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ANGELO MICHAEL MELENDEZ

SUPREME COURT
FILED

NOV - 2 2015

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

<u>THE PEOPLE OF THE STATE,</u>)	No. S118384
<u>OF CALIFORNIA,</u>)	
)	(San Joaquin County Superior
Plaintiff and Respondent)	Court No. SP081070B)
)	
v.)	
)	MOTION FOR
<u>ANGELO MICHAEL MELENDEZ,</u>)	JUDICIAL NOTICE
)	
Defendant and Appellant.)	
)	

TO THE HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

Appellant Angelo Michael Melendez, through his attorney, Saor Stetler, and pursuant to Evidence Code section 452 and 459, and California Rules of Court, rule 8.252, hereby moves for judicial notice of certain matters on which he relies in his opening brief.

DEATH PENALTY

A. The Relevant Statutes and Court Rule

Evidence Code section 452 provides in relevant part:

Judicial notice may be taken of the following matters . . . :

(b) Regulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States.

....

(c) Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.

....

(h) Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Evidence Code section 459 provides in relevant part: “(a) . . . the reviewing court may take judicial notice of any matter specified in section 452. . . .”

California Rules of Court, rule 8.252, provides the means for judicial notice by a reviewing court.

B. Federal Census and U.S. Justice Department Data

Appellant requests that this Court take judicial notice of the following statistical data from the federal census and the U.S. Justice Department

- 1) U.S. Census Bureau data, 2010, for California;
- 2) U.S. Department of Justice statistics for prison population, 2010.

Copies of these documents are attached herein as Exhibits A and B, respectively.

Appellant's opening brief cites statistics from these documents in support of Argument I, claiming the prosecutor exercised his peremptory challenges in violation of *Batson v. Kentucky* (1986) 476 U.S. 79. (AOB 24-51.) These statistics are a proper subject of judicial notice for these purposes under Evidence Code section 452, subdivisions (b), (c) and (h). (*People v. Alexander* (1985) 163 Cal.App.3d 1189, 1201; *People v. Harris* (1984) 36 Cal.3d 36, 48, fn. 3, disapproved of on another ground in *People v. Bell* (1989) 49 Cal.3d 502, 526, fn. 12.)

For the foregoing reasons, appellant respectfully requests that this Court take judicial notice of the documents contained in Exhibits A and B.

Dated: October ~~20~~, 2015

Respectfully submitted,

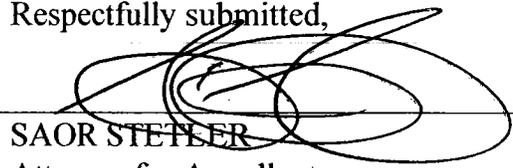

SAOR STETLER
Attorney for Appellant

EXHIBIT A

State & County QuickFacts

Thank you for your feedback! The new delivers the following improvements:
 Search by zip code, improved table display, browse more data features, download data, and more.

California

People QuickFacts	California	USA
Population, 2014 estimate	38,802,500	318,857,056
Population, 2013 estimate	38,431,393	316,497,531
Population, 2010 (April 1) estimates base	37,254,503	308,758,105
Population, percent change - April 1, 2010 to July 1, 2014	4.2%	3.3%
Population, percent change - April 1, 2010 to July 1, 2013	3.2%	2.5%
Population, 2010	37,253,956	308,745,538
Persons under 5 years, percent, 2013	6.5%	6.3%
Persons under 18 years, percent, 2013	23.9%	23.3%
Persons 65 years and over, percent, 2013	12.5%	14.1%
Female persons, percent, 2013	50.3%	50.8%
White alone, percent, 2013 (a)	73.5%	77.7%
Black or African American alone, percent, 2013 (a)	6.6%	13.2%
American Indian and Alaska Native alone, percent, 2013 (a)	1.7%	1.2%
Asian alone, percent, 2013 (a)	14.1%	5.3%
Native Hawaiian and Other Pacific Islander alone, percent, 2013 (a)	0.5%	0.2%
Two or More Races, percent, 2013	3.7%	2.4%
Hispanic or Latino, percent, 2013 (b)	38.4%	17.1%
White alone, not Hispanic or Latino, percent, 2013	39.0%	62.6%
Living in same house 1 year & over, percent, 2009-2013	84.2%	84.9%
Foreign born persons, percent, 2009-2013	27.0%	12.9%
Language other than English spoken at home, pct age 5+, 2009-2013	43.7%	20.7%
High school graduate or higher, percent of persons age 25+, 2009-2013	81.2%	86.0%
Bachelor's degree or higher, percent of persons age 25+, 2009-2013	30.7%	28.8%
Veterans, 2009-2013	1,893,539	21,263,779
Mean travel time to work (minutes), workers age 16+, 2009-2013	27.2	25.5
Housing units, 2013	13,790,495	132,802,859
Homeownership rate, 2009-2013	55.3%	64.9%
Housing units in multi-unit structures, percent, 2009-2013	31.0%	26.0%
Median value of owner-occupied housing units, 2009-2013	\$366,400	\$176,700
Households, 2009-2013	12,542,460	115,610,216
Persons per household, 2009-2013	2.94	2.63
Per capita money income in past 12 months (2013 dollars), 2009-2013	\$29,527	\$28,155
Median household income, 2009-2013	\$61,094	\$53,046
Persons below poverty level, percent, 2009-2013	15.9%	15.4%

