



# COUNTY of VENTURA

## PUBLIC DEFENDER

CLAUDIA Y. BAUTISTA  
Public Defender

Paul Drevenstedt  
Assistant Public Defender  
Ayala Benefraim  
Chief Deputy Public Defender  
Andre Nintcheff  
Chief Deputy Public Defender  
Tim Quinn  
Chief Deputy Public Defender  
Michael Rodriguez  
Chief Deputy Public Defender  
Larry Carlton  
Chief Investigator  
Aurora Lazaro  
Administrative Services Director

March 20, 2025

Commission on State Mandates  
980 9th Street Suite 300  
Sacramento, CA 95814

**RECEIVED**  
March 20, 2025  
**Commission on  
State Mandates**

**RE: Criminal Procedure: Discrimination, 24-TC-02**

Dear Chair Stephenshaw and fellow members of the Commission on State Mandates:

We write in support of approving the claim underlying *Criminal Procedure: Discrimination, 24-TC-02*, which would reimburse the County of Los Angeles. The County seeks reimbursement for costs incurred by the public defenders' office as a result of their court appointment in retroactive petitions raised under the Racial Justice Act (RJA), which prohibits the state from seeking, obtaining, or imposing a criminal conviction or sentence on the basis of race, ethnicity, or national origin.

The Ventura County Public Defender's Office provides legal services to indigent people charged with a crime. Part of those legal services include identifying and litigating claims involving the Racial Justice Act (California Penal Code Section 745).

The enactment of AB 256 (2022, Kalra) has created an additional financial burden to counties, like the burden the County of Los Angeles has incurred since 2024 because of the new applicability of the RJA to retroactive cases. Their claim outlines the new costs the public defender's office has incurred to effectuate its new obligations to clients. This new type of appointment to defendants whose convictions are otherwise final has increased the responsibilities from what the public defender's office has previously performed, as habeas petitions are not a type of litigation these offices had traditionally handled before.

Reimbursement for these new, additional costs is crucial to the effective implementation of RJA and AB 256. The Legislature has made clear its intention to “eliminate racial bias from California’s criminal justice system” because “racism in any form or amount, at any stage of a criminal trial, is intolerable, inimical to a fair criminal justice system, is a miscarriage of justice . . . .” (A.B. 2542, 2020 Gen. Assemb., Reg. Sess. § 2(i) (Cal. 2020).) At this time, the county public defender has taken up the role of investigating RJA claims, collecting and reviewing records, communicating with incarcerated clients, drafting legal materials, and providing representation in court where needed while not receiving additional funding for these new activities. Executing these new responsibilities places the public defender’s office in an untenable position if required to continue to do so without appropriate funding.

The Ventura County Public Defender’s Office currently has four attorneys working on Racial Justice Act claims. Two attorneys are senior attorneys and two attorneys are Level III attorneys. One of the attorney’s sole duty is to work on retroactive RJA claims.

The California Court of Appeal’s recent decision cements the new obligation the public defender’s office now carries as a result of the enactment of AB256: *Bemore v. Superior Court of San Diego County* recognized the new right created for indigent RJA petitioners, arising “under a new statutory provision enacted by the RJA[:]” “In 2022, the RJA amended [Penal Code] section 1473 [– the statute codifying grounds and procedures for prosecuting a writ of habeas corpus –] to add subdivision(e) to provide specific procedures for litigating RJA claims including the showing that is required to have counsel appointed at public expense.” (*Bemore v. Superior Ct. of San Diego Cnty.*, No. D084579, 2025 WL 520546, at \*10 (Cal. Ct. App. Feb. 18, 2025).) Furthermore, the Court of Appeal held that “. . . [Penal Code s]ection 987.2 is the exclusive mechanism for the selection and assignment of counsel to represent indigent litigants in superior court in non-capital [RJA] habeas corpus proceedings[.]” (*Bemore*, \*9.) Penal Code section 987.2 directs the court to first select public defenders to be appointed in representing indigent people bringing retroactive RJA claims. This means that in counties where there is a public defender’s office, the current law dictates that that office will be the first-in-line to be appointed counsel in these retroactive RJA claims.

