No.

IN THE SUPREME COURT OF THE UNITED STATES

SILAS PETERSON,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

APPENDIX

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PETITIONER'S APPENDIX

NOT FOR PUBLICATION

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SILAS BERNARD PETERSON, Petitioner - Appellant, v. UNITED STATES OF AMERICA, Respondent - Appellee.	No. 22-55490 D.C. Nos. 5:18-cr-00037-AB-1 2:21-cv-07883-AB MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
André Birotte Jr., District Judge, Presiding

Submitted November 5, 2024**
Pasadena, California

Before: SCHROEDER, CALLAHAN, and WALLACH,*** Circuit Judges.

Silas Bernard Peterson appeals the district court's order denying his motion under 28 U.S.C. § 2255 to vacate his convictions and sentence under

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Evan J. Wallach, United States Circuit Judge for the U.S. Court of Appeals for the Federal Circuit, sitting by designation.

18 U.S.C. § 2250(a) for failure to register as a sex offender after traveling in interstate commerce under the Sex Offender Registration and Notification Act ("SORNA"). We review the district court's decision to deny a motion under § 2255 de novo. *United States v. Juliano*, 12 F.4th 937, 940 (9th Cir. 2021). We have jurisdiction under 28 U.S.C. §§ 2253 and 2255(d). We affirm.

The district court correctly determined that Peterson's 1993 conviction requires him to keep a current SORNA registration. Peterson argues that the district court erred in taking a "circumstance-specific" approach to analyzing whether his state conviction falls within SORNA's "sex offense" definition, and that the district court should have instead used the "categorical approach," looking only to the elements of the underlying state conviction. *See Descamps v. United States*, 570 U.S. 254, 261 (2013) ("The key [to the categorical approach] . . . is elements, not facts."). Peterson argues that the 1993 conviction was not a SORNA qualifying offense under a categorical approach, or even under a circumstance-specific approach, and that the district court's conclusion that he committed a "sex offense" requiring registration under SORNA should be reversed. *See* 34 U.S.C. § 20911(7)(I). We disagree.

Underlying this case is Peterson's 1993 conviction. Peterson pleaded guilty to three counts under California Penal Code § 288(a), which provided:

> 288. (a) Any person who shall willfully and lewdly commit any lewd or lascivious act including any of the acts constituting other crimes

> provided for in Part 1[1] of this code upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of the child, shall be guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years.

Cal. Penal Code § 288(a) (effective 1989).[2]

Years passed after Peterson's conviction. Peterson registered as a sex offender in California as recently as 2005. However, after Congress passed SORNA in 2006, *see* Pub. L. No. 109-248, §§ 101–55, 120 Stat. 587 (2006), Peterson traveled interstate, including between California and Georgia, without updating his registration as required by the federal statute. In 2018, Peterson was charged with and pleaded guilty to failure to register as a "sex offender" under SORNA, which requires sex offenders to register and keep an updated registration when traveling in interstate commerce. 18 U.S.C. § 2250(a)(1). In 2021, Peterson filed a § 2255 motion, which the district court denied. The district court held that Peterson's § 288(a) conviction was a "sex offense" under SORNA. Under SORNA, a "sex offense" is "a criminal offense that is," 34 U.S.C.

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[1] The district court stated that "[t]he other crimes provided for in Part 1 of California Penal Code, include bigamy, incest, sodomy, bestiality, and oral copulation."

[2] This statute has been amended several times since 1993, but this memorandum disposition relies upon the statute as in effect when Mr. Peterson was convicted in 1993.

§ 20911(5)(A)(ii), "an offense against a minor that involves . . . [a]ny conduct that by its nature is a sex offense against a minor," 34 U.S.C. § 20911(7)(I).

