yes	PC 190.2(a)(17)(A)	995 Motion Granted
MELHEMRAMIREZ, ALLEN NAYIB	RIF2103388	Hispanic	No		
MENDEZ, INES PATRISIA	INF1701400	Hispanic	No		
MENDOZA, ANGEL CARLOS	RIF2101760	Hispanic	No		
MENDOZA, CARLOS ANTONIO	INF1600426	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
MENDOZA, VICTOR	RIF1802471	Hispanic	Yes	PC 190.2(a)(17)(B)	Notice Not Seeking DP
MESA, CHRISTINA	SWF1907551	Hispanic	Yes	PC 190.2(a)(18); PC 190.2(a)(17)(B)	Notice Not Seeking DP
METCALF, ADLER	RIF2104789	White	No		
METOYER, MARIUS RENO	RIF1805449	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
MEZA, ARMANDO	RIF1904071	Hispanic	No		
MEZA, CRISTIAN GABRIEL	SWF1907551	Hispanic	Yes	PC 190.2(a)(18); PC 190.2(a)(17)(B)	Notice Not Seeking DP
MEZA, JOSE ANTONIO	INF1900180	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
MEZA, RAYMUNDO ANTHONY	RIF2000078	Hispanic	No		
MILLERHICKS, KRSTOFFER DEVION	RIF1800767	African American	No		
MIRAMONTES, CHRISTIAN ORLANDO	INF1801051	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(15)	Notice Not Seeking DP
MOLINA, ANDREW STEVE	RIF1603166	Hispanic	No		
MONTANEZ, JOSEPH CANTU	INF2100038	Hispanic	No		
MONTERO RIVERA, GERARDO JERRY	INF2001353	Hispanic	No		
MONTOYA, DARLENE	RIF2101420	Hispanic	No		
MONZON, CESAR ANTHONY	INF1601092	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking DP

MOORING, LEE ALBERT	RIF2003152	African American	Yes	PC 190.2(a)(21)	Pending
MORALES, JOSEPH WILLIAM	RIF1603611	Hispanic	No		
MORENO, ANDRES	INF2001393	Hispanic	No		
MORRIS, JOSHUA ASIMOVIC	SWF2007337	White	No		
MORRIS, MICHELLE	SWF2107067	White	No		
MOSBY, MICHAEL EARL	RIF1604905	African American	Yes	PC 190.2(a)(21); PC	Seeking Death
MUHAMMAD, FARD	RIF1770138	African American	No		
MUNOZ, JERRY	RIF1601124	Hispanic	No		
MUNOZ, MATTHEW RAY	BAF1700333	Hispanic	Yes	PC 190.2(a)(15)	Plea before Notice filing
MUNOZ, VICENTE ANGEL	INF2000396	Hispanic	No		
MUSSAW, SAMUEL LEO	BAF2100306	White	No		
NAVARRO, JOSHUA EMANUEL	SWF2007651	Hispanic	Yes	PC 190.2(a)(17)(A)	Pending
NAVARRO, MARLON	RIF2100150	Hispanic	Yes	PC 190.2(a)(15)	Pending
NAVARRO-NIEVES, CARLOS JAVIER	INF1900941	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(3)	Seeking Death
NIELSEN III, AUGUST	RIF1803793	White	No		
NORRIS, TYRONE	RIF1605365	African American	No		
NUNEZ, ELISEO DAVID	RIF2004364	Hispanic	Yes	PC 190.2(a)(17)(A)	Plea before Notice filing
NUNEZ, WYNETTE	BAF2100835	Other	No		
OCHOA, DESMOND	RIF1901406	Hispanic	No		
OCHOA, MIGUEL ANGEL	SWF2007552	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(17)(A)	Pending
OLAEZ, MANUEL	BAF1700381	Hispanic	Yes	PC 190.2(a)(22)	Pending
OLAEZ, MOSES DANIEL	BAF1700381	Hispanic	Yes	PC 190.2(a)(22)	Pending
ONYECHE, AHMED ABALI	BAF2100209	African American	No		
ORNELAS, JOHN ANTHONY	RIF1802787	Hispanic	Yes	PC 190.2(a)(17)	995 Motion granted
OROSCO, JOE NATIVIDAD	RIF2000911	Hispanic	Yes	PC 190.2(a)(17)	Amended Charges
ORTEGA, BRYAN	RIF2105188	Hispanic	Yes	PC 190.2(a)(17)	Pending
ORTEGA, EDGAR	RIF2105188	Hispanic	Yes	PC 190.2(a)(17)	Pending
ORTEGA, GABRIEL VINCENT	RIF1990237	Hispanic	No		
ORTIZ, RICKY MARTIN	RIF2000911	Hispanic	Yes	PC 190.2(a)(17)	Pending
ORTIZ HILDALGO, JOEL	INF2100315	Hispanic	Yes	PC 190.2(a)(17)	Pending
ORTIZ, SAMUEL	INF1701808	Hispanic	No		
OWEN, LANE	INF2100798	White	No		
PACHECO, CHRISTIAN	INF1700565	Hispanic	No		
PAGAY, MARK CARREON	RIF1804134	Other	No		

