
CALIFORNIA VICTIM COMPENSATION BOARD MEETING AGENDA

August 24, 2023

10:00 a.m.

400 R Street, Room 330

Sacramento, CA 95811

Additional Location:

Contra Costa District Attorney's Office

900 Ward Street

Martinez, CA 94553

BOARD MEETING MATERIALS

Item 1.	Daniel Saldana (Pen. Code, §§ 4900, et seq.) Copy attached	Action Item
----------------	---	-------------

ITEM 1

1
2
3
4
5
6
7 **BEFORE THE VICTIM COMPENSATION BOARD**
8 **OF THE STATE OF CALIFORNIA**
9

10 In the Matter of:

11 **Daniel Saldana**

12 Claim No. 23-ECO-31

Proposed Decision

(Penal Code §§ 1485.55, 4900 et seq.)

13
14 **I. Introduction**

15 On July 24, 2023, Daniel Saldana (Saldana) submitted a claim for compensation to the
16 California Victim Compensation Board (CalVCB) as an erroneously convicted person pursuant to
17 Penal Code section 4900, which was supplemented on July 26, 2023. The claim is based on
18 Saldana's 33-year imprisonment for six counts of attempted murder and related enhancements, all of
19 which were vacated with a finding of factual innocence. Saldana is represented by Michael Romano of
20 the Three Strikes Project at Stanford Law School. No appearance has been requested by the Attorney
21 General. The matter was assigned to CalVCB Senior Attorney Caitlin Christian. As mandated by
22 Penal Code section 1485.55, it is recommended that CalVCB approve Saldana's claim in the amount
23 of \$1,705,340, if sufficient funds are available upon appropriation by the Legislature, as indemnification
24 for the injury sustained by Saldana's imprisonment for 12,181 days solely as a result of these
25 erroneous convictions.

26 **II. Procedural Background**

27 On January 3, 1990, Saldana was arrested for and subsequently charged with six counts of
28 attempted murder, shooting at an occupied vehicle, and several enhancements related to the use of a

1 firearm, infliction of great bodily harm, and association with a criminal street gang in Los Angeles
2 County Superior Court case number KA002306.¹ A joint trial with Saldana's codefendants, April
3 Gallegos (Gallegos) and Raul Vidal (Vidal), ensued. No defense witnesses testified, and, on July 13,
4 1990, a jury returned a guilty verdict on all charges and found all of the alleged enhancements true.²
5 The court denied Saldana's resulting motion for a new trial and sentenced Saldana to 45 years to life
6 in prison.³ Saldana appealed, but his convictions were affirmed in full in an unpublished opinion in
7 *People v. Gallegos, et al.* (Mar. 24, 1993, B054276).⁴

8 Saldana has maintained his innocence since his arrest.⁵ During a pre-sentence interview with
9 probation, Saldana said his girlfriend and mother could confirm he was not involved with the underlying
10 incident. At his 2017, parole hearing, Saldana reiterated he was innocent and incarcerated as the
11 result of perjury. In 2022, he again said he had nothing to do with the incident underlying his
12 convictions.⁶

15
16 ¹ Pen. Code, §§ 187 (murder), 246 (shooting at an occupied vehicle), 664 (attempt), 12022, subd. (a)
17 (armed with a firearm while attempting to commit a felony), 12022.5, subds. (a)-(b) (personal use of a
18 firearm and assault weapon), 12022.7, subd. (a) (inflicting great bodily harm during an attempted
19 felony), and 186.22, subd. (b) (committing a felony in furtherance of a criminal street gang).

20 ² Saldana's Application (App.) at pp. 10, 20, 45-60. The pagination refers to the continuous page
21 numbers for the entire, 60-page PDF file, starting with the Erroneously Convicted Person Claim Form
22 (App. at pp. 1-7) and followed by the Joint Petition for Writ of Habeas Corpus and Motion for Finding of
23 Factual Innocence (*id.* at pp. 9-34); Superior Court's Finding of Factual Innocence Pursuant to Penal
24 Code section 1485.55 (*id.* at p. 36); the May 11, 2023, minute order in case number KA002306 (*id.* at
25 pp. 38-39); the case information sheet from the District Attorney's case file in case number KA002306
26 (*id.* at pp. 41-42); and the reporter's transcript of the jury's July 13, 1990, verdict in case number
27 KA002306 (*id.* at pp. 44-60).