Business QuickFacts	California	USA
Private nonfarm establishments, 2013	874,243 ¹	7,488,353
Private nonfarm employment, 2013	13,401,863 ¹	118,266,253
Private nonfarm employment, percent change, 2012-2013	3.5% ¹	2.0%
Nonemployer establishments, 2012	2,926,065	22,735,915
Total number of firms, 2007	3,425,510	27,092,908
Black-owned firms, percent, 2007	4.0%	7.1%
American Indian- and Alaska Native-owned firms, percent,		

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2007	1.3%	0.9%
Asian-owned firms, percent, 2007	14.9%	5.7%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	0.3%	0.1%
Hispanic-owned firms, percent, 2007	16.5%	8.3%
Women-owned firms, percent, 2007	30.3%	28.8%
<hr/>		
Manufacturers shipments, 2007 (\$1000)	491,372,092	5,319,456,312
Merchant wholesaler sales, 2007 (\$1000)	598,456,486	4,174,286,516
Retail sales, 2007 (\$1000)	455,032,270	3,917,663,456
Retail sales per capita, 2007	\$12,561	\$12,990
Accommodation and food services sales, 2007 (\$1000)	80,852,787	613,795,732
Building permits, 2013	80,742	990,822
<hr/>		
Geography QuickFacts	California	USA
Land area in square miles, 2010	155,779.22	3,531,905.43
Persons per square mile, 2010	239.1	87.4
FIPS Code	06	

1: Includes data not distributed by county.

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

D: Suppressed to avoid disclosure of confidential information

F: Fewer than 25 firms

FN: Footnote on this item for this area in place of data

NA: Not available

S: Suppressed; does not meet publication standards

X: Not applicable

Z: Value greater than zero but less than half unit of measure shown

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits
Last Revised: Thursday, 28-May-2015 14:58:18 EDT

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EXHIBIT B



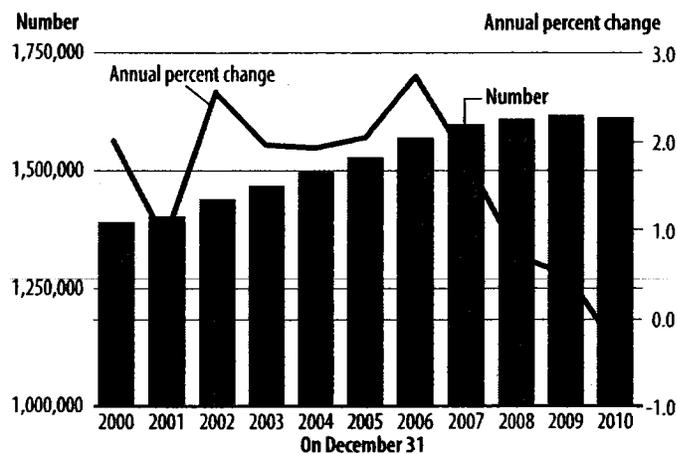
Prisoners in 2010

Paul Guerino, Paige M. Harrison, and William J. Sabol, *BJS Statisticians*

On December 31, 2010, state and federal correctional authorities had jurisdiction over 1,612,395 prisoners, a decrease of 5,575 prisoners from yearend 2009 (figure 1). The combined U.S. prison population decreased 0.3% in 2010, the first decline since 1972. The 2010 imprisonment rate for the nation was 500 sentenced prisoners per 100,000 U.S. residents, which is 1 in 200 residents.

The statistics in this report are drawn from the Bureau of Justice Statistics' (BJS) National Prisoner Statistics (NPS) series, which annually collects data on prisoner counts and characteristics, as well as admissions, releases, and capacity, from the 50 states and the Federal Bureau of Prisons. The 2010 NPS collection is the 85th in a series begun in 1925.

FIGURE 1
Prisoners under state and federal jurisdiction at yearend, 2000–2010



Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner regardless of where the prisoner is held.
Source: BJS, National Prisoner Statistics Program.

HIGHLIGHTS

- The overall U.S. prison population declined in 2010 for the first time since 1972. State and federal prisoners numbered 1,612,395 at yearend 2010, a decrease of 0.3% (5,575 prisoners) from yearend 2009.
- The federal prison population increased by 0.8% (1,653 prisoners), while the number of prisoners under state authority declined by 0.5% (7,228 prisoners).
- Half of state departments of corrections (25) reported decreases in their prison populations during 2010. California (down 6,213) reported the largest decline in absolute numbers, while Rhode Island (down 8.6%) reported the largest percentage decrease.
- During 2010, prison releases (708,677) exceeded prison admissions (703,798) for the first time since BJS began collecting jurisdictional data in 1977.
- The stability in prison release rates and expected time to be served indicates that the change in the state prison population between 2009 and 2010 was the result of a decrease in state prison admissions.
- The imprisonment rate was 500 inmates per 100,000 U.S. residents in 2010, continuing the decline since imprisonment rates peaked at 506 per 100,000 in 2007.
- In 2009, the most recent data available, 53% of state prison inmates were serving time for violent offenses, 19% for property, 18% for drug, and 9% for public-order offenses.
- About half (51%) of federal inmates in 2010 were serving time for drug offenses, 35% for public-order offenses (largely weapons and immigration), and less than 10% each for violent and property offenses.
- States held 2,295 inmates under age 18 in custody at midyear 2010, down from 2,779 at midyear 2009. A reported 95,977 non citizens were held in state custody at midyear 2010, down from 97,133 at midyear 2009.