PALMERIN, CARLOS	SWF2102150	Hispanic	No		
PAMILTON, EUGENE MCARTHUR	BAF1800907	African American	No		
PAPE, ROBERT LARS	INF1600755	White	Yes	PC 190.2(a)(3)	Notice Not Seeking DP
PARTINGTON, DANIEL ADAM	INF1901657	Hispanic	No		
PATEA, FAALELE ROSEMARIE	BAF1900492	Other	No		
PATINO III, JESSE	INF2000485	Hispanic	Yes	PC 190.2(a)(17)(A)	Pending
PEARSON, JEREMY	RIF2105106	White	No		
PEEVYHOUSE, BRITTNAY	RIF2104654	White	No		
PELLEGRIN, CHRISTOPHER DEMECIO	RIF1801051	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
PELLEGRIN, JONATHAN BRANDON	RIF1801051	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
PERALAS, MERLIN	RIF2004230	Hispanic	Yes	PC 190.2(a)(17)(A)	Notice Not Seeking DP
PEREZ, GILBERTO	RIF1704692	Hispanic	No		
PEREZ, JUAN ALONSO	BAF2101115	Hispanic	No		
PEREZ, JUAN MANUEL	RIF2004322	Hispanic	No		
PEREZ, VINCENT ANTHONY	RIF1801411	Hispanic	Yes	PC 190.2(a)(22)	Pending
PESCADOR, RICARDO AARON	INF2001353	Hispanic	No		
PETERS, JEFFREY SCOTT	RIF1880029	White	No		
PETTIGREW, SCOTT EDMUND	INF1600783	White	No		
PHILLIPS, KELLY LEE	INF1601322	White	Yes	PC 190.2(a)(1);PC 190.2(a)(17)(G)	Notice Not Seeking DP
PINEDA, MATTHEW	INF2102222	Hispanic	Yes	PC 190.2(a)(17)	Pending
PINON, CHRISTIAN	RIF2000937	Hispanic	No		
PIVONKA, JAY	RIF2104666	White	No		
PLANCARTE, JESUS	RIF1703865	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
POLLARD, BRANDON NOLL	SWF1907364	Hispanic	Yes	PC 190.2(a)(17)(A):	Notice Not Seeking DP
POMPA, DAYTON MCCLAIN	RIF2001281	White	No		
PONCE, ANDREW	INF1600992	Hispanic	No		
PONCE, JESUS	SWF1707587	Hispanic	No		
PONCE, JUAN DANIEL	RIF2002770	Hispanic	Yes	PC 190.2(a)(22)	Pending
PORRAS, AARON CASEY	RIF1603093	Hispanic	No		
PORTER, OTIS	RIF2101235	African American	No		
POWELL, ISAIAH AARON	RIF1604263	African American	No		
POWELL, WILLIAM LESLIE	RIF1601767	African American	Yes	PC 190.2(a)(17)(B)	Notice Not Seeking DP
PRICE, AHMAD RAHEEM	RIF2004183	African American	Yes	PC 190.2(a)(a)(17)(A)	Pending
PULIDOCOLMENERO, JORGE ALEJANDRO	SWF1607111	Hispanic	No		

QUINTANILLA, RENE	RIF1602869	Hispanic	No		
RAINWATER, ROGER	RIF2105371	White	No		
RAMIREZ, DIEGO	RIF2004474	Hispanic	Yes	PC 190.2(a)(3)	Pending
RAMIREZ, GABRIEL	INF2101233	Hispanic	No		
RAMIREZ, RAYMUNDO ORTEGA	RIF1605051	Hispanic	Yes	PC 190.2(a)(15); PC 190.2(a)(18)	Notice Not Seeking DP
RANK, SUSAN MARIE	RIF1800565	White	No		
RATTLER, ANTHONY DALE	BAF1600043	African American	No		
REED, MICHAEL	RIF2101298	African American	Yes	PC 190.2(a)(921)	Pending
RENERIA, JESUS ALFREDO	RIF1603061	Hispanic	No		
RENERIA, MARIO SALVADOR ALE	RIF1801803	Hispanic	No		
REY, JUSTIN TODD	INF1702050	White	No		
REYES ANTONIO, ADRIAN	RIF2101618	Hispanic	No		
REYES, LUIS	BAF1900018	Hispanic	No		
REYNA, ALFREDO	RIF1900194	Hispanic	No		
REYNOLDS , MAXWELL HAKOLE	SWF1907364	Hispanic	Yes	PC 190.2(a)(17)(A);PC 190.2(a)(15)	Notice Not Seeking DP
RHINE, JASON	BAF2100096	Hispanic	No		
RICHEE, ANDRE DIMITRI	RIF2003152	African American	Yes	PC 190.2(a)(21)	Pending
RICKS, RONALD DEAN	BAF1701368	White	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
RILEY, SHANEN RYAN	INF1701400	Other	No		
RIOS, JESUS ERNESTO	BAF2001506	Hispanic	No		
RIOS, MANUEL MAGANA	INF2000863	Hispanic	Yes	PC 190.2(a)(10)	Pending
RIOS, MICHAEL	INF1600992	Hispanic	No		
RITTER, BRANDON CHRISTOPHER	SWF1800017	White	No		
RIVAS, JOSE	RIF2200023	Hispanic	No		
RIVAS, JOSE A	RIF1801421	Hispanic	No		
RIVERA, LUIS	RIF1800083	Hispanic	No		
RIVERA, NICHOLAS	RIF2003287	Hispanic	No		
RIVERA, RICARDO	RIF1900274	Hispanic	No		
ROBINSON, JAMES	SWF2100475	White	Yes	PC 190.2(a)(17)	Pending
ROBINSON, MALIK	RIF1802003	African American	Yes	PC 190.2(a)(15)	Juvenile
ROBINSON, PERRY CORNELL	RIF2000394	African American	No		
ROBINSON, TEANDRE KEVIN	BLF2000055	African American	No		
ROBLESGOMEZ, IRINEO	BAF1601628	Hispanic	No		
RODRIGUEZ, ALONSO	BAF1800643	Hispanic	No		

RODRIGUEZ, ISAAH	RIF2004230	Hispanic	No		
RODRIGUEZ, JOHNNY JOSE	INF2000094	Hispanic	No		
RODRIGUEZ, KEVIN JAMES	RIF2002512	Hispanic	No		
RODRIGUEZ, OSCAR	INF1702229	Hispanic	No		
RODRIGUEZ, ROGER REY	INF1700133	Hispanic	Yes	PC 190.2(a)(17)	Notice Not Seeking DP
ROJAS, CESAR	RIF2103388	Hispanic	No		
ROMERO, ABRAHAM	INF1800060	Hispanic	No		
ROMERO, CONNER	BLF1600134	White	No		
ROMERO, VICENTE	SWF2007390	Hispanic	No		
ROSAS, ALEXIS DANIEL	INF1901183	Hispanic	Yes	PC 190.2(a)(10); PC 190.2(a)(15)	Pending
ROSALES, ARMANDO	RIF2002104	Hispanic	No		
ROSING, DAVID K	SWF2007307	White	No		
ROWE, DAVONTE	RIF2103611	African American	Yes	PC 190.2(a)(15)	Pending
RUIZ, CARLOS ANTONIO	INF2001393	Hispanic	Yes	PC 190.2(a)(15)	Pending
RUIZ, ROBERT	INF2000849	Hispanic	Yes	PC 190.2(a)(22)	Pending
RUIZACOSTA, RAMIRO ALEJANDRO	SWF1600586	Hispanic	No		
RUNKLE, CRISTIAN	RIF2004230	Hispanic	No		
RUSSELL, ADONIS DARNEIL	RIF2003077	African American	No		
RUVALCABA, VANESSA MICHELLE	SWF1907258	Hispanic	No		
SAHAGUN, JOHNNY	RIF1800018	Hispanic	No		
SALCIDA, ANTHONY	RIF1805353	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
SALCIDO, RAY	RIF2104456	Hispanic	No		
SALOME, ABEL JOSUE	INF1600779	Hispanic	No		
SANCHEZ, ANGEL MELESIO	BAF2100008	Hispanic	No		
SANCHEZ, CESAR GILBERTO	INF2101489	Hispanic	No		
SANCHEZ, FREDERICO	INF1600738	Hispanic	No		
SANCHEZ, LUIS	RIF2102822	Hispanic	No		
SANCHEZ, MARIO	RIF2103097	Hispanic	No		
SANCHEZ, RAUL	RIF2101284	Hispanic	No		
SANCHEZ, RENATO IVAN	RIF2000626	Hispanic	No		
SANCHEZ, RUBEN CANO	RIF1903634	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
SANCHEZ-CASES, JOSE AGUSTIN	INF2000454	Hispanic	Yes	PC 190.2(a)(22)	Pending
SAVOIE, ARIEL IRENE	BAF1800075	Hispanic	No		
SAYLOR, BRIAN ELDON	SWF1601114	White	No		