28 ³ App. at p. 20; Saldana's Supplement (Supp.) at p. 1. Pagination refers to the continuous page
numbers for the three-page PDF provided on July 26, 2023, as a supplement to Saldana's application,
in response to CalVCB's July 25, 2023, request for clarification. This supplement includes the August
10, 2023, minute order from case number KA002306 (Supp. at p. 1); the August 30, 1990, minute order
in case number KA002306 (*id.* at pp. 2-3); and the abstract of judgment from case number KA002306
(*id.* at p. 4.)

⁴ App. at p. 20.

⁵ App. at p. 10.

⁶ App. at p. 22.

1 At his 2017 parole hearing, Vidal disclosed Saldana was innocent and named Dino Velasquez
2 (Velasquez) as his accomplice in the incident that led to their convictions.⁷ The Los Angeles District
3 Attorney's Office ("LADA") was notified, and the case was referred to the LADA Conviction Integrity
4 Unit ("CIU"). The CIU's investigation confirmed Vidal's claims.⁸

5 LADA and Saldana's counsel, Michael Romano, filed a joint petition for writ of habeas corpus in
6 the Los Angeles Superior Court based on this newly discovered evidence, pursuant Penal Code
7 section 1473, subdivision (b)(3).⁹ The petition also requested a finding of factual innocence, pursuant
8 to Penal Code section 1485.55.¹⁰ In this petition, the parties stipulated that, in light of the newly
9 discovered evidence of third-party culpability, Saldana was more likely than not innocent of the
10 charged offenses.¹¹

11 At the hearing on May 11, 2023, LADA informed the court it had lost confidence in Saldana's
12 conviction.¹² The court granted the petition in full, vacating all of the jury's findings and finding Saldana
13 factually innocent of all charges.¹³ Saldana was released from prison that same day.¹⁴ By that time,
14 Saldana had been continuously imprisoned for 12,181 days from his arrest on January 3, 1990, up to
15 but excluding his release on May 11, 2023. The entire duration of his imprisonment was solely
16 attributable to his vacated convictions in case number KA002306.¹⁵

17 In an email sent on July 24, 2023, Saldana submitted a claim to CalVCB seeking compensation
18 as an erroneously convicted person under Penal Code section 4900, which he supplemented on July
19

20
21 ⁷ App. at p. 21.

22 ⁸ App. at p. 10.

23 ⁹ App. at pp. 9, 29-30.

24 ¹⁰ App. at pp. 9, 30-33.

25 ¹¹ App. at pp. 11, 32-33.

26 ¹² App. at p. 39.

27 ¹³ App. at pp. 36, 39.

28 ¹⁴ App. at pp. 3, 38-39.

¹⁵ App. at pp. 3, 41; Supp. at pp. 3-4; email to CalVCB from counsel Michael Romano, sent at 5:12 p.m.
on July 25, 2023. CalVCB accepts and relies upon counsel's calculation of the length of imprisonment.

1 26, 2023.¹⁶ In this claim, Saldana requests compensation in the amount of \$140 per day for 12,181
2 days of imprisonment as the result of his erroneous convictions in case number KA002306, for a total
3 of \$1,705,340. The administrative record closed on July 26, 2023, and no response was requested
4 from the Attorney General in accordance with Penal Code sections 1485.55 and 4902, subdivision (a),
5 which require CalVCB to approve payment without a hearing and within 30 days for claimants who
6 obtain a court finding of factual innocence.