State correctional authorities had jurisdiction over 1,402,624 prisoners at yearend 2010, down slightly (0.8% or 10,881 prisoners) from yearend 2009 (table 1, figure 2). The federal prison population reached 209,771 prisoners at yearend 2010, up 0.8% (1,653 prisoners) from 2009. This is the smallest percentage growth in the federal prison

population since 1980, when the federal population actually decreased 7.6%. (Not shown in the table.)

Half of state departments of corrections (25) reported decreases in their prison populations during 2010 (appendix table 1). California (down 6,213) reported the largest decline in absolute

numbers, followed by New York (down 2,031) and Michigan (down 1,365). The decline in these states (9,609) was partly offset by increases in other states. Illinois (up 3,257) reported the largest increase in absolute numbers, followed by Texas (up 2,400) and Arkansas (up 996).

TABLE 1
Prisoners under the jurisdiction of state or federal correctional authorities, December 31, 2000–2010

Year	Total	Federal ^a	State	Male	Female	Sentenced prisoners ^b	Imprisonment rate ^c
2000	1,391,261	145,416	1,245,845	1,298,027	93,234	1,331,278	478
2001	1,404,032	156,993	1,247,039	1,311,053	92,979	1,345,217	470
2002	1,440,144	163,528	1,276,616	1,342,513	97,631	1,380,516	476
2003	1,468,601	173,059	1,295,542	1,367,755	100,846	1,408,361	482
2004	1,497,100	180,328	1,316,772	1,392,278	104,822	1,433,728	486
2005	1,527,929	187,618	1,340,311	1,420,303	107,626	1,462,866	491
2006	1,569,945	193,046	1,376,899	1,457,486	112,459	1,504,660	501
2007	1,598,245	199,618	1,398,627	1,483,740	114,505	1,532,850	506
2008	1,609,759	201,280	1,408,479	1,495,110	114,649	1,547,742	504
2009	1,617,970	208,118	1,409,852	1,504,428	113,542	1,553,700	504
2010	1,612,395	209,771	1,402,624	1,499,573	112,822	1,550,257	500
Percent change							
Average annual, 2000–2009	1.7%	4.1%	1.4%	1.7%	2.2%	1.7%	0.6%
2009–2010	-0.3	0.8	-0.5	-0.3	-0.6	-0.2	-0.8

Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner regardless of where the prisoner is held.

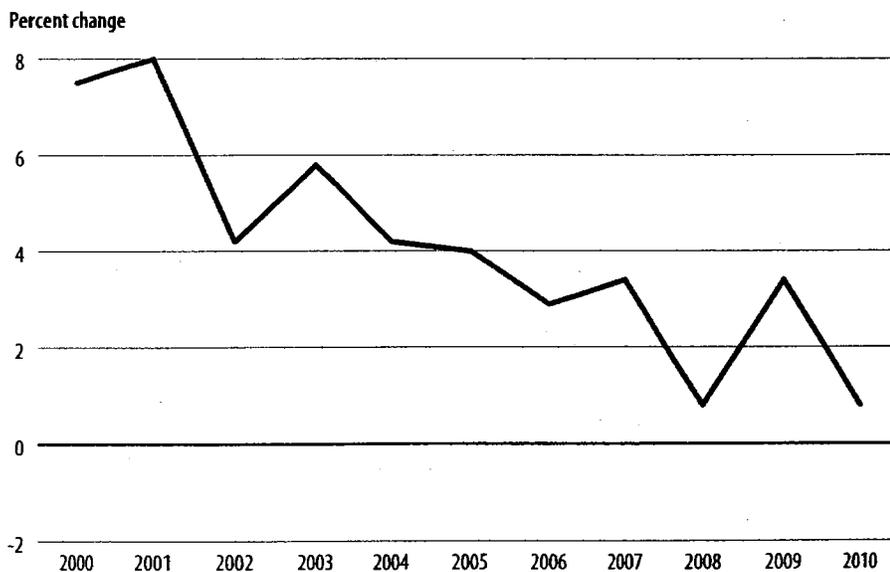
^aIncludes inmates held in non-secure privately operated community corrections centers and juveniles held in contract facilities

^bCounts based on prisoners with sentences of more than 1 year under the jurisdiction of state or federal correctional officials.

^cImprisonment rate is the number of prisoners under state or federal jurisdiction with a sentence of more than 1 year per 100,000 U.S. residents. Resident population estimates are from the U.S. Census Bureau for January 1 of the following year.

Source: BJS, National Prisoner Statistics Program.

