

STATE OF NEW YORK, )  
COUNTY OF NEW YORK )

SS: 77537

**AFFIDAVIT OF SERVICE**

Howard Daniels being duly sworn, deposes and says that deponent is not party to the action, and is over 18 years of age.

That on the 18th day of January 2019 deponent served 3 copies of the within

**BRIEF *AMICI CURIAE* OF THE AMERICAN CIVIL LIBERTIES UNION, THE ACLU OF SOUTHERN CALIFORNIA, AND THE RODERICK AND SOLANGE MACARTHUR JUSTICE CENTER, IN SUPPORT OF PETITIONER**

upon the attorneys at the addresses below, and by the following method:

**BY FEDERAL EXPRESS NEXT BUSINESS DAY DELIVERY AND ELECTRONIC MAIL**

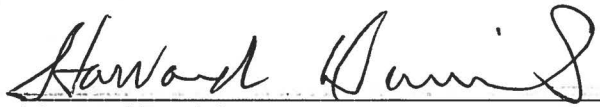
Elias Paul Batchelder  
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*Attorneys for Respondent*

I, Howard Daniels, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, executed on January 18, 2019, pursuant to Supreme Court Rule 29.5(c). All parties required to be served, have been served.

  
Howard Daniels

**Sworn to me this**

**January 18, 2019**

RAMIRO A. HONEYWELL  
Notary Public, State of New York  
No. 01H06118731  
Qualified in Kings County  
Commission Expires November 15, 2020

  
Notary Public

**Case Name:** Floyd Daniel Smith v. California

**Docket No.:** 18-7094