7 **III. Factual Background**

8 **a. The Shooting**

9 On October 27, 1989, at approximately 10:30 p.m., six high school students, Esteban R., Jesus
10 Z., Manuel U., Rueben U., Angel H., and Angel O. (together “the boys”), were on their way to a party in
11 Esteban R.’s Monte Carlo.¹⁷ At some point during their drive, a blue Datsun began following them.
12 The boys assumed the Datsun was a group of girls also heading to the party.¹⁸ However, when the
13 boys came to a stop at the intersection of Athol Street and Francisquito Avenue, the blue Datsun
14 pulled alongside them and then angled inward just ahead of the Monte Carlo, obstructing its path
15 forward.¹⁹

16 A man, later identified as Vidal, got out of the Datsun and asked the boys where they were
17 from.²⁰ Esteban R., who was closest to Vidal, responded that the boys were “from nowhere” and did
18 not want any “problems.”²¹ Vidal called out to another passenger in the Datsun to get the “cuete,” a
19 Spanish word for gun. At that point, a second passenger exited the Datsun.²² Esteban R. accelerated
20 and swerved around the Datsun just as three to six shots were fired from a gun.²³ One of the shots hit
21

22 ¹⁶ Email to CalVCB from counsel Michael Romano at 10:10 a.m. on July 24, 2023.

23 ¹⁷ App. at p. 11.

24 ¹⁸ App. at p. 11.

25 ¹⁹ App. at pp. 11-12.

26 ²⁰ App. at pp. 12, 17.

27 ²¹ App. at p. 12.

28 ²² App. at p. 12.

²³ App. at pp. 12, 14.

1 Esteban R.'s arm, and he lost control of the Monte Carlo, crashing into a nearby tree. Jesus Z. was
2 shot in the thigh. None of the other boys were injured.²⁴

3 An officer conducting an unrelated traffic stop on Francisquito Avenue heard the shots and
4 looked over to see the two cars, multiple figures standing outside of the cars, and a muzzle flash.²⁵
5 When the shooting stopped, the two figures, Vidal and the Datsun's other passenger, took off on foot.²⁶
6 The officer watched as the Datsun sped off and turned down a nearby alley. Shortly thereafter, police
7 found Gallegos in the alley, walking "hurriedly" away from a blue Datsun. She was detained and taken
8 in for questioning.²⁷

9 **B. Initial Statements**

10 Later that evening, the boys told police they would be able to identify Vidal but were not sure
11 whether they could identify anyone else.²⁸ Esteban R. was not even sure another passenger exited
12 the Datsun. Manuel U. and Jesus Z. thought the Datsun's second passenger was the shooter.²⁹ Angel
13 H. said he recognized Vidal, who someone previously told him was a member of the East Side Bolen
14 gang.³⁰

15 Gallegos, who was also questioned that night, denied any involvement in the shooting. The
16 following day, Esteban R. and Jesus Z. both identified Gallegos' car as the blue Datsun involved in the
17 shooting. On November 8, 1989, police re-interviewed Gallegos. She again denied any involvement
18 in the shooting, despite the boys' identification of her car.³¹

19 **C. Gallegos Named Saldana**

20 In the following months, police received anonymous tips, naming Vidal as the individual
21

22 ²⁴ App. at pp. 12-14.

23 ²⁵ App. at p. 12.

24 ²⁶ App. at pp. 12-13.

25 ²⁷ App. at p. 13.

26 ²⁸ App. at pp. 13-15.

27 ²⁹ App. at pp. 13-14.

27 ³⁰ App. at p. 15.

28 ³¹ App. at p. 15.

1 responsible for the shooting.³² Police discovered Vidal was on Youth Authority parole for armed
2 robbery and, on December 20, 1989, executed a search of Vidal's home.³³ Gallegos was found in
3 Vidal's bed and admitted they were dating.³⁴