SCHMIDT, TODD WALTER	BAF2000064	White	No		
SCOTT, DIAMOND LECLARENCE	RIF1704077	African American	Yes	PC 190.2(a)(3); PC 190.2(a)(22)	Notice Not Seeking DP
SCOTT, THOMAS RYAN	RIF1604645	Hispanic	No		
SEGUNDO, RAUL	RIF1802615	Hispanic	No		
SEPULVEDA, JOSE LUIS	SWF2000142	Hispanic	No		
SERNA, JOE ANTHONY	SWF2100201	Hispanic	Yes	PC 190.2(a)(17)(B)	Pending
SERRANO, DANNY JAIR DAVILA	RIF1802195	Hispanic	Yes	PC 190.2(a)(17)(B);PC 190.2(a)(3)	Notice Not Seeking DP
SHOVER, GARY ANTHONY	RIF1900705	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
SHOVER, OWEN SKYLER	RIF1900705	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
SILVA, LEROY	INF1901348	White	No		
SLATER, ADAM	INF2000531	African American	Yes	PC 190.2(a)(17)	Seeking Death
SMALL, CARL GREGORY	RIF2002895	White	No		
SMITH, CHRISTIN	INF1600755	White	Yes	PC 190.2(a)(3)	Notice Not Seeking DP
SMITH, EDWARD RUSSELL	RIF1905231	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(22)	Notice Not Seeking DP
SMITH, ERIC WAYNE	SWF2100411	White	Yes	PC 190.2(a)(17)	Pending
SMITH, KELVIN CLYDE	SWF2101910	White	No		
SOBERANIS, RAUL	SWF1900297	Hispanic	No		
SOLIS, RICHARD ERIC	RIF2100664	Hispanic	No		
SOLOME, ABEL	INF1600779	Hispanic	No		
SOTO, HUBERT	INF2000485	Hispanic	Yes	PC 190.2(a)(17)(A);PC 190.2(a)(22)	Notice Not Seeking DP
SOTOMAYOR, ADRIEN JOSEPH	BAF1800077	Hispanic	No		
STEWART, ANDREW MATHEW	RIF1902404	Hispanic	No		
STEWART, JEVANTE TERELL	RIF1803153	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
STEWART, TRAEVON DENAE	BAF1700447	African American	Yes	PC 190.2(a)(17)(A); PC 190.2(a)(17)(B)	Notice Not Seeking DP
STOEPPLER, PAUL HENRY CARL	SWF1807392	White	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
STOOT, CELESTINE	SWF2101003	African American	No		
STRIDER, LONDON	RIF2101298	African American	Yes	PC 190.2(a)(21)	Pending
STULTZ, EDUARDO	INF1601918	Hispanic	No		
TAESALI, LENE	RIF1703377	African American	No		
TAPIA, JORGE	INF1600992	Hispanic	No		
TARA, SHAUN DANIEL	RIF2002993	White	Yes	PC 190.2(a)(10)	Notice Not Seeking DP
TATE, ELVIS EUGENE	SWF1807246	African American	No		
TAYLOR, JEFFREY	RIF1905231	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(22)	Pending
TAYLOR, JOSEPH	RIF1903203	African American	Yes	PC 190.2(a)(1); PC 190.2(a)(15); PC 190.2(a)(17)	Notice Not Seeking DP

TAYLOR, JOSIHUA	RIF1903203	African American	Yes	PC 190.2(a)(1); PC 190.2(a)(15); PC 190.2(a)(17)	Notice Not Seeking DP
TAYLOR, SHYRUM	INF2100703	African American	Yes	PC 190.2(a)(17)	Pending
TEMEN, HUGH	RIF2104106	White	No		
TEMPLE, ANDREW CHRISTIAN	SWF1907858	White	No		
THOMAS, LARRY MAURICE	RIF1902665	African American	No		
THOMAS, WILLIE LEWIS	BAF1600043	African American	No		
THURBUSH, JESSE	SWF2100475	White	Yes	PC 190.2(a)(17)	Pending
TOKI, ASIA MARINA	RIF2004017	Other	No		
TORNEL, FRANK MIGUEL	RIF1702573	Hispanic	No		
TORRES, BEATRIZ ADRIANA ESTRADA	BAF1800833	Hispanic	No		
TORRES, SHADDY	RIF2102223	Hispanic	No		
TORRESGARCIA, JOSE LUIS	RIF2000742	Hispanic	Yes	PC 190.2(a)(3)	Seeking Death
TORREZ, MICHAEL	INF1800603	White	No		
TOWNSEL, CANDACE TAI	SWF1907576	African American	Yes	PC 190.2(a)(17)(A)	Pending
TRAPPEN, BRANDON CHASE	SWF1807873	White	No		
TREVINO, CHARLES RICHARD	RIF2002916	Hispanic	Yes	PC 190.2(a)(17)(A)	Plea
TROMBINI, EMANUELE	INF1600301	White	No		
TRUJILLO, ALEXIS	BAF1600919	Hispanic	No		Transfer
TRUJILLO, ROBERT WHITECLOUD	BAF1900743	Hispanic	No		
TURNER, ABIANCE LINECE	RIF1606009	African American	Yes	PC 190.2(a)(16); PC 190.2(a)(22); PC	Notice Not Seeking DP
TYRRELL, RAYMOND GENE	SWF2100288	White	No		
UDINK, MARK	SWF2100411	White	Yes	PC 190.2(a)(17)	Pending
ULSHAFFER, AUSTIN SCOTT	INF1601506	White	No		
UNGER, MELISSA ELYSE	SWF1907551	White	Yes	PC 190.2(a)(18); PC 190.2(a)(17)(B)	Notice Not Seeking DP
URIAS, CARLOS	RIF2001137	Hispanic	Yes	PC 190.2(a)(21)	Notice Not Seeking DP
VALDEPENA, JERRY	BAF2100492	Hispanic	Yes	PC 190.2(a)(22)	Pending
VALDEZ, JESSE	RIF2103437	Hispanic	No		
VALDIVIA, KARINA SARAH	SWF2007219	Other	No		
VALENCIA, DAVID	RIF2003486	Hispanic	No		
VALENZUELA, JESSE RICO	INF2001804	Hispanic	No		
VALLES, RICHARD	RIF1603061	Hispanic	No		
VARELA, ANTHONY MICHAEL	RIF1903689	Hispanic	Yes	PC 190.2(a)(15)	Defendant Deceased
VARGAS, JOHN	RIF2003582	Hispanic	No		
VARGAS, LISA	INF2100801	White	No		

