

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

K.R.,

Petitioner,

v.

SUPERIOR COURT OF SACRAMENTO  
COUNTY, SITTING AS A JUVENILE  
COURT,

Respondent,

PEOPLE OF THE STATE OF  
CALIFORNIA,

Party in Interest.

Case No. S231709

SUPREME COURT  
**FILED**

APR 11 2016

Frank A. McGuire Clerk

Deputy



Third Appellate District, Case No. C079548  
Sacramento County Superior Court, Juvenile Court Petition No. JV134953  
The Honorable James P. Arguelles, Judge

**PETITIONER'S OPENING BRIEF ON THE MERITS**

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NO. S231709

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

K.R.,

A Minor And Petitioner,

v.

SUPERIOR COURT OF SACRAMENTO  
COUNTY, SITTING AS A JUVENILE  
COURT,

Respondent,

PEOPLE OF THE STATE OF  
CALIFORNIA,

Parties in Interest.

COURT OF APPEAL NO. C079548

SUPERIOR COURT OF SACRAMENTO  
COUNTY, SITTING AS A JUVENILE  
COURT, DEPARTMENT 97

Juvenile Court Petition No. 134953

HONORABLE JAMES P. ARGUELLES,  
JUDGE (916) 876-9047

**MINOR/APPELANT/PETITIONER'S OPENING BRIEF ON THE  
MERITS**

## ISSUES PRESENTED

The issues presented here are whether “As a general principle . . . whenever a judge accepts a plea bargain and retains sentencing discretion under the agreement, an implied term of the bargain is that sentence will be imposed by that judge” as announced in *People v. Arbuckle* (1978) 22 Cal.3d 749, 756-757; or, does a defendant/minor have to enter an express condition of the plea agreement that the judge that takes his/her admission will impose sentence/disposition as a condition of the plea agreement.

## STATEMENT OF THE CASE

Petitioner is the minor in the above-entitled juvenile delinquency action now pending in Sacramento County Superior Court Sitting as the Juvenile Court. When petitioner was 13-years-old, he was charged by way of a Welfare and Institutions Code section 602<sup>1</sup> original petition, filed on March 13, 2013, alleging he committed one count of robbery, in violation of Penal Code section 211, a felony; one count of criminal threats, in violation of Penal Code section 422, a felony; and one count of brandishing a knife, in violation of Penal Code section 417, subdivision (a)(1), a misdemeanor. (PWM Exhibit 2.)

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code unless otherwise specified.

On August 8 & 20, 2013, the juvenile court held a jurisdictional hearing before Sacramento County Superior Court Judge James Arguelles, Sitting as the Juvenile Court, on the original petition filed March 13, 2013. (PWM Exhibit 3; and PWM Exhibit 4.) At the conclusion of the jurisdictional hearing the court sustained all of the alleged counts of the original petition. (PWM Exhibit 4.)

On September 6, 2013, Sacramento County Superior Court Judge James Arguelles, Sitting as the Juvenile Court, held a disposition hearing on the original petition. (PWM Exhibit 5.) The court adjudged petitioner a ward of the court; committed him to the care and custody of his mother under the supervision of the probation officer; ordered him to serve 150 days in juvenile hall, with 76 days predisposition custody credit; and ordered him to perform 40 hours of community service, among over 20 other terms and conditions of probation. (PWM Exhibit 5.)

On April 9, 2015, petitioner's probation officer filed a violation of probation pursuant to section 777, subdivision (a)(2), alleging that petitioner violated his probation by remaining away from home overnight without permission; failing to keep the probation officer informed about his location; using marijuana; and for violating the law by possessing marijuana on school grounds, giving a false name to a law enforcement officer, and trespass on a school campus. (PWM Exhibit 6.)

On April 14, 2015, the prosecutor filed a violation of probation pursuant to section 777, subdivision (a)(2), alleging that petitioner violated the terms and conditions of his probation by brandishing a firearm, in violation of Penal Code section 417, subdivision (a)(2); and by brandishing a replica firearm, in violation of Penal Code section 417.4 (PWM Exhibit 7.)

On April 15, 2015, petitioner appeared before the juvenile court relative to the two violations of probation filed against him on April 9, 2015 (PWM Exhibit 6), and April 14, 2015 (PWM Exhibit 7), for a detention hearing before Sacramento County Superior Court Judge Doris Shockley, Sitting as the Juvenile Court. (PWM Exhibit 8.) Petitioner was ordered detained and a settlement conference was set for April 28, 2015. (PWM Exhibit 8 at p. 2.)