4 During the search, Gallegos asked to speak to the police privately. Gallegos admitted she was
5 present for the shooting but denied that Vidal was involved. According to Gallegos, she was driving
6 her Datsun when two men, Saldana and Robert Gaytan, whistled for her to stop. The men, both of
7 whom police identified as members of the East Side Bolen gang, asked Gallegos for a ride to
8 Saldana's house. Gallegos obliged and let the men into her car. Shortly thereafter, the men spotted
9 the Monte Carlo and told Gallegos the passengers looked like rival gang members. When the Monte
10 Carlo came to a stop, the men insisted she pull in front of the car and let them out. Gallegos told
11 police she did not know the men were armed until they got out of her car, holding handguns. When
12 the men began shooting, Gallegos drove off, leaving the men behind.³⁵

13 Later that day, police arrested Robert Gaytan. He denied any involvement in the shooting and
14 was released from custody.³⁶

15 **D. Photographic Line-Up and Saldana's Arrest**

16 Police prepared three photographic line-ups: one with Vidal, another with Saldana, and a third
17 with Robert Gaytan.³⁷ Police did not show the line-up including Robert Gaytan to any of the boys.³⁸

18 Two of the boys, Esteban R. and Angel O., identified Saldana as the second passenger in
19 Gallegos' car. One boy, Jesus Z., said Saldana was "probably" the second passenger in Gallegos'
20
21

22
23 ³² App. at p. 15.

24 ³³ App. at pp. 15-16.

25 ³⁴ App. at p. 16.

26 ³⁵ App. at p. 16.

27 ³⁶ App. at p. 16.

28 ³⁷ App. at p. 17.

³⁸ App. at p. 18.

1 car. Manuel U. and Angel H. were unable to identify the second passenger in Gallegos' car.³⁹ Rueben
2 U. was not questioned.⁴⁰

3 Police then executed a search of Saldana's home, where they found a vial of PCP, articles of
4 clothing with gang graffiti on them, and "gang photos," including a group photo of Saldana, Vidal,
5 Gallegos, and several East Side Bolen gang members at a car wash. On January 3, 1990, Saldana
6 was arrested and taken into custody. During questioning he admitted the vial of PCP belonged to him
7 and that the area searched was his home. When asked about the shooting, Saldana invoked his right
8 to counsel, and the interview was terminated.⁴¹

9 **E. In-Court Identifications**

10 Only Esteban R. and Angel O. testified in court.⁴² At the preliminary hearing, Esteban R.
11 identified Vidal, Gallegos, and Gallegos' car, but he was not able to identify Saldana.⁴³ At trial,
12 Esteban R. again identified Vidal and Gallegos but was unable to identify Saldana.⁴⁴

13 At the preliminary hearing, Angel O. identified Saldana as the Datsun's other passenger. He
14 conceded his identification of Saldana during the photographic line-up was "shaky" because someone
15 else in the line-up looked like Saldana. At trial, Angel O. was unable to identify Saldana. He testified
16 that Saldana looked like, but was not, the Datsun's other passenger. During both the preliminary
17 hearing and trial, Angel O. admitted he saw the other passenger's face for only two or three seconds.⁴⁵

18 No one testified on behalf of the defense.⁴⁶

19 According to the probation report prepared in advance of the sentencing hearing, Saldana told
20
21

22 ³⁹ App. at p. 17.

23 ⁴⁰ App. at pp. 17-18.

24 ⁴¹ App. at p. 18.

25 ⁴² App. at pp. 18-20.

26 ⁴³ App. at pp. 18-19.

27 ⁴⁴ App. at p. 19.

28 ⁴⁵ App. at p. 19.

⁴⁶ App. at p. 20.

1 probation his girlfriend and mother could both confirm he was not involved in the shooting.⁴⁷

2 **F. Exculpatory Evidence**

3 At his 2017 parole hearing, Vidal informed the Parole Board that Saldana was not involved in
4 the shooting, instead naming Velasquez as the Datsun's other passenger. Vidal admitted he and
5 Velasquez shot at the Monte Carlo and intended to shoot at the Monte Carlo's passengers regardless
6 of where they were from.⁴⁸ When the Board asked how Saldana became associated with the case,
7 Vidal disclosed that Saldana and Velasquez looked alike.⁴⁹ Velasquez and Saldana were born a few
8 days apart, and, at the time of the incident, were both aged 22, the same height, and within five
9 pounds of each other.⁵⁰