The Racial Justice Act is one of the most important and consequential laws enacted in this state. Without appropriate reimbursement for the legislature-created mandate, the purpose and intent of the RJA would be rendered meaningless. Failure to recognize the mandate would also create geographic disparities between counties as implementation of the law would depend on counties’ ability to provide or seek funds independently,

denying justice to those who have been impacted by racism and risking the erosion of public confidence in the court's responsibility to ensure fair and equitable administration of justice. We urge you to approve the County of Los Angeles' test claim, Criminal Procedure: Discrimination, 24-TC-02.

We appreciate your review of our comments and your consideration. Thank you for your attention to this important matter.

Respectfully,



Damon Jenkins, Esq.

Certified Criminal Law Specialist

Senior Deputy Public Defender

Ventura County Public Defender's Office

Email: [damon.jenkins@ventura.org](mailto:damon.jenkins@ventura.org)

## DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 21, 2025, I served the:

- **Current Mailing List dated March 19, 2025**
- **University of San Francisco Racial Justice Clinic's Comments on the Test Claim filed March 20, 2025**
- **County of Ventura Office of the Public Defender's Comments on the Test Claim filed March 20, 2025**

*Criminal Procedure: Discrimination, 24-TC-02*

Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code Section 745

County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 March 21, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

## COMMISSION ON STATE MANDATES

### Mailing List

**Last Updated:** 3/19/25

**Claim  
Number:** 24-TC-02

**Matter:** Criminal Procedure: Discrimination

**Claimant:** County of Los Angeles

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

**Adaoha Agu**, *County of San Diego Auditor & Controller Department*  
Projects, Revenue and Grants Accounting, 5530 Overland Avenue, Ste. 410 ,  
MS:O-53, San Diego, CA 92123  
Phone: (858) 694-2129  
Adaoha.Agu@sdcounty.ca.gov

**Rachelle Anema**, *Division Chief, County of Los Angeles*  
Accounting Division, 500 W. Temple Street, Los Angeles, CA 90012  
Phone: (213) 974-8321  
RANEMA@auditor.lacounty.gov

**Lili Apgar**, *Specialist, State Controller's Office*  
Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA  
95816  
Phone: (916) 324-0254  
lapgar@sco.ca.gov

**Socorro Aquino**, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522  
SAquino@sco.ca.gov

**Aaron Avery**, Legislative Representative, *California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
Aarona@csda.net

**Ginni Bella Navarre**, Deputy Legislative Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8342  
Ginni.Bella@lao.ca.gov

**Guy Burdick**, Consultant, *MGT Consulting*

2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 833-7775  
gburdick@mgtconsulting.com

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831  
Phone: (916) 203-3608  
allanburdick@gmail.com

**Shelby Burguan**, Budget Manager, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3085  
sburguan@newportbeachca.gov

**Rica Mae Cabigas**, Chief Accountant, *Auditor-Controller*

Accounting Division, 500 West Temple Street, Los Angeles, CA 90012  
Phone: (213) 974-8309  
rcabigas@auditor.lacounty.gov

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments,  
3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Kate Chatfield**, *California Public Defenders Association*

10324 Placer Lane, Sacramento, CA 95827  
Phone: (916) 362-1686  
katechatfield@cpda.org

**Annette Chinn**, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901  
achinnrcs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Adam Cripps**, Interim Finance Manager, *Town of Apple Valley*  
14955 Dale Evans Parkway, Apple Valley, CA 92307  
Phone: (760) 240-7000  
acripps@applevalley.org

**Elena D'Agustino**, Public Defender, *County of Solano*  
Office of the Public Defender, 675 Texas Street, Suite 3500, Fairfield, CA  
94533  
Phone: (707) 784-6700  
edagustino@solanocounty.gov

**Thomas Deak**, Senior Deputy, *County of San Diego*  
Office of County Counsel, 1600 Pacific Highway, Room 355, San Diego, CA  
92101  
Phone: (619) 531-4810  
Thomas.Deak@sdcounty.ca.gov

**Laura Dougherty**, Attorney, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Laura.Dougherty@csm.ca.gov

**Donna Ferebee**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-8918  
donna.ferebee@dof.ca.gov

**Kevin Fisher**, Assistant City Attorney, *City of San Jose*  
Environmental Services, 200 East Santa Clara Street, 16th Floor, San Jose, CA  
95113  
Phone: (408) 535-1987  
kevin.fisher@sanjoseca.gov