FIGURE 2
Change in the number of prisoners under state and federal jurisdiction, 2000–2010



Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner regardless of where the prisoner is held. Percent change is calculated based on December 31 jurisdiction counts.

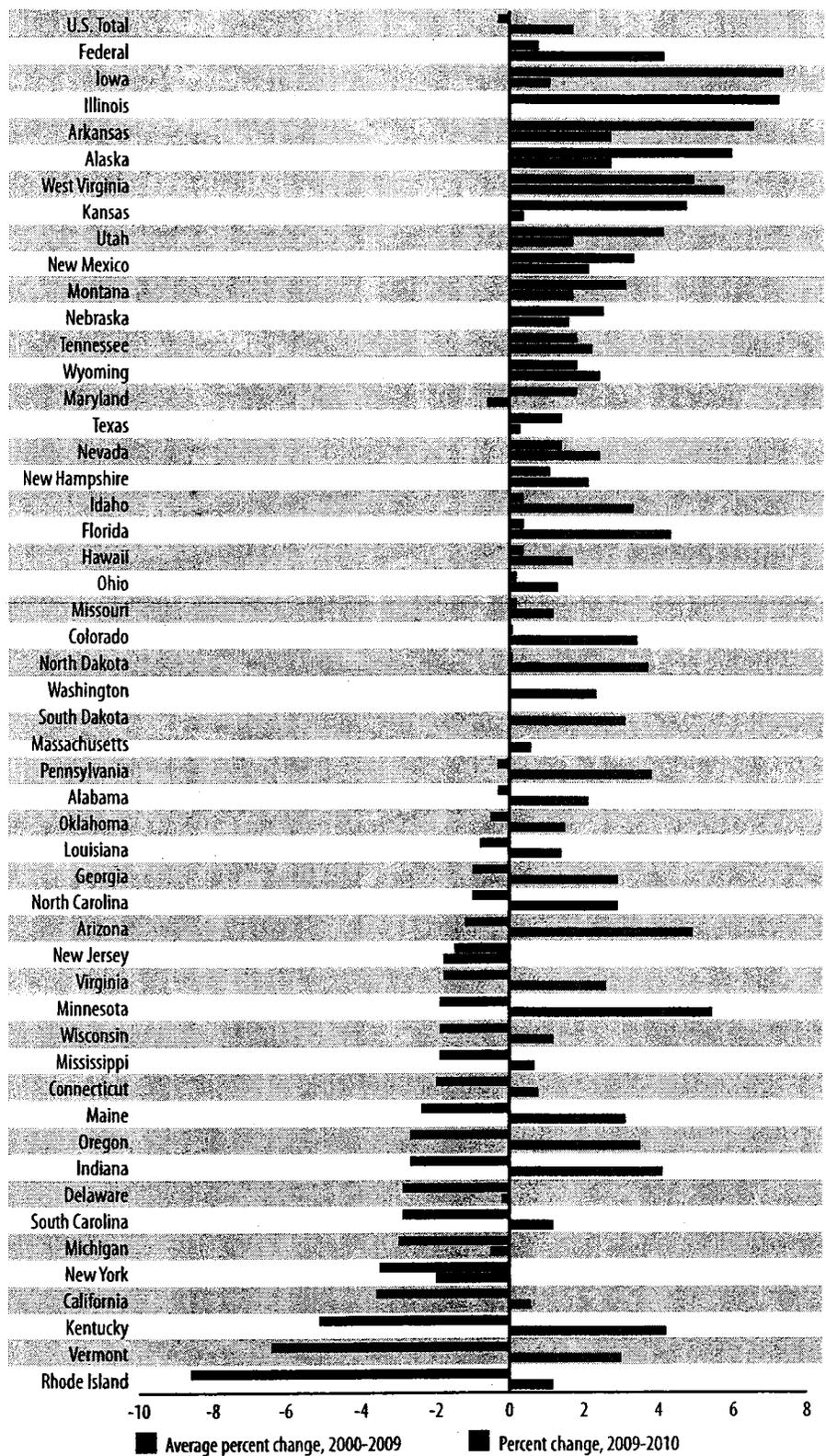
Source: BJS, National Prisoner Statistics Program.

Among state prisons, Rhode Island (down 8.6%) reported the largest percentage decrease in the size of the prisoner population during 2010, followed by Vermont (down 6.4%) and Kentucky (down 5.1%).¹ The 2010 decline in these states contrasts with their average annual change between 2000 and 2009, when Rhode Island had an average annual prison population growth of 1.2%, Vermont averaged 3.0% growth, and Kentucky averaged 4.2%.

During 2010, Iowa reported the largest percentage increase (7.3%) in its state prison population, followed by Illinois (up 7.2%), and Arkansas (up 6.5%). The population increases in these states are substantially higher than their average annual growth between 2000 and 2009, when Iowa had an average annual population growth of 1.1%, the Illinois population remained stable, and Arkansas averaged 2.7% growth (figure 3).

¹In Rhode Island and Vermont prisons and jails form one integrated system. Data include jail and prison populations.