VARGAS, MOISES GUITRON	RIF1904449	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
VARGAS, MANUEL ADOLFO	INF1801051	Hispanic	Yes	PC 190.2(a)(21); PC 190.2(a)(15)	Notice Not Seeking DP
VARGAS, MAURO	RIF1603063	Hispanic	No		
VASQUEZ, SAMUEL	BAF2100342	Hispanic	Yes	PC 190.2(a)(22)	Pending
VAZQUEZ, JAIR	RIF2103984	Hispanic	No		
VEGA, RAUL	RIF1803631	Hispanic	No		
VEGA, VICTOR DANIEL	SWF1907278	Hispanic	No		
VELASCO, JOSE ANGEL	INF1701427	Hispanic	No		
VELASQUEZ, JASON ANTHONY (RHINE)	BAF2100096	Hispanic	No		
VELAZQUEZ, GENESIS RAQUEL	RIF1701898	Hispanic	No		
VIDAURY, DANNY	BAF1801383	Hispanic	No		
VILLALOBOS, JULIO	SWF2007475	Hispanic	No		
VILLANUEVA, RIGOBERTO	BAF1601693	Hispanic	Yes	PC 190.2(a)(3)	Seeking Death
VILLEGAS, ALEJANDRO	SWF1907551	Hispanic	Yes	PC 190.2(a)(18); PC 190.2(a)(17)	Notice Not Seeking DP
WAITE, TEHRA	RIF2003150	White	No		
WALLER, BRYAN ANTHONY	BAF1600691	White	No		
WALSH LOMMEN, TOSTEN DAVID	INF1800042	Hispanic	No		
WASHINGTON, TROY ELLIOT	BLF1800149	African American	No		
WASHINGTON, TYLER NATHANIEL	RIF1802494	African American	No		
WEBB, ANTHONY	INF1800393	White	No		
WEISCHEDEL, WES	RIF1804480	White	No		
WHITT, BRANDON JOSEPH	RIF1604811	Hispanic	Yes	PC 190.2(a)(17)(A)	Notice Not Seeking DP
WILKERSON, RUSSELL	RIF1905231	African American	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
WILKINSON, JAYVONTE JOHNELL MARK	RIF2001300	African American	Yes	PC 190.2(a)(21)	Pending
WILLIAMS, BARRY	INF2100703	African American	Yes	PC 190.2(a)(17)	Pending
WILLIAMS, DAVID EARL	INF2100280	White	No		
WILLIAMS, JILL	BLF1800061	White	No		
WILLIAMS, KIMESHA MONAE	SWF1907576	African American	Yes	PC 190.2(a)(17)(A)	Pending
WILLIAMS, RAIQUAN	RIF2100650	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking DP
WILLIAMS, RAISHAUN	RIF2100650	African American	Yes	PC 190.2(a)(15); PC 190.2(a)(21); PC 190.2(a)(22)	Notice Not Seeking DP
WILLIAMS, STEVEN BRACK	BLF1800061	White	No		
WILLIAMSON, MAURICE	RIF2103611	African American	Yes	PC 190.2(a)(15)	Pending
WILSON, KENNETH	INF1600746	White	Yes	PC 190.2(a)(17)	Pending
WILSON, KENNETH HAHN	BAF1800075	African American	Yes	PC 190.2(a)(3); PC	Notice Not Seeking DP

WINKLE, BENJAMIN	SWF2102048	White	No		
WINN, CODY JAMES	BLF1600008	White	No		
WINTERS, JACOB P.	INF1600342	Hispanic	Yes	PC 190.2(a)(17)	Notice Not Seeking DP
WRIGHT, JOSEPH RAMON	BAF1600920	African American	No		
WRIGHT, SAMUEL JAMES	BAF2100027	African American	No		
WRIGHT-PATTERSON, DAMEONTAE	RIF1803153	African American	Yes	PC 190.2(a)(22)	Notice Not Seeking DP
YAHN, JODY KATHLEEN	RIF1905210	White	No		
YZARARRAZ, FRANCISCO ANTHONY	RIF2000713	Hispanic	Yes	PC 190.2(a)(15): PC 190.2(a)(17)	Specials withdrawn
ZACARIAS, OSVALDO	RIF1903932	Hispanic	Yes	PC 190.2(a)(15)	Notice Not Seeking DP
ZAHIR, NICO MANUEL	SWF2100201	Hispanic	Yes	PC 190.2(a)(17)(B)	Pending
ZAMORA, RICHARD LORENZO	RIF1701874	Hispanic	No		
ZEMEK, MARILYN JOY	RIF1900604	White	Yes	PC 190.2(a)(1)	Notice Not Seeking DP
ZENDEJAS, ALEJANDRO	INF1700133	Hispanic	Yes	PC 190.2(a)(17)(A)	Notice Not Seeking DP
ZESK, DARREN PETER	RIF2000463	White	No		
ZESK, JARED	RIF2000463	White	No		
ZHANG, MICHAEL	SWF2100006	Other	No		
ZUNIGA, RACARDO	RIF1802468	Hispanic	No		

EXHIBIT "B"

DECLARATION OF MARISA OMORI

I, MARISA OMORI, declare as follows:

1. I am an Assistant Professor in the department of Criminology and Criminal Justice at the University of Missouri-St. Louis. I will be an Associate Professor starting September 1, 2022. Before this appointment, I was an Assistant Professor in the department of Sociology at the University of Miami.
2. I completed a PhD in Criminology, Law & Society from the University of California, Irvine, in 2014.
3. I completed a Master of Arts in Social Ecology from the University of California, Irvine in 2010, and a Master of Arts in Criminal Justice from John Jay College of Criminal Justice, the City University of New York, in 2007.
4. I completed a Bachelor of Arts degree in Economics from Occidental College in 2003, where I passed my comprehensive exam with distinction.
5. I have published over 25 peer-reviewed journal articles and book chapters, including statistical analyses of criminal justice systems in leading academic journals, such as *Criminology*, *Journal of Quantitative Criminology*, *Social Problems*, *Justice Quarterly*, and *Law & Society Review*.
6. I have conducted evaluations and analyses for several agencies and nonprofit organizations, including the St. Louis County Prosecutor's Office, the Southern District of Florida, the American Civil Liberties Union of Florida, and the California Department of Corrections and Rehabilitation. I have also served as a Co-Investigator on several external grants.

7. I have taught introductory undergraduate, as well as introductory and advanced graduate-level statistics courses for the past seven years, including Multivariate Statistics, Advanced Sociological Statistics (Econometrics), and Statistical Analysis in Criminology and Criminal Justice. I have also previously served as a teaching assistant for several introductory and advanced statistics courses. These courses cover the statistical analyses used in my work on this case.
8. My curriculum vitae is attached.
9. I was asked by counsel Brian Cosgrove and David Macher of the Law Offices of The Public Defender, County of Riverside to analyze charging information for PC 187 murder cases in Riverside County, California, to assess whether there were racial and ethnic disparities between the years 2016-2021.
10. Counsel provided me with spreadsheet data from Riverside County including all PC 187 murder cases filed by the Riverside County District Attorney's Office (DA) from January 1, 2016 to January 1, 2022, including a total of 696 cases. Of the 696 cases where the DA charged PC 187, there were 253 cases where there was at least one special circumstance under PC 190.2, and of those cases, there were 22 cases in which the DA sought the death penalty. The spreadsheet contained some additional information, including the defendant name, case number, the penal code for the special allegation, and race/ethnicity of defendant.

Racial/ethnic disproportionality in cases with PC 187 murder charges

11. To examine whether defendants of a particular race/ethnicity were disproportionately charged with PC 187 murder charges, I obtained adult¹ population statistics by race/ethnicity in the American Community Survey (ACS) from the Census between 2016-2020 for Riverside County.² These ACS numbers represent the most recently-released estimates available to date. Of the adult population in Riverside County between 2016-2020, the estimated population of White non-Hispanic people in Riverside County is 700,651 (38.4%), Black non-Hispanic people is 115,632 (6.3%), Hispanic people is 825,328 (45.2%), and people of other race and ethnicities is 182,854 (10.0%).
12. I first compared the percentages of race/ethnicity of those represented in murder cases with the adult population of Riverside County. Of the 696 defendants who had PC 187 murder cases filed, 143 (20.5%) were White non-Hispanic, 139 (20.0%) were Black non-Hispanic, 395 (56.8%) were Hispanic, and 19 (2.7%) were of other race or ethnicity.³
13. I then calculated the rate of PC 187 murder cases filed per 100,000 population in Riverside County by race/ethnicity. White non-Hispanic people have PC 187 murder charges filed against them at a rate of $((143/700,651) \times 100,000 = 20.41)$ 20.41 per 100,000 population, Black non-Hispanic people have murder charges filed against them at a rate of $((139/115,632) = 120.21)$ 120.21 per 100,000 population, and Hispanic people

¹ I obtained the adult population (18 years or older) because juveniles are not eligible for the death penalty in California. I did replicate all population analyses with the full population, but the general findings and statistical tests did not change.

² American Community Survey Census data were obtained from the Integrated Public Use Microdata Series through their online data analysis system. See Ruggles, Flood, Goeken, Schouweiler and Sobek. "IPUMS USA: Version 12.0 [dataset]." Minneapolis, MN: IPUMS, 2022. <https://doi.org/10.18128/D010.V12.0>. <https://sda.usa.ipums.org/>. The ACS calculates estimates over a 5-year period of time, and so allow for increased statistical reliability.

³ "Other" race and ethnicity includes all people who are not identified as White non-Hispanic, Black non-Hispanic, or Hispanic or Latino. Because this group is not a meaningful race/ethnicity, it is not included in much of the subsequent analyses.

have murder charges filed against them at a rate of $((395/825,328) \times 100,000=47.86)$ 47.86 per 100,000 population.

14. To compare these rates directly, I calculated the incident rate ratios, which captures the ratio of the rate between White non-Hispanic defendants and the rates for each of the other racial and ethnic groups.⁴ Based on the adult population for Riverside County, Black non-Hispanic defendants have murder cases filed against them at a rate that is $(120.21/20.41=5.89)$ 5.89 times higher than White non-Hispanic defendants, and Hispanic defendants have murder cases filed against them at a rate that is $(47.86/20.41=2.34)$ 2.34 times higher than White non-Hispanic defendants.
15. Finally, to test whether the rates were statistically significantly different from each other, I conducted a differences of proportions z-score test⁵. The rate of Black non-Hispanic murder cases filed is statistically significantly⁶ higher than the rate of White non-Hispanic murder cases filed in the adult population. The test comparing the rate of Black non-Hispanic murder cases filed relative to the rate of White non-Hispanic murder cases

⁴ Incident rate ratios are calculated by dividing the rate for one group by the rate for another group. For example, the incident rate ratio for Black non-Hispanic defendants relative to White non-Hispanic defendants with murder charges filed against them is $IRR = [((143/837,555) \times 100,000)] / [((139/149,107) \times 100,000)] = 5.46$. An incident rate ratio of 1 means that the rates for the two groups are the same.

