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No. 21-6734

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IN THE  
SUPREME COURT OF THE UNITED STATES

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ROGER EPPERSON  
*Petitioner*

v.

COMMONWEALTH OF KENTUCKY  
*Respondent*

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF KENTUCKY**

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**SUPPLEMENT TO  
REPLY TO BRIEF IN OPPOSITION  
TO PETITION FOR A WRIT OF CERTIORARI**

**CAPITAL CASE**

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Petitioner Roger Epperson files this supplement to his reply to Kentucky's Brief in Opposition to inform this Court of an April 21, 2022 opinion that refutes one of Kentucky's arguments in opposition to certiorari.

In its Brief in Opposition, Kentucky admitted California law supports Epperson's position and represents a split of authority on both questions presented 1 and 2. Yet, Kentucky urged this Court to then disregard that law and how it supports the split because the decisions were from the state court of appeals. *Brief in Opp.* at 25-26. That is no longer so. On April 21, 2022, as to question presented 2, the California Supreme Court ruled the same as the California Court of Appeals held, thereby eliminating Kentucky's argument while further demonstrating the split and how prevalent is the issue. *People v. Bloom*, 2022 WL 1181583, \*15-18 (Cal.).

Epperson requests this Court consider *Bloom* when deciding whether to grant certiorari.

Respectfully submitted,



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