10 On April 19, 2023, CIU investigators transported Saldana and Gallegos to the same location for
11 interviews.⁵¹ During the two-hour drive, following interview, and more than three hours with a
12 polygrapher, Saldana maintained his innocence and repeatedly reiterated he was not involved in the
13 shooting.⁵² He attributed his involvement in the case to Gallegos, who he believed had identified
14 Saldana in hopes of protecting Vidal. Saldana also reiterated that he was with his girlfriend at the time
15 of the shooting. Saldana was at his girlfriend's house and then the couple stopped by a christening
16 party on their way to Saldana's house. At the christening, Saldana and his girlfriend spoke with two
17 girls, who told them Gallegos, Vidal, and Velasquez were at the party earlier but left before Saldana
18 arrived. The two girls also told Saldana about the shooting.⁵³ Saldana also admitted that, at some
19 point after his arrest but before his conviction, he heard Velasquez was involved in the shooting, but he
20 could not be sure that was true.⁵⁴

21
22 ⁴⁷ App. at p. 22.

23 ⁴⁸ App. at p. 21.

24 ⁴⁹ App. at pp. 21-22.

25 ⁵⁰ App. at p. 22.

26 ⁵¹ App. at p. 22.

27 ⁵² App. at pp. 23-24.

28 ⁵³ App. at p. 23.

⁵⁴ App. at pp. 23-24.

1 CIU placed Gallegos and Saldana in cells near each other, hoping to incite an exchange.⁵⁵
2 Saldana greeted Gallegos, and, during the ensuing exchange and interview, Gallegos confirmed
3 Velasquez was the other passenger who participated in the underlying crimes, and Saldana was not
4 present for and played no role in these events.⁵⁶ After this exchange, the contents of which were
5 sealed by order of the superior court, Saldana cried uncontrollably and thanked Gallegos.⁵⁷ CIU found
6 no evidence that Saldana, Gallegos, or Vidal had been in contact at any point since their convictions.⁵⁸

7 Velasquez was arrested during a traffic stop on April 27, 2023. When police told Velasquez he
8 was being arrested in connection with the 1989 shooting, Velasquez's head slumped down, and he
9 asked to call his son. Velasquez told his son things didn't "look good" for him and asked his son to
10 retrieve his car.⁵⁹ LADA stipulated Velasquez's words and actions during the resulting exchange with
11 law enforcement "clear[ly]" evidenced a consciousness of guilt and his belated denial of culpability
12 lacked credibility.⁶⁰

13 LADA also conceded Velasquez was not identified earlier because both Gallegos and Vidal
14 exercised their Fifth Amendment privilege against self-incrimination.⁶¹ In light of the co-defendants'
15 disclosure Saldana was not involved in the shooting and Velasquez's demeanor following his arrest,
16 the parties and court agreed the evidence supported Saldana's continued claim he was erroneously
17 convicted of all charges.⁶²

18 **IV. Determination of Issues**

19 Penal Code section 4900 allows a person, who has been erroneously convicted and
20 imprisoned for a felony offense that they did not commit, to submit a claim for compensation to
21

22 ⁵⁵ App. at p. 22.

23 ⁵⁶ App. at pp. 24-28, 32-33.

24 ⁵⁷ App at p. 25; email to CalVCB from counsel Michael Romano sent at 5:12 p.m. on July 25, 2023.

25 ⁵⁸ App. at p. 30.

26 ⁵⁹ App. at p. 28.

27 ⁶⁰ App. at p. 29.

28 ⁶¹ App. at p. 29.

⁶² App. at pp. 32-33, 10, 23-24, 38-39.