⁵The difference of proportions test determines whether two proportions are statistically significantly different from each other in the population. See Agresti, A. & Finlay, B. (2009). *Statistical methods for the social sciences*. Pearson. The difference of proportions z-score test assumes that (1) we are working with independent random samples; (2) we are testing nominal-level variables, and (3) the sampling distribution will approximate a normal distribution. To test whether two proportions are statistically significantly different from each other, we calculate the difference in a z-score, which captures the number of standard deviations the difference in the two proportions is from the null hypothesis (where the null hypothesis is 0, or no difference between the two groups' proportions). The z-score formula for proportions is calculated as: $z = \frac{\hat{\pi}_1 - \hat{\pi}_2}{\sqrt{\hat{\pi}(1-\hat{\pi}) \times [\frac{1}{n_1} + \frac{1}{n_2}]}}$, where $\hat{\pi}_1$ and $\hat{\pi}_2$ represent group 1 and group

2's proportions, respectively, $\hat{\pi}$ represents the pooled (overall) proportion for both groups, and n_1 and n_2 represent the sample sizes for groups 1 and 2. z-scores are associated with a probability value, which is then used to determine statistical significance.

⁶ In the social sciences, a probability value (p-value) of 0.05 (5%) is a common threshold for statistical significance. Because the American Statistical Association discourages strict thresholds for statistical significance, I report both whether the statistical test meets the 0.05 threshold and is statistically significant or not, and the actual probability value along with an interpretation. See Wasserstein, R & Lazar, N. (2016). The ASA Statement on p-values: Context, process, and purpose. *The American Statistician*, 70:2, 129-133.

filed in the adult population is statistically significant, suggesting that the chance of observing the difference in rates for Black non-Hispanic and White non-Hispanic people due to random chance is less than 0.01%.⁷

16. The rate of Hispanic murder cases filed is significantly higher than the rate of White non-Hispanic murder cases filed in the adult population. The test comparing the rate of Hispanic murder cases filed relative to the rate of White non-Hispanic cases filed is statistically significant, suggesting that the chance of observing the difference in rates due to random chance is less than 0.01%.
17. These results provide evidence that (1) Black non-Hispanic defendants have murder cases filed against them at a rate disproportionately higher than their adult population in Riverside County; (2) In contrast, White non-Hispanic defendants are underrepresented in murder charges relative to their the adult population. (3) Black non-Hispanic defendants have murder cases filed against them over five times as high relative to White non-Hispanic defendants based on their respective populations; and (4) Black non-Hispanic defendants have murder cases filed against them at a rate per population that is statistically significantly greater than the rate for White non-Hispanic defendants.
18. The results also provide evidence that (1) Hispanic defendants have murder cases filed against them at a rate disproportionately higher than their adult population; (2) Hispanic defendants have murder cases filed against them that is over two times higher relative to White non-Hispanic defendants; and (3) Hispanic defendants have murder cases filed

⁷ The probability value (p-value) is the probability of observing results as extreme as or more extreme than the one obtained if the null hypothesis were true. The null hypothesis in this case is that there is no difference in rate of murder cases filed between Black non-Hispanic and White non-Hispanic groups. Since the probability of observing this difference in the rates between Black non-Hispanic and White non-Hispanic groups if there actually was no difference is so low (in this case, less than 0.1%), we reject the null hypothesis and conclude that there is a statistically significant difference between Black non-Hispanic and White non-Hispanic rates.

against them at a rate per population that is statistically significantly greater than White non-Hispanic defendants.

Racial/ethnic disproportionality in murder cases with PC 190.2 special circumstances

19. To examine whether defendants of a particular race/ethnicity were disproportionately charged with special circumstances under PC 190.2, I compared the race/ethnicity in these cases to population statistics in the American Community Survey (ACS) from the Census between 2016-2020 for Riverside County.
20. Of 253 defendants who had special circumstances, 35 (13.8%) were White non-Hispanic, 75 (29.6%) were Black non-Hispanic, 139 (54.9%) were Hispanic, and 4 (1.6%) were of other race or ethnicity.
21. I calculated the rates of murder cases charged with special circumstances by race/ethnicity per 100,000 of their respective adult populations. The rate for White non-Hispanic murder cases with special circumstances filed is $((35/700,651) \times 100,000=5.00)$ 5.00 per 100,000 adult population, the rate for Black non-Hispanic people is $((75/115,632) \times 100,000=64.86)$ 64.86 per 100,000 adult population, and the rate for Hispanic people is $((139/825,328) \times 100,000=16.84)$ 16.84 per 100,000 adult population.
22. To compare the rates to each other, I calculated the incident rate ratios for Black non-Hispanic relative to White non-Hispanic, as well as the rate for Hispanic relative to White non-Hispanic. Based on the adult population, Black non-Hispanic people have an incident rate ratio of $(64.86/5.00=12.98)$ 12.98 relative to White non-Hispanic people, and Hispanic people have an incident rate ratio of $(16.84/5.00=3.37)$ 3.37.

23. I conducted a differences of proportions z-score test comparing the rate of Black non-Hispanic special circumstances cases to White non-Hispanic special circumstances cases per population. The rate of Black non-Hispanic special circumstances cases is statistically significantly higher than the rate of White non-Hispanic special circumstances cases in the adult population. The test comparing the rate of Black non-Hispanic relative to the rate of White non-Hispanic special circumstances cases is statistically significant, suggesting that the chance of observing the difference in rates for Black non-Hispanic and White non-Hispanic people due to random chance is less than 0.01%.
24. I also conducted a differences of proportions z-score test comparing the rate of Hispanic special circumstances cases to White non-Hispanic special circumstances cases per population. The rate of Hispanic special circumstances cases is statistically significantly higher than the rate of White non-Hispanic special circumstances cases. The z-score test suggests that the chance of observing the difference in rates for Hispanic and White non-Hispanic people due to random chance is less than 0.1%.
25. As a more stringent test, I conducted a differences of proportions z-score test comparing the proportion of special circumstances cases out of murder cases for Black non-Hispanics ($75/139=0.540$) and White non-Hispanics ($35/143=0.245$). Out of murder cases, the proportion of special circumstances cases for Black non-Hispanics is statistically significantly greater than the proportion of special circumstances cases for White non-Hispanics. The test results indicate that the chance of observing the difference in proportions of special circumstances cases out of murder cases for Black non-Hispanic people and White non-Hispanic people due to random chance is less than 0.01%.