We review the district court's decision de novo and consider whether Peterson's prior conviction requires him to register under SORNA. *Juliano*, 12 F.4th at 940. Using a categorical approach, to which Peterson argues he is entitled, we need to "look only to the statutory definitions of the prior offenses," to determine it is a "sex offense" under SORNA. *See Taylor v. United States*, 495 U.S. 575, 600 (1990) (describing the categorical approach in general). In other contexts, we have held that a conviction under § 288(a) constitutes "sexual abuse of a minor." *See United States v. Medina-Maella*, 351 F.3d 944, 947 (9th Cir. 2003). A conviction under § 288(a) constitutes a "sexual offense" under SORNA. A "lewd or lascivious act . . . with the body . . . of a child [under 14] with the intent of arousing . . . sexual desires of [the perpetrator] or of the child," Cal. Penal Code § 288(a), is categorically "conduct that by its nature is a sex offense against a minor," 34 U.S.C. § 20911(7)(I). Thus, Peterson was convicted of a "sex offense" that requires registration under SORNA. 34 U.S.C. § 20911(1).

Peterson's argument that the district court should have used a categorical rather than a circumstance-specific approach is therefore without merit. Under either the categorical approach or the district court's circumstance-specific analysis, Peterson's prior offense is a SORNA qualifying offense.

Peterson also argues on appeal that he had ineffective assistance of counsel due to the counsel's failure to move to dismiss the SORNA charge. However, because we have concluded that Peterson's state conviction qualifies as a sex offense under SORNA, his ineffective assistance of counsel argument necessarily fails. *See Lafler v. Cooper*, 566 U.S. 156, 162–63 (2012).

AFFIRMED.

JS-6

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

SILAS BERNARD PETERSON,

Defendant/Petitioner.

Case No. 2:21-CV-07883-AB
Related Case: 2:18-CR-00037-AB

ORDER DENYING DEFENDANT SILAS BERNARD PETERSON'S MOTION FOR RELIEF PURSUANT TO 28 U.S.C. § 2255

Before the Court is Defendant Silas Bernard Peterson's Motion for Relief Pursuant to 28 U.S.C. § 2255. ("Motion," ECF No. 1.) Plaintiff the United States of America filed an opposition. ("Opp'n," ECF No. 8.) Mr. Peterson filed a reply. ("Reply," ECF No. 12.) After reading and considering the arguments presented by the parties, the Court finds this matter appropriate for resolution without a hearing. *See* Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15. For the reasons stated below, the Court **DENIES** Mr. Peterson's Motion.

I. BACKGROUND

On January 26, 2018, Mr. Peterson was charged with failure to register as a sex offender in violation of 18 U.S.C. § 2250(a)(1), which requires sex offenders as

defined under the Sex Offender Registration and Notification ACT ("SORNA")[1] to register or update a registration when travelling in interstate commerce. (*See* ECF No. 1.[2]) On July 25, 2019, Mr. Peterson entered a conditional guilty plea to the charge. (*See* ECF Nos. 46, 49.) Pursuant to the plea agreement, Mr. Peterson admitted the following factual basis underlying the charge. On September 16, 1993, Mr. Peterson was convicted of a felony for Lewd or Lascivious Acts with a Child Under Fourteen, in violation of California Penal Code § 288(a) in the Superior Court of California for the County of San Diego. (*See* ECF No. 49 at ¶ 12.) As a result of this conviction, Mr. Peterson "was required to register pursuant to [SORNA]." (*Id.*) Mr. Peterson last registered as a sex offender in California on February 9, 2005. (*Id.*) However, after July 27, 2006, Mr. Peterson traveled in interstate commerce, including California and Georgia, and knowingly failed to register as required by SORNA. (*Id.*) Mr. Peterson "admits that he knew he was required to register under SORNA and failed to do so." (*Id.*)

After being charged, Mr. Peterson filed a Motion to Dismiss the Indictment asserting that Congress unconstitutionally delegated to the Attorney General the decision of whether and how to apply SORNA to pre-Act offenders, like Mr. Peterson. (*See* ECF No. 41.) On December 10, 2018, this Court denied the Motion to Dismiss based on the applicable Ninth Circuit precedent that foreclosed his claim. (*See* ECF No. 44.)