FIGURE 3
Change in prisoners under the jurisdiction of state and federal correctional authorities, 2000–2009 and 2009–2010



Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner regardless of where the prisoner is held.

*Prisons and jails form one integrated system. Data include jail and prison populations.

Source: BJS, National Prisoner Statistics Program.

The imprisonment rate declined in 2010

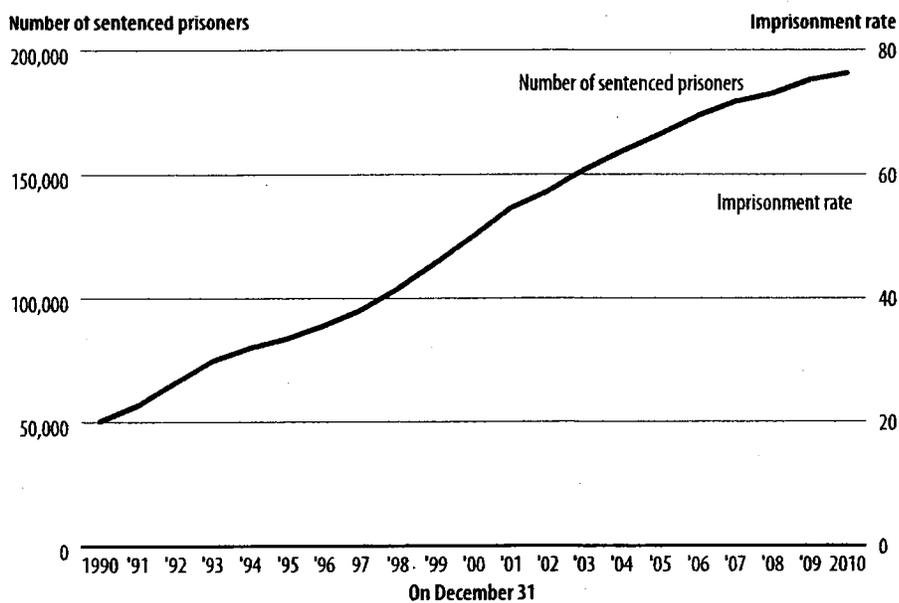
The nation's imprisonment rate in 2010 was 500 sentenced prisoners per 100,000 U.S. residents, or 1 in 200 residents (not shown in a figure). This was down from the 2009 rate of 504 prisoners per 100,000 or 1 in 198 residents. About 27% of the decrease in the imprisonment rate was due to the decline in the number of sentenced prisoners, and the remaining 73% was due to the increase in the U.S. resident population. Since 2007, the imprisonment rate has declined each year, after reaching a peak of 506 per 100,000.

Between 2009 and 2010, the imprisonment rate for federal prisoners remained at 61 per 100,000 U.S. residents, while the state imprisonment rate declined from 444 to 439 per 100,000 (figures 4 and 5; appendix table 9). Compared to the 1990s when the state imprisonment rate increased 60%, from 272 inmates per 100,000 U.S. residents in 1990 to 434 per 100,000 in 1999, the state imprisonment rate has been relatively consistent during the 2000s, fluctuating around 430.

Imprisonment rates decreased in 34 states during 2010, stayed the same in the federal system, and increased in 16 states (not shown in table or figure). Wisconsin (down 27 prisoners per 100,000 state residents) reported the largest imprisonment rate decline, followed by Kentucky (down 20), and California (down 19). Arkansas (up 30 prisoners per 100,000 state residents) reported the largest increase in imprisonment rate, followed by Illinois (up 24) and Iowa and West Virginia (each up 17).

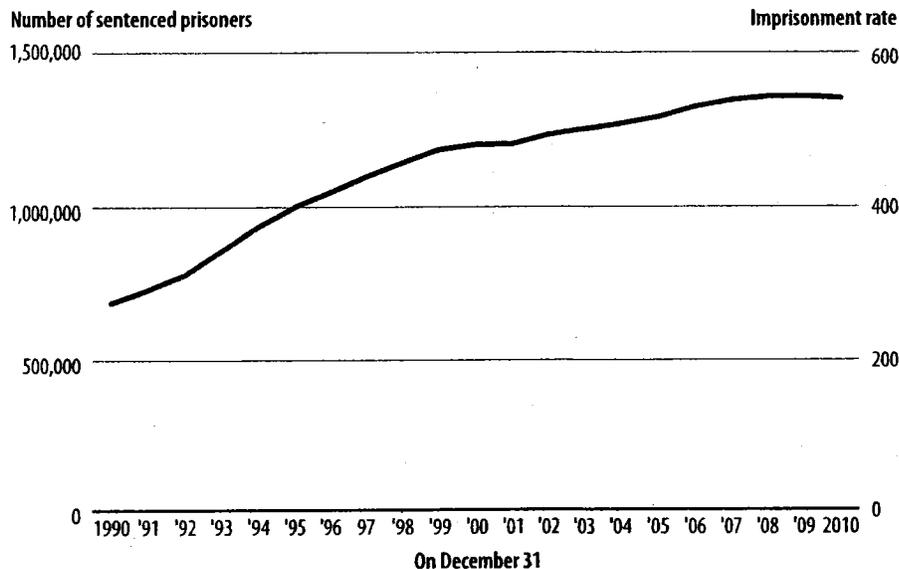
At yearend 2010, the male imprisonment rate for the nation was 943 per 100,000 male residents (down from 952 at yearend 2009). The female imprisonment rate was unchanged at 67 per 100,000 female residents (appendix table 9).