On April 28, 2015, petitioner appeared before Sacramento County Superior Court Judge Jack Sapunor, Sitting as the Juvenile Court for a settlement conference regarding the two violations of probation filed April 9, 2015 and April 15, 2015. The settlement conference was continued to May 12, 2015. (PWM Exhibit 9.) On May 12, 2015, petitioner appeared before Sacramento County Superior Court Judge James Arguelles, Sitting as the Juvenile Court for a settlement conference regarding the two violations of probation filed April 9, 2015 and April 15, 2015. Again the settlement conference was continued to May 28, 2015. (PWM Exhibit 10.)



On May 28, 2015, petitioner appeared before Sacramento County Superior Court Judge Jack Sapunor, Sitting as the Juvenile Court for a settlement conference regarding the two violations of probation filed April 9, 2015 and April 15, 2015. (PWM Exhibit 11.) At the May 28, 2015, settlement conference, petitioner negotiated a plea/admission agreement with the prosecutor in that he would admit that he “remained away from home overnight without the permission of his parent,” as alleged in the violation of probation filed on April 8, 2015 [sic]; and that he brandished a replica firearm as alleged in the violation of probation filed on April 14, 2015. (PWM Exhibit 11 at p. 1.) In exchange for his admission to the two violations of probation, petitioner entered the admission “with an understanding that the disposition would be 54 days in custody of juvenile hall.” (PWM Exhibit 11 at pp. 1-2.) The parties further agreed, in exchange for petitioner’s admission, that the case would be reset for June 4, 2015, to allow petitioner’s grandmother time to show proof that she purchased an airline ticket for petitioner to travel to Nevada where his mother currently resides, and the case would then be transferred-out to Nevada for purposes of wardship supervision in the State of Nevada. (PWM Exhibit 11 at p. 2.) Judge Sapunor agreed with the negotiated plea/admission and indicated disposition with the understanding that the court was “going to order the transfer today and then calendar it for a week to make sure that [is] accomplished.” (PWM Exhibit 11 at p. 2.)

With that understanding, the court took petitioner's admission to the two violations of probation and waiver by counsel. (PWM Exhibit 11 at pp. 2-4.) Prior to the court imposing disposition, the court presenter (probation officer) explained to the court that if the parties came back in a week and the grandmother did not have an airline ticket for petitioner, the parties ran the risk of having to redo the disposition orders. **The court agreed and suggested that the case "ought to [be] put [] out for a week to make sure that the disposition goes as planned."** The parties agreed and coordinated the scheduling of the case. Counsel for petitioner memorialized the agreement of the parties stating, "We can continue putting dispo over for the final terms to one week from today in the morning. (PWM Exhibit 11 at p. 4.) The court presenter included, "We can sign all the interstate on that date also." (PWM Exhibit 11 at p. 5.) The court continued the disposition hearing to June 4, 2015, concluding "[Petitioner's] to be deemed time served on June 4th at 8:30. All the other conditions, this case would be transferred to Clark County, Nevada, for final disposition, and then he will be released to go to Las Vegas." (PWM Exhibit 11 at p. 5.)

On June 4, 2015, petitioner appeared before Sacramento County Superior Court Judge James Arguelles, Sitting as the Juvenile Court for further disposition regarding the two violations of probation filed April 9, 2015 and April 14, 2015. Petitioner's grandmother was present. (PWM

Exhibit 12.) Rather than simply following through with the negotiated admission/plea, at the beginning of the continued disposition, the court indicated that it recognized that counsel appearing on behalf of petitioner and counsel appearing on behalf of the District Attorney were not the lawyers involved in the negotiated admission/plea that occurred on May 28, 2015. The court stated, “Ms. Dominisse I understand is standing in for Ms. Contreras.” The court continued,

THE COURT: I was not here when the plea was taken. I have a minute order saying that May 28th the minor admitted to a violation of probation. Apparently, probation is recommending that he just be shipped off to Vegas [sic] to live with his mother.<sup>2</sup> But as I indicated off the record I remember [K.R.] from his first trial here which was a 707(b) offense and things seemed to have gotten progressively worse, and I do not think it’s in his best interest to just go live in Vegas. I understand why from probation’s perspective it’s in their best interest because he’s not their problem anymore. But I don’t see how – he needs structure and he’s not going to get it living with his mom in Vegas.