26. I also conducted a differences of proportions z-score test comparing the proportion of special circumstances cases out of murder cases for Hispanics ($139/395=0.352$) and White non-Hispanics ($35/143=0.245$). Out of murder cases, the proportion of special circumstances cases for Hispanics is statistically significantly greater than the proportion of special circumstances cases for White non-Hispanics. The test results indicate that the chance of observing the difference in proportions for Black non-Hispanic people and White non-Hispanic people due to random chance is 1.9%.
27. These results provide evidence that (1) compared to the adult population in Riverside County, Black non-Hispanic defendants are overrepresented in those charged with special circumstances under PC 190.2; (2) White non-Hispanic defendants are underrepresented in those charged with special circumstances relative to their population; (3) Black non-Hispanic defendants are charged with special circumstances at a rate that is over 12 times higher than White non-Hispanic defendants; (4) Black non-Hispanic defendants are charged with special circumstances at a rate per population that is statistically significantly higher than White non-Hispanic defendants; and (5) Even out of murder cases, Black non-Hispanic defendants have a significantly higher proportion of special circumstances cases relative to White non-Hispanic defendants.
28. These results also provide evidence that (1) compared to the adult population in Riverside County, Hispanic defendants are overrepresented in those charged with special circumstances under PC 190.2; (2) Hispanic defendants are charged with special circumstances at a rate that is over 3 times higher than White non-Hispanic defendants; (4) Hispanic defendants are charged with special circumstances at a rate per population that is statistically significantly higher than White non-Hispanic defendants; and (5) Even

out of murder cases, Hispanic defendants have a significantly higher proportion of special circumstances cases relative to White non-Hispanic defendants.

Racial/ethnic disproportionality in cases with notice of intent to seek the death penalty

29. To examine whether defendants of a particular race/ethnicity were disproportionately represented in cases where the DA sought the death penalty, I compared the race/ethnicity in these cases to population statistics in the American Community Survey (ACS) from the Census between 2016-2020 for Riverside County.
30. Of 22 defendants where the DA sought the death penalty, 2 (9.1%) were White non-Hispanic, 7 (31.8%) were Black non-Hispanic, 12 (54.5%) were Hispanic, and 1 (4.5%) was of other race or ethnicity.
31. I then calculated the rates of murder cases where the DA sought the death penalty by race/ethnicity per 100,000 of their respective adult populations. The rate for White non-Hispanic murder cases where the DA sought the death penalty is $((2/700,651) \times 100,000=0.29)$ 0.29 per 100,000 adult population, the rate for Black non-Hispanic people is $((7/115,632) \times 100,000=6.05)$ 6.05 per 100,000 adult population, and the rate for Hispanic people is $((12/825,328) \times 100,000=1.45)$ 1.45 per 100,000 adult population.
32. I calculated the incident rate ratios for Black non-Hispanic relative to White non-Hispanic rates per population in Riverside County, as well as for Hispanic relative to White non-Hispanic rates. Black non-Hispanic people have murder cases where the DA sought the death penalty at a rate that is $(6.05/0.29=21.21)$ 21.21 times higher than White non-Hispanic people. Hispanic people have murder cases where the DA sought the death

penalty at a rate that is $(1.45/0.29=5.09)$ 5.09 times higher than White non-Hispanic people.

33. I conducted a differences of proportions z-score test comparing the rate of Black non-Hispanic murder cases where the DA sought the death penalty to the rate for White non-Hispanic. The rate of Black non-Hispanic murder cases where the DA sought the death penalty is statistically significantly higher than the rate of White non-Hispanics. The test comparing the rate of Black non-Hispanic relative to the rate of White non-Hispanic murder cases where the DA sought the death penalty is statistically significant, suggesting that the chance of observing the difference in rates between Black non-Hispanic and White non-Hispanic cases due to random chance is less than 0.01%.

34. I also conducted a differences of proportions z-score test comparing the rate of Hispanic murder cases where the DA sought the death penalty to White non-Hispanic murder cases where the DA sought the death penalty cases per population. The rate of Hispanic murder cases where the DA sought the death penalty is statistically significantly higher than the rates for White non-Hispanics. The test comparing the rate of Hispanics relative to the rate of White non-Hispanics is statistically significant, where the chance of observing the difference in rates between Hispanic and White non-Hispanic cases due to random chance is 0.89%.

35. I conducted a differences of proportions z-score test comparing the proportion of murder cases where the DA sought the death penalty out of special circumstances cases for Black non-Hispanics $(7/75=0.093)$ 0.093 to White non-Hispanics $(2/35=0.057)$ 0.057.⁸ Out of

⁸ This is a conservative analysis because it includes all special circumstances cases, including "pending" and other kinds of cases in the denominator, and so pending and other kinds of cases are assumed to be the same as not seeking the death penalty. Out of 35 cases with special circumstances for White non-Hispanics, 11 are pending or other. Out of 75 special circumstances cases for Black non-Hispanics, 40 are pending or other. Out of 139 special

special circumstances cases, the proportion of cases where the DA sought the death penalty for Black on-Hispanics is not statistically significantly greater than the proportion of special circumstances cases for White non-Hispanics. The test results indicate that the chance of observing the difference in proportions for Black non-Hispanic people and White non-Hispanic people due to random chance is more than 5%. This is due to the small number of cases in which the DA has sought the death penalty. Power analyses⁹ indicate that a sample size of over 2500 cases would be needed to detect statistically significant differences in proportions.

36. I also conducted a differences of proportions z-score test comparing the proportion of murder cases where the DA sought the death penalty out of special circumstances cases for Hispanics ($12/139=0.086$) 0.086 to White non-Hispanics ($2/35=0.057$) 0.057. Out of special circumstances cases, the proportion of cases where the DA sought the death penalty for Hispanics is not statistically significantly greater than the proportion of proportion of cases where the DA sought the death penalty for White non-Hispanics. The test results indicate that the chance of observing the difference in proportions for

circumstances cases for Hispanics, 72 are pending or other. Excluding pending and other cases, the proportion of Black non-Hispanics where the DA sought the death penalty out of special circumstances cases is ($7/35=0.250$), for White non-Hispanics is ($2/24=0.083$), and for Hispanics is ($12/55=0.218$). When using these proportions to conduct a z-score test for the difference between Black non-Hispanics and White non-Hispanics, the test is closer, but still not over the 0.05 (5%) threshold to achieve statistical significance. Using these proportions to test the difference between Hispanics and White non-Hispanics also does not result in a statistically significant z-score test.