FIGURE 4
Number and imprisonment rate of sentenced prisoners under federal jurisdiction, 1990–2010



Note: Counts based on prisoners with sentences of more than 1 year under the jurisdiction of state or federal correctional officials.
Source: BJS, National Prisoner Statistics Program.

FIGURE 5
Number and imprisonment rate of sentenced prisoners under state jurisdiction, 1990–2010



Note: Counts based on prisoners with sentences of more than 1 year under the jurisdiction of state or federal correctional officials.
Source: BJS, National Prisoner Statistics Program.

Releases from prison exceeded admissions; however, both declined during 2010

In 2010, both admissions to and releases from prison decreased. Admissions were down 3.8% and releases were down 2.9% (figure 6). For the first time since BJS began collecting jurisdictional data in 1977, releases from prison (708,677) exceeded admissions to prison (703,798), resulting in an overall decline in the prisoner population (table 2).

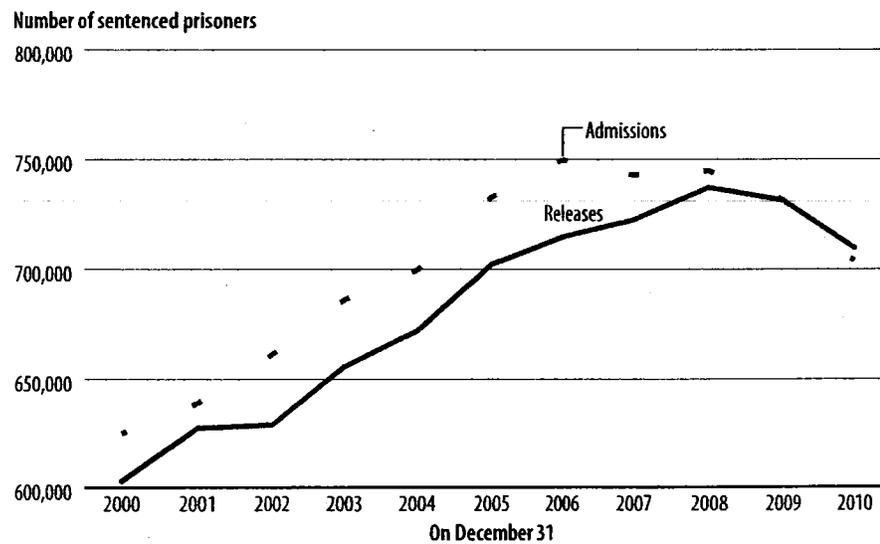
State prison admissions decreased 3.8% (down 25,746 admissions) during 2010. Among the 31 states with fewer admissions in 2010, several large states led the trend. California had the greatest decline in the number of admissions (down 10,762 admissions or 8.3%), followed by Florida (down 5,264 or 13.8%), Illinois (down 3,402 or 9.0%), and Ohio (down 2,265 or 8.4%) (appendix table 10a). However, the overall decline in admissions was partly offset by increases in several states,

including Texas (up 2,476 admissions or 3.5%) and Louisiana (up 2,251 or 15.1%).

Releases from state prison decreased by 22,839 (down 3.4%), led by some of the same states that experienced a decline in admissions. Illinois released 6,979 fewer prisoners (down 18.3%), California 6,951 fewer (down 5.4%), and Florida 4,518 fewer (down 12.2%). Louisiana had the largest increase in the number of prisoners released during the year (up 2,338 or 15.7%), followed by Pennsylvania (up 2,151 or 14.7%) and Kentucky (up 1,824 or 12.9%).

Federal prison admissions decreased 3.6% in 2010, while releases increased 3.5%. There were 1,767 more sentenced federal prisoners released in 2010 than in 2009.

FIGURE 6
Number of sentenced prisoners admitted to and released from state or federal prison, 2000–2010



Note: Scale of vertical axis was narrowed to reveal divergence between admission and release values.
Source: BJS, National Prisoner Statistics Program.

TABLE 2
Number of sentenced prisoners admitted to and released from state and federal jurisdiction, 2000–2010

Year	Admissions			Releases		
	Total	Federal	State	Total	Federal	State
2000	625,219	43,732	581,487	604,858	35,259	569,599
2001	638,978	45,140	593,838	628,626	38,370	590,256
2002	661,712	48,144	613,568	630,176	42,339	587,837
2003	686,437	52,288	634,149	656,384	44,199	612,185
2004	699,812	52,982	646,830	672,202	46,624	625,578
2005	733,009	56,057	676,952	701,632	48,323	653,309
2006	749,798	57,495	692,303	713,473	47,920	665,553
2007	742,875	53,618	689,257	721,161	48,764	672,397
2008	744,822	53,662	691,160	735,454	52,348	683,106
2009	731,576	56,153	675,423	729,749	50,720	679,029
2010	703,798	54,121	649,677	708,677	52,487	656,190
Percent change						
Average annual, 2000–2009	1.8%	2.8%	1.7%	2.1%	4.1%	2.0%
2009–2010	-3.8	-3.6	-3.8	-2.9	3.5	-3.4

Note: Counts based on prisoners with a sentence of more than 1 year. Counts exclude transfers, escapes, and prisoners absent without leave (AWOL).
Source: BJS, National Prisoner Statistics Program.