THE COURT: So my intention was to either – my intention is probably to send him to DJJ but I’d be willing to hear argument for Level B but I understand Ms. Dominisse it’s not your case. You obviously weren’t prepared for that today so we’ve agreed just to continue the disposition over until

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<sup>2</sup> On April 20, 2015, prior to petitioner’s negotiated plea, the probation officer submitted an addendum disposition report to the court recommending petitioner “be continued a Ward of the Court and released to the care and custody of his parents [K.R.], Sr. and/or DeAngela Jackson or his grandmother Carol Starks. Furthermore [petitioner] is permitted to travel to Las Vegas in Clark County Nevada to reside with his mother DeAngela Jackson pursuant to Interstate Compact protocol.” (PWM Exhibit 13 at pp. 8-9.) The negotiated settlement in this case was in accord with the probation officer’s recommendation.

Monday which is June 8th when Ms. Contreras will be back and you can let Ms. Contreras know my comments and then –

¶...

THE COURT: -- she can properly prepare to argue the case.

(Exhibit 12 at pp. 1-2.)

The court, in error, failed to follow through with the negotiated disposition in this matter and continued for further disposition hearing to June 8, 2015. (PWM Exhibit 12 at pp. 2-3.)

On June 8, 2015, Superior Court Judge James Arguelles, Sitting as the Juvenile Court, in error, held a further disposition on petitioner's case over petitioner's objection. The original parties to the negotiated admission/plea and disposition of May 28, 2015, i.e., petitioner's counsel and prosecutor, were present. Petitioner's grandmother was also present. (PWM Exhibit 1 at p. 1.) The court indicated that it had read the minute order from May 28, 2015 and noted that petitioner had entered an admission to counts as alleged in the two violations of probation (one each) with the rest of the counts being dismissed. The court also indicated that "there was nothing in the minute order about an Arbuckle Waiver." The court concluded that "Either way there's nothing in the minute order about any kind of cap on the plea." (PWM Exhibit 1 at pp. 1-2; PWM Exhibit 14.)

The court followed its observations regarding the minute order of May 28, 2015, by commenting that it was familiar with petitioner's case, in that it conducted the original jurisdictional hearing. The court stated it reviewed all the sentencing materials. Based on the court's preconceived observations of petitioner, it indicated it was not prepared to agree with the previously negotiated admission and disposition and was prepared to commit petitioner to "DJJ" but "would hear argument on Level B." (PWM Exhibit 1 at pp. 2-3.)

Petitioner's counsel objected to the court's going forward with a disposition hearing, explaining to the court the petitioner had not entered an *Arbuckle* waiver allowing another court to hold a disposition hearing in light of petitioner's negotiated plea. Petitioner's counsel informed the court and submitted to the court cases that support the applicability of *Arbuckle* to juvenile delinquency proceedings, i.e., *People v. Horn* (1989) 213 Cal.App.3d 701, *In re James H.* (1985) 165 Cal.App.3d 911, and *In re Thomas S.* (1981) 124 Cal.App.3d 934. (PWM Exhibit 1 at pp. 3-5.) Counsel argued that petitioner had the "right to [have his] disposition in front of the trial court that took [his] admission, in this case that is Judge Sapunor." (PWM Exhibit 1 at p. 5.) Counsel further explained to the court that on May 28, 2015, the agreement of the parties with the approval of the court was that petitioner's grandmother would pay for transportation as the probation department had recommended and petitioner would be sent to

Nevada to reside with his mother. (PWM Exhibit 1 at p. 5.) Counsel further explained to the court that petitioner's grandmother appeared in court on June 4, 2015, as agreed and recommended by the probation officer, with an airline ticket for petitioner to leave th[at] afternoon at 6:50 p.m. and fly to Clark County, Nevada to be reunited with his mother where she is a permanent resident. Counsel also informed the court that the understanding with Judge Sapunor was that petitioner would be time served on June 4, 2015, upon proper documentation of the airline ticket and released to his grandmother to return to his mother. That was the recommendation of the probation officer and the benefit of the bargain. (PWM Exhibit 1 at p. 6; see also PWM Exhibit 11 at pp. 1-5, and PWM Exhibit 13 at pp. 8-9.) Counsel further informed the court that Judge Sapunor is presiding in Sacramento County Superior Court, Sitting as the Juvenile Court for the next two weeks (June 15-26, 2015).<sup>3</sup> Counsel concluded by asking the court to set petitioner's, now continuing, disposition in front of Judge Sapunor for him to complete petitioner's disposition if the instant court was not willing to follow the negotiated plea/admission and disposition. Petitioner further reiterated that the instant court did not have jurisdiction to impose disposition in this case because there was no *Arbuckle* waiver in this case, i.e., he was not waiving his right

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<sup>3</sup> Judge Sapunor is a regular visiting judge for the Sacramento County

to have his disposition hearing in front of the judge that took his admission and approved the negotiated settlement. (PWM Exhibit 1 pp. 6-7.)