⁹ Power analyses estimate the sample size needed to detect any statistically significant difference in a statistical test. In other words it is the "probability of detecting an effect when it exists" (UCLA Statistical Methods and Data Analysis (2021). *Two Independent Proportions Power Analysis*. <https://stats.oarc.ucla.edu/other/gpower/two-independent-proportions-power-analysis/>). Based on a threshold of 5% and the proportions of 0.093 for Black non-Hispanics and 0.057 for White non-Hispanics, the sample size needed to detect a statistically significant difference is 1389 for each group (or 2778 overall). Calculations for the test were drawn from Faul, F., Erdfelder, E., Lang, A.-G., & Buchner, A. (2007). G*Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, 39, 175-191. Even excluding pending and other cases, the estimated sample size would need to be 127 for each group (or 254 overall). Therefore, regardless of whether pending and other kinds of cases are included, the samples lack the sufficient size to detect statistically significant differences between Black non-Hispanic and White non-Hispanic groups.

Hispanic people and White non-Hispanic people due to random chance is more than 5%. This is also due to the small number of cases in which the DA has sought the death penalty. Power analyses indicate that a sample size of nearly 4100 cases would be needed to detect statistically significant differences in proportions.¹⁰

37. These results provide evidence that (1) Black non-Hispanic defendants are overrepresented in cases where the DA sought the death penalty relative to their adult population in Riverside County; and (2) White non-Hispanic defendants are underrepresented in cases where the DA sought the death penalty relative to their adult population in Riverside County. (3) Black non-Hispanic defendants have a rate of cases per population where the DA sought the death penalty that is over 20 times higher than the rate for White non-Hispanic defendants; (4) Black non-Hispanic defendants have murder cases where the DA sought the death penalty at a rate per population that is statistically significantly greater than for White non-Hispanic defendants, although (5) based on the proportion of cases in which the DA sought the death penalty relative to special circumstances cases, this difference is not statistically significant due to small sample size.

38. These results also provide evidence that (1) Hispanic defendants are overrepresented in cases where the DA sought the death penalty relative to their population in Riverside County; (2) Hispanic defendants have a rate of cases per population where the DA sought

¹⁰ Based on a threshold of 5% and the proportions of 0.086 for Hispanics and 0.057 for White non-Hispanics, the sample size needed to detect a statistically significant difference is 2049 for each group (or 4098 overall). Calculations for the test were drawn from Faul, F., Erdfelder, E., Lang, A.-G., & Buchner, A. (2007). G*Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, 39, 175-191. Even excluding pending and other cases, the estimated sample size would need to be 180 for each group (or 360 overall). Therefore, the samples lack the sufficient size to detect statistically significant differences between Hispanic and White non-Hispanic groups.

the death penalty that is over 5 times higher than the rate for White non-Hispanic defendants; (3) Hispanic defendants have murder cases where the DA sought the death penalty at a rate per population that is statistically significantly greater than for White non-Hispanic defendants, although (4) based on the proportion of cases in which the DA sought the death penalty relative to special circumstances cases, this difference is not statistically significant due to small sample size.

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

A handwritten signature in black ink, appearing to be a stylized name with a long horizontal stroke at the end.

Executed on this 17th day of June 2022, in St. Louis, Missouri

EXHIBIT "C"

1 internal case management system of the Law Offices of the Public Defender (known as
2 Defender Data).

3 11. Defender Data captures nearly 100% of new case filings, including the criminal
4 complaint and initial police filing report, including those matters that are later declared a
5 conflict or go to private counsel.

6 12. Each case was individually reviewed and cross-referenced using the Riverside
7 Superior Court imaging system – Judicial Access.

8 13. Each case was cross-referenced to the CMS data provided by the District Attorney.

9 14. Judicial Access provides a PDF image of the Criminal Complaint, Information,
10 Notice of Intention to Seek Capital Punishment, and the Abstract of Judgment, as well as court
11 minutes for each court appearance.

12 15. The race/ethnicity of the defendant in each case was obtained either by reference to
13 the information provided by the Abstract of Judgment for already sentenced individuals, or via
14 the Jail Information and Management System (JiMS) for those defendants currently in custody
15 and awaiting trial.

16 16. Further, for those cases that have a filing report available via Defender Data, the
17 race/ethnicity of the defendant was checked against the court and jail system information. A
18 few cases had neither JiMS information or an Abstract. For those cases, the race/ethnicity was
19 found on the Arrest Declaration found on Judicial Access.

20 17. Last, the Excel chart lists if the case is a special circumstance case and if the DA
21 filed a Notice to Seek Capital Punishment.

22 18. I saved PDF versions of the complaint or Information for cases where Special
23 Circumstances were filed, as well as the Notice of Intention to Seek Capital Punishment. I have
24 also saved PDF versions of the Abstracts of Judgment and JiMS information for those same
25 defendants.

26 19. Of the 679 PC 187 cases filed between 1/1/2016 and 1/1/2022 the following
27 numbers and percentages were determined:

28 a. Total PC 187 defendants: 679

(1) White	138	(20.3%)
(2) Hispanic	387	(57.0%)
(3) African American	136	(20.0%)
(4) Other	18	(2.7%)



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b. Total Special Circumstances defendants (eligible for DP): 248 (36% of all PC 187s)

(1) White	34	(13.7% of the 248 filings)
(2) Hispanic	138	(55.7%)
(3) African American	72	(29.0%)
(4) Other	4	(1.6%)

c. Total Cases where DA filed Notice to Seek the Death Penalty: 19

(1) White	2	(10.5% of the 19 filings)
(2) Hispanic	10	(52.6%)
(3) African American	6	(31.6%)
(4) Other	1	(5.3%)

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

Dated: January 5, 2022 at Riverside, California.

Respectfully submitted,
LAW OFFICES OF THE PUBLIC DEFENDER

By: Brian Cosgrove
Brian Cosgrove
Deputy Public Defender



Exhibit "D"

DECLARATION OF BRIAN COSGROVE

I, Brian Cosgrove, declare as follows:

1. My originally filed declaration dated January 5, 2022, cited case numbers from my statistical analysis prior to that date (attached as Exhibit C).
2. Pursuant to a PC 745(d) motion in Department 44, additional materials were provided by the Office of the District Attorney.
3. That data was included in the Excel Spreadsheet provided to Dr. Marisa Omori and is attached to this motion (attached as Exhibit A).
4. The final case totals (696 homicide cases) and the breakdown of special circumstances and Notice of Intent to Seek the Death Penalty are therefore referenced in the final written motion provided to the Court and are utilized by Dr. Marisa Omori in her declaration (attached as Exhibit B).

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

Dated: July 26, 2022 at Riverside, California.

Respectfully submitted,

LAW OFFICES OF THE PUBLIC DEFENDER

By: Brian Cosgrove
Brian Cosgrove
Deputy Public Defender