Decline in state prison admissions was led by a decrease in parole violators admitted in California

Most offenders enter prison in one of two ways. About two-thirds are admitted as new court commitments. New court commitments include admissions into prison of offenders convicted and sentenced by a court, usually to a term of more than 1 year, including probation violators and persons with a split sentence to incarceration followed by court-ordered probation or parole. About a third of new court commitments were admitted because they violated a condition of supervised release. Parole violators include all conditional release violators returned to prison for either violation of conditions of release or for new crimes. Both types of admissions declined in 2010.

New court commitments to state prison totaled 408,845 in 2010, a 3.5% decrease (14,628 fewer admissions) from 2009. The decrease in new court commitments accounted for more than half of the total decline in the number of state prison admissions in 2010 (table 3). Florida (down 5,165 from 2009), Illinois (down 4,593), and California (down 3,405) accounted for nearly 90% of the decrease in new court commitments among state prison systems (not shown).

In addition to new court commitments, 227,311 parole violators returned to state prison. This number represents a decrease of 10,408 (4.4%) from 2009 and accounts for about 40% of the total decline in the number of state prison admissions during 2010 (table 3). California admitted 7,357 fewer parole violators in 2010, accounting for about three-quarters (71%) of the total decrease in such admissions among states (not shown).

The decrease in releases from state prisons was divided between conditional and unconditional releases

Most offenders are released in one of two ways. About three-quarters are released conditionally (i.e., released to parole or another form of supervised release). About a quarter are released unconditionally (e.g. expiration of sentence or commutation). The 3.4% overall decrease in state prisoner releases during 2010 (down 22,839 prisoners), was due partly to fewer conditional releases (down 10,738 or 2.1%) and partly to fewer unconditional releases (down 10,727 or 6.6%). (See

type of releases in *Definition of Terms.*) Despite this decrease in releases, the greater decrease in admissions resulted in a decline in the overall prison population (table 4).

Illinois (down 7,922 conditional releases) and California (down 6,900) had the largest declines in conditional releases, partially offset by increases in Virginia (up 8,278). The decrease in unconditional releases during 2010 is largely attributable to Virginia (down 8,301—due in part to a change in reporting methods) and Florida (down 2,818) (not shown).

TABLE 3
Sentenced prisoner admitted to state prisons, by type of admission, 2000–2010

Year	Total ^a	New court commitments ^b	Parole violators ^{b,c}
2000	581,487	350,431	203,569
2001	593,838	365,714	215,450
2002	613,568	392,661	207,855
2003	634,149	399,843	198,705
2004	646,830	411,300	219,033
2005	676,952	421,426	232,229
2006	692,303	441,606	239,495
2007	689,257	431,019	247,851
2008	691,160	428,591	248,515
2009	675,423	423,473	237,719
2010	649,677	408,845	227,311
Percent change, 2009–2010	-3.8%	-3.5%	-4.4%

^aCounts based on prisoners with a sentence of more than 1 year. Counts exclude transfers, escapes, and those absent without leave (AWOL). Includes other conditional release violators, returns from appeal or bond, and other admissions.

^bExcludes Alaska because admissions are not available by type.

^cIncludes all conditional release violators returned to prison for either violation of conditions of release or for new crimes.

Source: BJS, National Prisoner Statistics Program

TABLE 4
Sentenced prisoner released from state prisons, by type of release, 2000–2010

Year	Total ^a	Conditional ^b	Unconditional ^c
2000	569,599	425,887	118,886
2001	590,256	437,251	130,823
2002	587,837	440,842	127,389
2003	612,185	442,168	127,386
2004	625,578	480,727	123,147
2005	653,309	495,370	133,943
2006	665,553	497,801	148,114
2007	672,397	504,181	152,589
2008	683,106	505,168	165,568
2009	679,029	504,025	162,116
2010	656,190	493,287	151,389
Percent change, 2009–2010	-3.4%	-2.1%	-6.6%

^aCounts based on prisoners with a sentence of more than 1 year. Counts exclude transfers, escapes, and prisoners absent without leave (AWOL). Totals include deaths, releases to appeal or bond, and other releases.

^bIncludes releases to probation, supervised mandatory releases, and other unspecified conditional releases.

^cIncludes expirations of sentence, commutations, and other unconditional releases.

Source: BJS, National Prisoner Statistics Program.

Decline in admissions accounted for decrease in state prison population, as time served by state prisoners remained relatively unchanged

The mean expected time to be served in state prisons from arrival to release was constant between 2009 and 2010. The stability in expected time to serve in prison cannot account for the decline in the number of prisoners under state correctional authorities (table 5).