The court ordered that petitioner brief the issue of whether there was an *Arbuckle* waiver in this case. However, petitioner objected to further briefing in that all of the relevant cases on the issues regarding *Arbuckle* waivers in juvenile court had already been presented to the court; the court lacked jurisdiction to hear further disposition; and Judge Sapunor was immediately available to complete petitioner's disposition the next week. The court, in error, denied petitioner's objections and requests. (PWM Exhibit 1 at p. 7-8.) Counsel also, with the prosecutor present, informed the court that the District Attorney "in regards to the disposition . . . it was the intention of all parties to have [petitioner] sent to Nevada and wardship be transferred to Nevada for Nevada County [sic] to supervise him as his mother is a resident. The court responded, "All right. So whatever. I've issued a briefing schedule. If you don't want to file a brief, I guess you don't have to file a brief. I don't know what to tell you. If you don't want to file a brief, you don't have to file a brief." Thereafter, the court continued the matter to July 2, 2015. (Exhibit 1 at pp. 7-8.)

After briefing by the parties, on June 25, 2015, petitioner filed a petition for writ of mandate in the Third District Court of Appeal. Shortly

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Superior Court Sitting as the Juvenile Court.

thereafter, on July 6, 2015, Judge Arguelles issued a written ruling in which he denied petitioner's objection to him conducting the disposition hearing.

On December 30, 2015, the Third District Court of Appeal denied petitioner's writ of mandate in a published written opinion.

### SUMMARY OF ARGUMENT

The Court of Appeal denied the writ in Third District Court of Appeal Case No. C079548. The Court of Appeal ruled, among other things, "the minor has failed to persuade us that he entered into the plea agreement here in expectation of and reliance upon Judge Sapunor presiding over the disposition hearing. Thus, the right to have Judge Sapunor impose disposition was neither express nor an implicit term of his plea agreement. Accordingly, the minor is not entitled to the relief he seeks in this proceeding." (Slip opinion at p. 23.)

The Court of Appeal based its conclusions in part on a misinterpretation of *In re Mark L.* as interpreted by *People v. Horn* (1989) 213 Cal.App.3d 701 and its progeny. However, the Court of Appeal did recognize that there was still confusion or differences of interpretation of *Mark L.* as it applied *Arbuckle* citing *People v. Arata* (2007) 151 Cal.App.4th 778 and interpretations of *Arbuckle* in several legal treatises. (See slip opinion at pp. 15-16.)

The question here is whether *Arbuckle*'s general rule that "whenever a judge accepts a plea bargain and retains sentencing discretion under the



agreement, an implied term of the bargain is that sentence will be imposed by that judge.” (*People v. Arbuckle* (1978) 22 Cal.3d 749 756-757.) Or, does a defendant/minor have to enter an express condition that the judge that takes his admission as part of a plea agreement now have to enter into an express condition that the judge will impose sentence/disposition as a condition of the plea agreement.

Furthermore, in this case particularly, did the court error in finding that petitioner did not have a reasonable expectation that the judge that took his admission to the violation of probation retained sentencing discretion based on the record before the court, even if its interpretation of *Mark L.* is correct. (Slip opinion at p. 23.) In this case, the answer to this question is petitioner did have a reasonable expectation that Judge Sapunor would complete the disposition orders he began.

## ARGUMENT

**SACRAMENTO COUNTY SUPERIOR COURT JUDGE JAMES ARGUELLES, SITTING AS THE JUVENILE COURT, ERRED IN REFUSING TO TRANSFER PETITIONER'S CASE BACK TO SACRAMENTO COUNTY SUPERIOR COURT JUDGE JACK SAPONUR, SITTING AS THE JUVENILE COURT BASED ON *PEOPLE V. ARBUCKLE* TO COMPLETE THE NEGOTIATED DISPOSITION JUDGE SAPUNOR BEGAN MAY 28, 2015.**