**Tim Flanagan**, Office Coordinator, *Solano County*  
Register of Voters, 678 Texas Street, Suite 2600, Fairfield, CA 94533  
Phone: (707) 784-3359  
Elections@solanocounty.com

**Amber Garcia Rossow**, Legislative Analyst, *California State Association of Counties*

1100 K Street, Suite 101, Sacramento, CA 95814

Phone: (916) 650-8170

[arossow@counties.org](mailto:arossow@counties.org)

**Juliana Gmur**, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

[juliana.gmur@csm.ca.gov](mailto:juliana.gmur@csm.ca.gov)

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, 8th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

[Chris.Hill@dof.ca.gov](mailto:Chris.Hill@dof.ca.gov)

**Tiffany Hoang**, Associate Accounting Analyst, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments,

3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-1127

[THoang@sco.ca.gov](mailto:THoang@sco.ca.gov)

**Linnea Hull**, *California District Attorneys Association (CDAA)*

2495 Natomas Park Drive, Suite 575, Sacramento, CA 95833

Phone: (916) 443-2017

[lhull@cdaa.org](mailto:lhull@cdaa.org)

**Jason Jennings**, Director, *Maximus Consulting*

Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236

Phone: (804) 323-3535

[SB90@maximus.com](mailto:SB90@maximus.com)

**Angelo Joseph**, Supervisor, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments,

3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0706

[AJoseph@sco.ca.gov](mailto:AJoseph@sco.ca.gov)

**Anne Kato**, Acting Chief, *State Controller's Office*

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 322-9891

[akato@sco.ca.gov](mailto:akato@sco.ca.gov)



**Anita Kerezsi, AK & Company**

2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994

akcompanysb90@gmail.com

**Joanne Kessler, Fiscal Specialist, City of Newport Beach**

Revenue Division, 100 Civic Center Drive , Newport Beach, CA 90266

Phone: (949) 644-3199

jkessler@newportbeachca.gov

**Lisa Kurokawa, Bureau Chief for Audits, State Controller's Office**

Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 327-3138

lkurokawa@sco.ca.gov

**Government Law Intake, Department of Justice**

Attorney General's Office, 1300 I Street, Suite 125, PO Box 944255,

Sacramento, CA 94244-2550

Phone: (916) 210-6046

governmentlawintake@doj.ca.gov

**Eric Lawyer, Legislative Advocate, California State Association of Counties (CSAC)**

Government Finance and Administration, 1100 K Street, Suite 101,

Sacramento, CA 95814

Phone: (916) 650-8112

elawyer@counties.org

**Kim-Anh Le, Deputy Controller, County of San Mateo**

555 County Center, 4th Floor, Redwood City, CA 94063

Phone: (650) 599-1104

kle@smcgov.org

**Fernando Lemus, Principal Accountant - Auditor, County of Los Angeles****Claimant Representative**

Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles,

CA 90012

Phone: (213) 974-0324

flemus@auditor.lacounty.gov

**Erika Li, Chief Deputy Director, Department of Finance**

915 L Street, 10th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

erika.li@dof.ca.gov

**Everett Luc**, Accounting Administrator I, Specialist, *State Controller's Office*  
3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 323-0766  
ELuc@sco.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Darryl Mar**, Manager, *State Controller's Office*  
3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 323-0706  
DMar@sco.ca.gov

**Graciela Martinez**, President, *California Public Defenders Association*  
10324 Placer Lane, Sacramento, CA 95827  
Phone: (916) 362-1686  
gmartinez@pubdef.lacounty.gov

**Tina McKendell**, *County of Los Angeles*  
Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles,  
CA 90012  
Phone: (213) 974-0324  
tmckendell@auditor.lacounty.gov

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Marilyn Munoz**, Senior Staff Counsel, *Department of Finance*  
915 L Street, Sacramento, CA 95814  
Phone: (916) 445-8918  
Marilyn.Munoz@dof.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Patricia Pacot**, Accountant Auditor I, *County of Colusa*  
Office of Auditor-Controller, 546 Jay Street, Suite #202 , Colusa, CA 95932  
Phone: (530) 458-0424  
ppacot@countyofcolusa.org