On May 3, 2019, this Court sentenced Mr. Peterson, placing him on probation for three years. (*See* ECF No. 58-59.) Thereafter, Mr. Peterson appealed his conviction, but the Ninth Circuit affirmed the conviction on January 9, 2020, and Mr.

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[1] Until September 2017, SORNA was set forth at 42 U.S.C. § 16911 *et seq*. SORNA is now set forth at 34 U.S.C. § 20901 *et seq*.

[2] Unless otherwise noted, the citations in the Background Section are to the case docket for Mr. Peterson's underlying criminal case, Case No. 5:18-CR-00037-AB.

Peterson's petition for writ of certiorari to the Supreme Court was denied on October 5, 2020. (*See* ECF No. 73.)

Mr. Peterson now seeks to have his conviction and sentence vacated because he alleges the 1993 conviction "is not a qualifying offense requiring registration" pursuant to SORNA, whose registration requirements are unconstitutionally vague. (Motion at 1:8-12.) Moreover, because Mr. Peterson's prior counsel did not raise these issues with the district court or appellate court, this constitutes ineffective assistance of counsel. (*Id.*)

II. LEGAL STANDARD

A. Motion for Relief Pursuant to 28 U.S.C. § 2255

Section 2255 permits federal prisoners to file motions to vacate, set aside, or correct a sentence on the ground that "the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack[.]" 28 U.S.C. § 2255. If any of these four grounds exist, the court "shall vacate and set the judgment aside and shall discharge the prisoner or re-sentence him or grant a new trial or correct the sentence as may appear appropriate." *Id.*

The Supreme Court has "repeatedly stressed the limits of a § 2255 motion . . . [and] cautioned that § 2255 may not be used as a chance at a second appeal." *United States v. Berry*, 624 F.3d 1031, 1038 (9th Cir.2010) (citing *United States v. Addonizio*, 442 U.S. 178, 184 (1979)). Mr. Peterson bears the burden of establishing any claim asserted in his Motion.

B. Ineffective Assistance of Counsel - *Strickland* Standard

As the United States Supreme Court has held, "the proper standard for attorney performance is reasonably effective assistance of counsel." *Strickland v. Washington,* 466 U.S. 668, 687 (1984). To establish ineffective assistance of counsel, Mr. Peterson must prove (1) "counsel's representation fell below an objective standard of

reasonableness," and (2) there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. *Id.* at 688, 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Id.* at 694. Under the second component, Mr. Peterson must demonstrate his attorney's errors rendered the result unreliable or the proceedings fundamentally unfair. *See Fretwell v. Lockhart*, 506 U.S. 364, 372 (1993); *see also Strickland*, 466 U.S. at 694. The *Strickland* two-part test also applies to ineffective assistance challenges to the issues counsel raised (or failed to raise) on appeal. *See Cockett v. Ray*, 333 F.3d 938, 944 (9th Cir. 2003).

Mr. Peterson bears a heavy burden of proving that counsel's assistance was neither reasonable nor the result of sound trial strategy. *Murtishaw v. Woodford*, 255 F.3d 926, 939 (9th Cir.2001). Conclusory allegations not supported by specifics do not warrant relief. *Jones v. Gomez*, 66 F.3d 199, 205 (9th Cir.1995). The relevant inquiry is not what counsel could have pursued, but whether the choices that were made were reasonable. *See Turner v. Calderon*, 281 F.3d 851, 877 (9th Cir.2002). The standard of review "must be highly deferential" and must include "a strong presumption that counsel's conduct falls within a wide range of reasonable professional assistance." *Strickland*, 466 U.S. at 689–90. The reasonableness of counsel's performance "is evaluated as of the time of the conduct and in light of the facts of the case." *Pollard v. White*, 119 F.3d 1430, 1435 (9th Cir. 1997).