Petitioner entered into a negotiated plea/admission and disposition between himself, the District Attorney and Sacramento County Superior Court Judge Jack Sapunor, Sitting as the Juvenile Court. Petitioner admitted he violated terms and conditions of his probation in exchange for credit time served in the juvenile hall and to be transferred to the residence of his mother in Clark County, Nevada. (PWM Exhibit 1.) The negotiated settlement and disposition was in accordance with the recommendation of the probation officer. In accordance with the negotiated plea/admission and indicated disposition, the probation officer made arrangements with Clark County, Nevada, for an interstate compact for purposed of supervising petitioner upon his arrival at his mother's residence. (PWM Exhibit 14.) At the date and time of the admission and disposition, the probation officer was reluctant to release petitioner to his grandmother for transportation to his mother's residence because petitioner's grandmother had not purchased an airline ticket for petitioner as of that date. The probation officer recommended to Judge Sapunor that the matter be put over for a few days

to give petitioner's grandmother time to secure transportation. (PWM Exhibit 1.)

On the day the case was continued for petitioner's grandmother to show proof of transportation, she did so. However, Judge Arguelles was presiding instead of Judge Sapunor. (PWM Exhibit 12.) Judge Arguelles refused to complete the disposition orders imposed by Judge Sapunor and also refused to continue petitioner's disposition to the next week for Judge Sapunor to finish the dispositional orders based on petitioner objection to Judge Arguelles imposing disposition pursuant to *People v. Arbuckle*. (PWM Exhibit 1.)

Relying on *People v. Arbuckle* (1978) 22 Cal.3d 749, and its progeny, petitioner contends his case must be sent back to the judge that approved his negotiated settlement, took his admissions to violations of probation, and began his dispositional orders because the record does not show he knowingly waived his right to enforce the implied term of his plea bargain and that he would be sentenced by the same judge who accepted his plea/admission. (PWM Exhibit 1.)

In *Arbuckle* the court held that the right to be sentenced by the same judge as the one who accepted the plea was an implied term of the bargain where the record reflected the plea bargain had been "entered in expectation of and reliance upon sentence being imposed by the same judge." (*Arbuckle, supra*, 22 Cal.3d at p. 756.) There, the judge accepting the plea

specifically led the defendant to believe he would be the sentencing judge by use of the personal pronoun “I” when referring to sentencing in the proceeding in which the plea bargain was accepted. (*Ibid.*) The Supreme Court stated: “As a general principle . . . whenever a judge accepts a plea bargain and retains sentencing discretion under the agreement, an implied term of the bargain is that sentence will be imposed by that judge. Because of the range of dispositions available to a sentencing judge, the propensity in sentencing demonstrated by a particular judge is an inherently significant factor in the defendant’s decision to enter a guilty plea.” (*Arbuckle, supra*, 22 Cal.3d at pp. 756-757.) In this case, petitioner certainly was under the belief that the dispositional orders of his negotiated plea would be carried out at his next appearance in that the court that took his plea/admission told the parties, when they realized some logistical problems, **“Maybe we ought to put this out for a week to make sure that the disposition goes as planned.”** (Exhibit 11 at p. 4.) The word, “we” is likewise a personal pronoun.

Subsequently, several attempts were made to distinguish *Arbuckle* where the judge accepting the plea did not use the personal pronoun when accepting the plea or when discussing sentencing. (*In re Thomas S., supra*, 124 Cal.App.3d 934, 939; *People v. Pedregon* (1981) 115 Cal.App.3d 723, 725; *People v. De Jesus* (1980) 110 Cal.App.3d 413, 419; *In re Ray O.* (1979) 97 Cal.App.3d 136.) In *In re Ray O.*, the court rejected the

argument stating: “We do not consider that significant and are not persuaded that grammar should or does expressly preclude any reliance by *Ray O.* that the same judge would be presiding at the dispositional hearing.” (*Id.* at p. 139.) Such should be the case here. Although Judge Sapunor did not use the personal pronoun “I” when he took petitioner’s admission, it was clear he intended that the negotiated plea and disposition be carried out when he used the personal pronoun “we.” (PWM Exhibit 11 at p. 4.)