**Arthur Palkowitz**, *Law Offices of Arthur M. Palkowitz*  
12807 Calle de la Siena, San Diego, CA 92130  
Phone: (858) 259-1055  
law@artpalk.onmicrosoft.com

**Kirsten Pangilinan**, Specialist, *State Controller's Office*  
Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA  
95816  
Phone: (916) 322-2446  
KPangilinan@sco.ca.gov

**Jai Prasad**, *County of San Bernardino*  
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San  
Bernardino, CA 92415-0018  
Phone: (909) 386-8854  
jai.prasad@sbcountyatc.gov

**Jonathan Quan**, Associate Accountant, *County of San Diego*  
Projects, Revenue, and Grants Accounting, 5530 Overland Ave, Suite 410, San  
Diego, CA 92123  
Phone: 6198768518  
Jonathan.Quan@sdcountry.ca.gov

**Roberta Raper**, Director of Finance, *City of West Sacramento*  
1110 West Capitol Ave, West Sacramento, CA 95691  
Phone: (916) 617-4509  
robertar@cityofwestsacramento.org

**Jessica Sankus**, Senior Legislative Analyst, *California State Association of  
Counties (CSAC)*  
Government Finance and Administration, 1100 K Street, Suite 101,  
Sacramento, CA 95814  
Phone: (916) 327-7500  
jsankus@counties.org

**Cindy Sconce**, Director, *Government Consulting Partners*  
5016 Brower Court, Granite Bay, CA 95746  
Phone: (916) 276-8807  
cindysconcegc@gmail.com

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Carla Shelton**, Senior Legal Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Paul Steenhausen**, Principal Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, , Sacramento, CA 95814  
Phone: (916) 319-8303  
Paul.Steenhausen@lao.ca.gov

**Kim Stone**, Legislation, *California District Attorneys Association*  
2495 Natomas Park Drive, Suite 575, Sacramento, CA 95833  
Phone: (916) 443-2017  
kim@stoneadvocacy.com

**Jolene Tollenaar**, *MGT Consulting Group*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Gregory Totten**, Chief Executive Officer, *California District Attorneys Association*  
2495 Natomas Park Drive, Suite 575, Sacramento, CA 95833  
Phone: (916) 443-2017  
gtotten@cdaa.org

**Jessica Uzarski**, Consultant, *Senate Budget and Fiscal Review Committee*  
1020 N Street, Room 502, Sacramento, CA 95814  
Phone: (916) 651-4103  
Jessica.Uzarski@sen.ca.gov

**Oscar Valdez**, Interim Auditor-Controller, *County of Los Angeles*

**Claimant Contact**

Auditor-Controller's Office, 500 West Temple Street, Room 525, Los Angeles, CA 90012  
Phone: (213) 974-0729  
ovaldez@auditor.lacounty.gov

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Adam Whelen**, Director of Public Works, *City of Anderson*  
1887 Howard St., Anderson, CA 96007

Phone: (530) 378-6640  
awhelen@ci.anderson.ca.us

**R. Matthew Wise**, Supervising Deputy Attorney General, *Department of Justice*

Attorney General's Office, 1300 I Street, Suite 125, PO Box 944255,  
Sacramento, CA 94244-2550  
Phone: (916) 210-6046  
Matthew.Wise@doj.ca.gov

**Jacqueline Wong-Hernandez**, Deputy Executive Director for Legislative  
Affairs, *California State Association of Counties (CSAC)*

1100 K Street, Sacramento, CA 95814  
Phone: (916) 650-8104  
jwong-hernandez@counties.org

**Elisa Wynne**, Staff Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103  
elisa.wynne@sen.ca.gov

**Kaily Yap**, Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Kaily.Yap@dof.ca.gov

**Siew-Chin Yeong**, Director of Public Works, *City of Pleasonton*

3333 Busch Road, Pleasonton, CA 94566  
Phone: (925) 931-5506  
syeong@cityofpleasontonca.gov

**Morgan Zamora**, Prison Advocacy Coordinator, *Ella Baker Center for Human Rights*

1419 34th Avenue, Suite 202, Oakland, CA 94601  
Phone: (510) 428-3940  
morgan@ellabakercenter.org

**Helmholt Zinser-Watkins**, Associate Governmental Program Analyst, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments,  
3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-7876  
HZinser-watkins@sco.ca.gov