Nationwide state prisoners could expect to serve about 2 years from arrival to release in 2010, as mean expected time to be served has been relatively constant from 2000 through 2010. This measure of time served does not account for differences in expected time served between the two types of admissions (new court commitments versus parole violator).

Given the stability in release rates and expected time to be served, the change in the state prison population between 2009 and 2010 must be the result of the decrease in the number admitted into state prisons. Within admission types, the decline in new court commitments accounted for more than half of the overall decline in admissions, and fewer admissions from the courts indicates either a decrease in the probability of a

prison sentence, given conviction, or a decrease in the number of convictions. Data on these two measures are not yet available for 2010.

Other selected findings—

- The sentenced male prison population decreased by 2,716, or 0.2% (appendix table 6); the sentenced female population decreased by 727, or 0.7% (appendix table 8).
- Males had an imprisonment rate of 943 per 100,000 male U. S. residents, 14 times higher than the rate for females (67 per 100,000 female U.S. residents) (appendix table 9).
- At yearend 2010, black non-Hispanic males had an imprisonment rate (3,074 per 100,000 U.S. black male residents) that was nearly 7 times higher than white non-Hispanic males (459 per 100,000) (appendix table 14).
- Black non-Hispanic females (133 per 100,000 U.S. black female residents) had an imprisonment rate nearly 3 times that of white non-Hispanic females (47 per 100,000) (appendix table 14).
- An estimated 7.3% of black males ages 30-34 were in state or federal prison (appendix table 15).
- At yearend 2009 (the most recent data available), males sentenced to more than 1 year incarcerated in state prison for violent offenses (54%), followed by property (18%), and drug offenses (17%) (appendix table 17b).
- More than a third (36%) of females sentenced to more than 1 year were incarcerated for violent offenses. Property offenses (30%) and drug offenses (26%) were the next most prevalent offenses (appendix table 17b).
- Private facilities housed 128,195 prisoners at yearend 2010, down slightly from 129,333 at yearend 2009 (appendix table 19).

- About 16% of federal prisoners (33,830) and nearly 7% of state prisoners (94,365) were housed in private facilities on December 31, 2010 (appendix table 20).
- The number of prisoners under state or federal jurisdiction held in local facilities declined by 2,920. About 5.3% of all state or federal prisoners were held in local facilities at yearend 2010, down from 5.4% in 2009 (appendix table 21).
- Overall, in 2010 state systems were operating between 1% under their highest capacity and 9% over their lowest capacity, compared to being exactly at high capacity and 15% over low capacity in 2000 (appendix table 23). (See capacity in *Definitions of Terms*).
- Nineteen state systems were operating above their highest capacity, with seven states at least 25% over their highest capacity at yearend 2010, led by Alabama at 196% and Illinois at 144% (appendix table 23).
- Twenty-eight state systems were operating at or below their highest capacity.² Mississippi was operating at 46% of its highest capacity, followed by New Mexico (53%) and Utah and Wyoming (each at 79%).
- The Federal Bureau of Prisons operated at 36% above reported capacity at yearend 2010.
- States held 2,295 inmates under age 18 in custody at midyear 2010 (most recent data available), down from 2,779 in 2009 and 3,896 in 2000 (appendix table 24).
- A reported 95,977 noncitizens were held in custody at midyear 2010, down from 97,133 at midyear 2009 (see appendix table 25 for state-level definitions of noncitizen).

²Connecticut, Nevada, and Oregon did not report 2010 capacity data.

TABLE 5
Estimated mean expected time to be served, in years, 2000–2010

Year	Reciprocal of release rate	Growth-adjusted release rate*
2000	2.1 yr.	2.1 yr.
2001	2.0	2.1
2002	2.1	2.1
2003	2.0	2.1
2004	2.0	2.1
2005	2.0	2.0
2006	2.0	2.0
2007	2.0	2.1
2008	2.0	2.1
2009	2.0	2.1
2010	2.1	2.1

Note: Mean expected time to be served is the estimated mean (average) time to be served from entry to release by prisoners admitted during the reference year. See *Methodology*.

*See "Calculating release rates and mean time served" in *Methodology*.

Source: BJS, National Prisoner Statistics Program

PROOF OF SERVICE BY MAIL

I, Saor E. Stetler, the undersigned, declare:

That I am a citizen of the United States of America, over the age of eighteen years, and not a party to the within cause.

On this date I caused to be served on the interested parties hereto, a copy of:

MOTION FOR JUDICIAL NOTICE

by placing a true copy thereof enclosed with postage thereon fully prepaid, in the United States Mail at Mill Valley, California, addressed as set forth below:

April Boelk Deputy Clerk Supreme Court of California 350 McAllister St. San Francisco, CA 94102-4783	Valerie Hriciga California Appellate Project 101 Second St. San Francisco, CA 94105
A. Kay Lauterbach Deputy Attorney General P.O. Box 944255 Sacramento, CA 94244-2550	Clerk of the Court for San Joaquin County 222 E Weber, Room 303 Stockton, CA 95202
Angelo Michael Melendez PO Box V-03803 San Quentin, CA 94974	

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

Executed this 31st day of October, 2015 at Mill Valley, California.


SAOR E. STETLER