The California Supreme Court reaffirmed *Arbuckle* in *In re Mark L.* In *Mark L.*, the court stressed the significance the record plays in determining whether the defendant had a reasonable expectation that the judge who accepted his plea would also impose the sentence. The court stated: “We emphasize that here, as in *Arbuckle*, the record indicates an actual assumption by the court and parties that the officer taking the plea would have final and exclusive dispositional authority. However, the court in *Mark L.* was addressing *Arbuckle* in the context of a court commissioner taking an admission in a juvenile case, subject to review pursuant to Welfare and Institutions Code sections 250-254. *Mark L.* did not overrule *Arbuckle*’s general proposition that an implied condition of a plea bargain is that the judge that took the plea would also be the sentencing judge. *Mark L.* simply made the observation that the record in that case was consistent with the record in *Arbuckle*, that there was “an actual assumption by the court and parties that the officer taking the plea would have final and

exclusive dispositional authority.” (*Mark L.* at p. 177.) It is clear in this case that the parties assumed that disposition would be carried out as anticipated by Judge Sapunor in that it was the only possible disposition contemplated by the court at the time of the negotiated settlement and beginning of the dispositional hearing on May 28, 2015. If any doubt on that score remained, petitioner laid it to rest by immediately announcing petitioner’s right to have the same judicial officer who took his plea/admission handle complete the disposition pursuant to Arbuckle. (Exhibit 1.) Moreover, there was absolutely no objection by the prosecution in this case. And, despite Judge Sapunor’s visiting judge status, it was certain that he was going to be back in the very near future and could have personally handled the matter himself. (Exhibit 1 at p. 9) Based on these factors, “There seems ample basis to conclude ‘that the plea bargain herein was entered in expectation of and reliance upon [disposition] being imposed by the same [judicial officer].’ [Citation.]” (See *Mark L.* at p. 177.)

Even if the Court of Appeal is correct in its analysis of *Mark L.*, and the cases that follow the reasoning in *People v. Horn*, in petitioner’s case, the record affirmatively demonstrate a basis on which petitioner reasonably could expect the judge who accepted his admission would also be the dispositional judge. Although Judge Sapunor did not complete the dispositional orders, based on the probation officers request to put the


matter over for petitioner's grandmother to secure an airline ticket for petitioner, Judge Sapunor certainly anticipated the plea/admission agreement and disposition would be carried out as agreed.

Because the record does reflect an affirmative basis on which petitioner reasonably could have expected the judge who accepted his plea would also impose the sentence, no *Arbuckle* waiver could have been implied in the plea bargain. Accordingly, the terms of the plea bargain were violated when Judge Arguelles attempted to hold a disposition hearing and refused to send petitioner's case back to Judge Sapunor for completion of the disposition hearing pursuant to the negotiated plea/admission.

### CONCLUSION

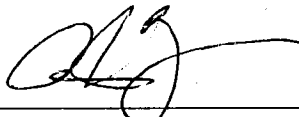
Having shown that the juvenile court erred in not imposing the negotiated disposition in this case, and thereafter further erred by not sending petitioner's case back to the judge that took his admission began the disposition hearing without an *Arbuckle* waiver, petitioner respectfully request this Court reverse the decision of the Third District Court of Appeal and order this case back to Judge Sapunor, Judge, to complete the disposition he began.

Respectfully submitted,

  
\_\_\_\_\_  
Arthur L. Bowie, Supervising  
Assistant Public Defender

**BRIEF FORMAT CERTIFICATION PURSUANT TO CALIFORNIA  
RULES OF COURT, RULE 8.504**

Pursuant to California Rules of Court, rule 8.504, I certify that the foregoing brief contains 4,966 words, according to the word-count function of Microsoft Word, which was used to prepare the brief.



---

ARTHUR L. BOWIE  
Supervising Assistant Public Defender  
State Bar No. 157861



IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

DECLARATION OF SERVICE

I, the undersigned, declare as follows:

I, Arthur L. Bowie, am a citizen of the United States, over the age of 18 years and not a party to the within action; my business address is 9605 Kiefer Blvd., Room 302, Sacramento, California 95827.

On April 8, 2016, I served the attached

**MINOR/APPELLANT/PETITIONER'S OPENING BRIEF ON THE MERITS**

by placing a true copy thereof in an envelope addressed to the persons named below at the addresses shown, and by sealing and depositing the envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid.

Court of Appeal  
Third Appellate District  
914 Capitol Mall, Fourth Floor  
Sacramento, CA 95814

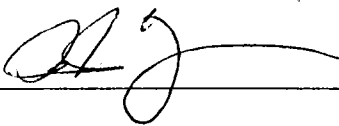
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Hon. James P. Arguelles,  
Judge, Sacramento County  
Superior Court, Dept. 97  
9605 Kiefer Blvd.  
Sacramento, CA 95827

K.R. [a minor]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on April 8, 2016, at Sacramento, California.



A handwritten signature in black ink, appearing to be 'Arthur L. Bowie', is written over a horizontal line.