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Attorney for Billy Charles White, Defendant and Appellant
By appointment of the Supreme Court of California

SUPREME COURT
FILED

JUN 17 2016

Frank A. McGuire Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent
v.

BILLY CHARLES WHITE,
Defendant and Appellant.

Case No. S228049

Court of Appeal
Case No. D060969

San Diego County
Superior Court Case
No. SCD228290

APPELLANT'S REQUEST FOR JUDICIAL NOTICE

Pursuant to California Rules of Court, rules 8.252(a) and 8.520(g), appellant respectfully requests that this Court take judicial notice of the following legislative history materials (attached hereto as Exhibits 1 through 8). While these materials were not presented in the trial court (Rule 8.252(a)(2)(B)), they relate to the judgment at issue (Rule 8.252(a)(2)(D)), and are proper subjects of judicial notice pursuant to Evidence Code section 452 (Rule 8.252(a)(2)(C)), as “[o]fficial acts” of the Legislature (Evid. Code, § 452, subd. (c)), as well as “[f]acts 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” (Evid. Code, § 452, subd. (h)). They are relevant to the issue on

review (Rule 8.252(a)(2)(A)) as concerning the history and development of the statutory provisions that are the subject of review (see e.g., *People v. Snyder* (2000) 22 Cal.4th 304, 309, fn. 5 [judicial notice of legislative committee analyses]; *People v. Ledesma* (1997) 16 Cal.4th 90, 98, fn. 4 [same]; *People v. Eubanks* (1997) 14 Cal.4th 580, 591, fn. 3 [same].)

Legislative History Materials of Which Judicial Notice is Requested

- Exhibit 1. Assembly Bill 2899 (1981)
- Exhibit 2. Senate Bill 1094 (1983)
- Exhibit 3. Senate Bill 2586 (1990)
- Exhibit 4. Assembly Bill 65 (2013)
- Exhibit 5. Assembly Bill 860 (2015-2016)
- Exhibit 6. Assembly Bill 1276 (2015-2016)
- Exhibit 7. Assembly Bill 2599 (2015-2016)
- Exhibit 8. Senate Bill 220 (2015)

Dated: June 10, 2016

Respectfully submitted,

Raymond Mark DiGuiseppe,
Attorney for Appellant and Defendant, Billy White

DECLARATION OF SERVICE

Re: *People v. Billy Charles White*, Case Number S228049

I, Raymond Mark DiGuiseppe, declare that I am over the age of 18 and not a party to this case. My business address is: P.O. Box 10790, Southport, NC 28461.

On June 10, 2016, I served the foregoing **Request for Judicial Notice** on each of the parties listed below, either by placing a true copy of it in a sealed addressed envelope with postage fully paid and depositing it with the Postal Service in Southport, North Carolina, or by serving it through the approved electronic process, as indicated below:

Billy Charles White
c/o Mrs. Phyllis Duncan
22520 County Road 49
Silverhill, Alabama 36576

Attorney General's Office
Electronically served to:
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Appellate Defenders, Inc.
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Theresa Osterman Stevenson
(Court of Appeal Appellate Counsel)
Electronically served to:
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Court of Appeal
Fourth Appellate District, Division One
750 B Street, Suite 300
San Diego, California 92101

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 10, 2016, at Southport, North Carolina.

Raymond Mark DiGuiseppe
Declarant

Signature