Mr. Peterson must also show he suffered prejudice under a test of a reasonable probability of a different outcome. *Strickland,* 466 U.S. at 687–94. The prejudice must be such that it "so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." *Id.* at 686. If Mr. Peterson fails to show this prejudice, the reviewing court may reject the claim of ineffective assistance of counsel without even reaching the issue of deficient performance. *Id.* at 697; *see Williams v. Taylor*, 529 U.S. 362, 390 (2000).

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III. DISCUSSION

California Penal Code § 288(a) prohibits "a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1,[3] upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony[.]"

SORNA "establish[ed] a comprehensive national system for the registration" of "sex offenders and offenders against children." 34 U.S.C. § 20901. SORNA requires the registration of a "sex offender" "in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student." 34 U.S.C. § 20913. A "sex offender" is defined as an individual "who was convicted of a sex offense." 34 U.S.C. § 20911(1). A "sex offense," in turn, is defined in Section 20911(5)(A) as "a criminal offense that has an element involving a sexual act or sexual contact with another," or "a criminal offense that is a specified offense against a minor." 34 U.S.C. § 20911(5)(A)(i)-(ii).[4] The term "specified offense against a minor" is defined as "an offense against a minor that involves any of the following":

> (A) An offense (unless committed by a parent or guardian) involving kidnapping.
> (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
> (C) Solicitation to engage in sexual conduct.
> (D) Use in a sexual performance.
> (E) Solicitation to practice prostitution.
> (F) Video voyeurism as described in section 1801 of Title 18.

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[3] The other crimes provided for in Part 1 of California Penal Code, include bigamy, incest, sodomy, bestiality, and oral copulation.

[4] Section 20911(5)(A) also defines a "sex offense" as several enumerated federal offenses, certain "military offense[s]," and the "attempt or conspiracy to commit" a sex offense. 34 U.S.C. § 20911(5)(A)(iii)–(v). However, these additional definitions are inapplicable to the analysis here.

> (G) Possession, production, or distribution of child pornography.
> (H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
> (I) Any conduct that by its nature is a sex offense against a minor.

34 U.S.C. §20911(7) (emphasis added). Relevant here, Section 20911(7)(I)— "any conduct that by its nature is a sex offense against a minor"—is referred to as SORNA's "residual clause."

Mr. Peterson argues that his prior state conviction was not for a "sex offense" requiring registration under SORNA because it contained neither "an element involving a sexual act or sexual contact with another," nor was it "a specified offense against a minor." *See* 34 U.S.C. § 20911(5)(A)(i)–(ii). In contrast, the government argues that Mr. Peterson committed a specified offense against a minor involving "conduct that by its nature is a sex offense against a minor," as described in SORNA's residual clause.

A. <u>Categorical Approach vs. Non-Categorical Approach</u>

As an initial matter, the parties dispute whether a categorical or non-categorical approach applies when determining whether Mr. Peterson's prior state conviction qualifies as sex offense under SORNA's residual clause. Mr. Peterson asserts "the Court must use the categorical approach,[5] and thus, "must ignore the particular facts

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[5] "Under the categorical approach, [courts must] first define the federal generic offense [and] then determine 'whether the elements of the [state] crime of conviction sufficiently match the elements of [the generic federal crime].' In comparing the state and federal statutes, [courts] may 'look only to the statutory definitions'—i.e., the elements—of a defendant's prior offenses, and *not* 'to the particular facts underlying those convictions.' If the state statute of conviction criminalizes the same or less conduct than the federal generic definition of the offense, it is a categorical match to the federal offense . . . [w]here the state statute of conviction criminalizes more conduct than the federal generic definition of the offense, it is not a categorical match. In that circumstance, court's determine the statute's divisibility. A statute is indivisible if it 'sets out a single ... set of elements to define a single crime,' even if it provides for alternative means of committing the offense. A statute is divisible if it "list[s] elements in the alternative, ... defin[ing] multiple crimes.' [Courts] apply the modified categorical approach for divisible statutes, where [they] 'look[ ] to a limited class of documents ... to determine what crime, [and] with what elements, a defendant was convicted of.'" *United States v. Schopp*, 938 F.3d 1053, 1059 (9th Cir. 2019) (internal citations and quotations omitted) (emphasis in original).

