

March 2, 2021

VIA ELECTRONIC FILING & FEDERAL EXPRESS

Clerk of the Court
United States Supreme Court
1 First Street, NE
Washington, DC 20543

**Re: *City of Hayward, et al. v. Jessie Lee Jetmore Stoddard-Nunez*
Supreme Court Case No.: 20-1006 – Request by *Amici Curiae* to Lodge Non-Record Material Pursuant to Rule 32(3)**

Dear Clerk of the Court:

Pursuant to Supreme Court Rule 32(3)¹, please accept this letter as a request by *Amici Curiae*² to lodge non-record material to assist the Court’s review of the Brief of *Amici Curiae* in support of the Petition for Writ of Certiorari in the above-captioned matter.

Amici propose to lodge the following materials, which may not be readily available to the Court:

- (1) Audrey Honig, PhD & William J. Lewinski, PhD, *A Survey of the Research on Human Factors Related to Lethal Force Encounters: Implications for Law Enforcement Training, Tactics, and Testimony*, 8(4) Law Enforcement Executive Forum 129, 141 (July 2008);
- (2) William J. Lewinski, PhD & Christa Redmann, *New Developments in Understanding the Behavior Science Factors*

¹ Rule 32(3) states: “Any party or amicus curiae desiring to lodge non-record material with the Clerk must set out in a letter, served on all parties, a description of the material proposed for lodging and the reasons why the non-record material may properly be considered by the Court. The material proposed for lodging may not be submitted until and unless requested by the Clerk.”

² Peace Officers’ Research Association of California, PORAC Legal Defense Fund, San Bernardino Sheriffs’ Employee Benefit Association, Oakland Police Officers’ Association, Fresno Police Officers’ Association, San Francisco Police Officers’ Association, Association of Los Angeles Deputy Sheriffs.

United States Supreme Court Clerk

Re: Request by Amici Curiae to Lodge Non-Record Material Pursuant to Rule 32(3)

March 2, 2021

Page 2

in the “Stop Shooting” Response, 9(4) Law Enforcement Executive Forum 35, 37 (October 2009) (“Lewinski 2009”);

- (3) Sarah Shomstein & Steven Yantis, *Control of Attention Shifts between Vision and Audition in Human Cortex*, 24(47) The Journal of Neuroscience, 10702, 10706 (November 24, 2004) (“Shomstein 2004”);
- (4) William J. Lewinski, PhD, William B. Hudson, PhD & Jennifer L. Dysterheft, MS, 14(2) *Police Officer Reaction Time to Start and Stop Shooting: The Influence of Decision-Making and Pattern Recognition*, Law Enforcement Executive Forum 1 (2014) (“Lewinski 2014”), and;
- (5) Marc Green, “*How Long Does it Take to Stop?*” *Methodological Analysis of Driver Perception-Brake Times*, 2(3) Transportation Human Factors, 195 (2000) (“Green 2000”).

In support of the physiological limitations discussed in the Brief, *Amici Curiae* have cited to the above materials, which reflect the opinions, analyses, and findings of recognized experts in their respective fields.

Respectfully submitted,

**RAINS LUCIA STERN
ST. PHALLE & SILVER, PC**

/s/ Michael S. Rains
Michael L. Rains

MLR:msv

cc: Michael S. Lawson, City Attorney, City of Hayward (*Attorney for Petitioner*)
Joseph E. Brick, Assistant City Attorney, City of Hayward (*Attorney for Petitioner*)
Michael L. Fox, Duane Morris LLP (*Attorney for Petitioner*)
Terrance J. Evans, Duane Morris LLP (*Attorney for Petitioner*)
C. Todd Norris, Duane Morris LLP (*Attorney for Petitioner*)
Sean Patterson, Duane Morris LLP (*Attorney for Petitioner*)
John L. Burris, Law Offices of John L. Burris (*Attorney for Respondent*)
Ayana C. Curry, Law Offices of John L. Burris (*Attorney for Respondent*)
Adante Pointer, Pointer & Buelna, LLP (*Attorney for Respondent*)
Patrick Buelna, Pointer & Buelna, LLP (*Attorney for Respondent*)