of the prior cases and focus solely on the elements of the crime." (Motion at 9:18-24.) However, Mr. Peterson concedes that the Ninth Circuit has carved-out an exception and implemented a non-categorical approach when determining a victim's age under SORNA's residual clause, although he "disagrees with [this] exception," but "understands that the Court must follow circuit precedent [and] preserves his objection for possible *en banc* or Supreme Court review." (Motion 10:13-11:4.) In contrast, the government asserts that the non-categorical approach (*i.e.*, a circumstance-specific approach) must be used. (*See* Opp'n at 4:12-8:15.) The Court agrees with the government.

The Ninth Circuit has consistently held that a non-categorical approach should be applied when interpreting SORNA's residual cause as it relates to the age of the victim. *See United States v. Dailey*, 941 F.3d 1183, 1192 (9th Cir. 2019) ("Now, faced with the question whether the only acceptable interpretation of the residual clause is to apply a non-categorical approach regarding the age of the victim, we hold that it is."); *United States v. Mi Kyung Byun*, 539 F.3d 982, 990–94 (9th Cir.2008) (concluding "that Congress contemplated a non-categorical approach as to the age of the victim in determining whether a particular conviction is for a 'specified offense against a minor,'" and that "the underlying facts of a defendant's offense are pertinent in determining whether she has committed a 'specified offense against a minor' and is thus a sex offender"); *United States v. Becker*, 682 F.3d 1210, 1212 (9th Cir. 2012) ("We have previously applied a modified categorical approach to classify an underlying offense as a sex offense under SORNA for the purpose of determining whether SORNA registration was required.") (internal citation to *Byun* omitted).

The Court finds that the Ninth Circuit's reasoning applies with equal force to support using the non-categorical approach when interpreting the entirety of the residual clause. *See United States v. Dodge*, 597 F.3d 1347, 1354 (11th Cir. 2010) ("Although the Ninth Circuit focused only on the age of the victim, its approach supports our conclusion that SORNA permits examination of the defendant's

underlying conduct—and not just the elements of the conviction statute—in determining what constitutes a "specified offense against a minor."). Indeed, Mr. Peterson fails to provide any explanation or legal authority for why the Ninth Circuit's reasoning would not apply to the entirety of the residual clause. *But see United States v. Cabrera-Gutierrez*, 756 F.3d 1125, 1133 (9th Cir. 2014) (applying categorical approach to determine whether prior qualified defendant was Tier II sex offender under SORNA, not the residual clause of SORNA).

Accordingly, the Court will apply the non-categorical approach to determine whether Mr. Peterson's prior state conviction qualifies as a "sex offense" under SORNA's residual clause.

B. Whether Mr. Peterson's Prior State Conviction Qualifies As A Sex Offense Under SORNA

When applying the non-categorical approach, courts examine "not just the elements of the crime but also the 'statutory definition, charging document, written plea agreement, transcript of plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented." *United States v. Dailey*, 941 F.3d at 1190 (internal citation omitted).

Here, Mr. Peterson was convicted of Lewd or Lascivious Acts with a Child Under Fourteen, in violation of California Penal Code § 288(a). (*See* ECF No. 49 at ¶ 12.) Specifically, Mr. Peterson declared in writing that he "touched [his] daughter who was under 12 [years old] in a lewd manner on 3 occasions," including "sexual intercourse with [the] Victim" and "put[ting] his finger in [the] Victim's vagina." (*See* Declaration of Claire E. Kelly, Exs. B-C.) Mr. Peterson was sentenced to twelve years in prison. (*Id.* at Ex. B.) This conduct is clearly a sex offense against a minor, and thus, constitutes a "specified offense against a minor." Thus, the non-categorical approach requires the classification of Mr. Peterson's prior state conviction as a "sex offense" under SORNA.

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C. Whether SORNA's Registration Requirements Are Unconstitutionally Vague

Under SORNA, "[a] sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student." 34 U.S.C. § 20913(a). In turn, "resides," is defined as "the location of the individual's home or other place where the individual habitually lives." *Id.* at § 20911(13). Mr. Peterson claims that SORNA's registration requirements are unconstitutionally vague because the term "habitually lives" is undefined.[6] (Motion at 20:1-3.) The Attorney General's National Guidelines for Sex Offender Registration and Notification provide that a sex offender "habitually lives" in a jurisdiction if he "lives in the jurisdiction for at least 30 days," but give each jurisdiction discretion to specify "the application of the 30–day standard to sex offenders whose presence in the jurisdiction is intermittent but who live in the jurisdiction for 30 days in the aggregate over some longer period of time." 73 Fed. Reg. 38,030, 38,062 (July 2, 2008).

When determining whether a statute is void for vagueness, courts consider whether the statute "define[s] the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement." *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). SORNA's use of the word "resides" or "habitually lives" is not void for vagueness because Mr. Peterson was on fair notice that his continuous residence either in California or George satisfied the thirty-day requirement. As such, no ordinary person, especially Mr. Peterson who last registered in California on

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[6] The Court's decision not to address Mr. Peterson's argument that SORNA's residual clause is unconstitutionally vague should not be taken to mean the Court did not consider that argument; rather, it should be taken to mean the Court *rejected* that argument. *See Roy v. City of Los Angeles*, No. CV 12-09012-AB (FFMx), 2018 WL 3439168, *4 (C.D. Cal. July 11, 2018).

February 9, 2005, could read SORNA and the applicable guidelines and reasonably understand that they did not need to update their registration after thirty days. Accordingly, the Court rejects Mr. Peterson's vagueness challenge.

D. Ineffective Assistance of Counsel, Evidentiary Hearing, And Certificate of Appealability

As previously stated, because Mr. Peterson's prior state conviction constitutes a "sex offense" under SORNA and the statute is not unconstitutionally vague, Mr. Peterson's claim for ineffective assistance of counsel fails. Indeed, the Court finds that Mr. Peterson was not prejudiced by defense counsel's decision to accept the conditional plea agreement, especially because Mr. Peterson received a two-level sentence reduction due to the acceptance of responsibility, and was ultimately sentenced to only three-years' probation. (*See* ECF Nos. 51, 59.)

Furthermore, the Court declines to conduct an evidentiary hearing or issue a certificate of appealability. *See e.g.*, *Baumann v. United States*, 692 F.2d 565, 570-71 (9th Cir. 1982) (holding an evidentiary hearing is "not automatically required on every section 2255 petition," especially when the allegations "do not state a claim for relief"); *Slack v. McDaniel*, 529 U.S. 473, 483–84 (2000) (holding the movant must show "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner of that the issues presented were adequate to deserve encouragement to proceed further.") (internal quotations and citations omitted).

IV. CONCLUSION

For the reasons stated above, the Court **DENIES** Mr. Peterson's Motion for Relief Pursuant to 28 U.S.C. § 2255.

IT IS SO ORDERED.

Dated: May 13, 2022

HONORABLE ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

SUPREME COURT OF THE UNITED STATES

SILAS PETERSON Petitioner, v. UNITED STATES, Respondent.	)))))))))	NO._____ CERTIFICATE OF SERVICE

I hereby certify that I was appointed to represent the petitioner under the Criminal Justice Act, 18 U.S.C. 3006A and that I have on this date served copies of the petitioner's Petition for Writ of Certiorari by depositing them in the U.S. Mail, first class postage prepaid, at Berkeley, California, and addressed to:

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Dated: March ___, 2025.

_____
Stephanie M. Adraktas
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