1 CalVCB.⁶³ Typically, under subdivision (a) of section 4900, claimants bear the burden to prove, by a
2 preponderance of the evidence, that (1) the crime with which they were convicted either did not occur
3 or was not committed by them and (2) they suffered injury as a result of their erroneous conviction.⁶⁴
4 Generally, when such a claim is received and filed, Penal Code section 4902 requires the Attorney
5 General to submit a written response.⁶⁵ Thereafter, under Penal Code section 4903, a hearing before
6 a hearing officer would ensue, at which the claimant and Attorney General would be provided an
7 opportunity to present evidence concerning innocence and injury.⁶⁶ Upon the requisite showing of
8 innocence and injury, Penal Code section 4904 requires the claim be approved.⁶⁷

9 However, an alternative process is employed when the claimant has already obtained a finding
10 of factual innocence from a state or federal court. Under subdivision (b) of Penal Code section
11 1485.55, when a court has granted a writ of habeas corpus, “the person may move for a finding of
12 factual innocence by a preponderance of the evidence that the crime with which they were charged
13 was either not committed at all or, if committed, was not committed by the petitioner.”⁶⁸ If such a
14 finding is made, then under subdivision (c) of section 1485.55, “the [California Victim Compensation
15 Board (CalVCB)] shall, without a hearing, recommend to the Legislature that an appropriation be made
16 and any claim filed shall be paid pursuant to Section 4904.”⁶⁹ Section 4904, in turn, provides that the
17 board “shall approve payment for the purpose of indemnifying the claimant for the injury” sustained
18 through their erroneous conviction and imprisonment, “if sufficient funds are available, upon
19 appropriation by the Legislature,” in an amount equivalent to \$140 per day of imprisonment for both
20 pre- and post-conviction imprisonment that resulted solely from the erroneous conviction.⁷⁰ Thus, if

21
22 ⁶³ Pen. Code, § 4900, subd. (a).

23 ⁶⁴ Pen. Code, §§ 4900, subd. (a); 4903, subd. (a).

24 ⁶⁵ Pen. Code, § 4902, subd. (a).

25 ⁶⁶ Pen. Code, § 4903, subd. (a).

26 ⁶⁷ Pen. Code, § 4904.

27 ⁶⁸ Pen. Code, § 1485.55, subd. (b).

28 ⁶⁹ Pen. Code, § 1485.55, subd. (c).

⁷⁰ Pen. Code, §§ 1485.55, 4904.

1 the claimant received a court finding of factual innocence during a proceeding that resulted in a grant
2 of habeas relief, then that finding is not only binding upon CalVCB, but CalVCB must automatically
3 approve the claim, within 30 days and without a hearing, for the amount of demonstrated injury.⁷¹

4 **A. Innocence**

5 Pursuant to the court’s finding under Penal Code section 1485.55, CalVCB unequivocally
6 accepts that Saldana is factually innocent of all charges in case number KA002306.⁷² As determined
7 by the superior court, a preponderance of the evidence exonerates Saldana.⁷³ The exonerating
8 evidence includes statements the co-defendants made, independently and without conferring with
9 each other, during which they admitted Saldana was innocent, provided first-hand accounts of the
10 events leading to their convictions, and named Velasquez, not Saldana, as the third party involved in
11 these crimes.⁷⁴ Indeed, as the parties stipulated below, the co-defendants’ statements were further
12 corroborated by evidence establishing Velasquez and Saldana looked alike at the time of the shooting
13 and that Velasquez’s conduct following his arrest clearly evidenced his consciousness of guilt.⁷⁵
14 Accordingly, the administrative record amply demonstrates Saldana’s innocence for purposes of
15 compensation under Penal Code section 4900 as an erroneously convicted offender.⁷⁶

16 **B. Injury**

17 As calculated by Saldana, his demonstrated injury amounts to 12,181 days of imprisonment for
18 his erroneous convictions in case number KA002306.⁷⁷ In this context, injury “may be established by
19 showing that, but for the erroneous conviction, the claimant would not have been in custody.”⁷⁸ As
20 confirmed by counsel, the abstract of judgment, and the case information sheet from LADA’s case file,

21
22 ⁷¹ Pen. Code, §§ 1485.55, 4902, subd. (a), 4903, subd. (c); see also Cal. Code of Regs., tit. 2, § 640,
subd. (e)(1)-(2), eff. Jan. 1, 2023.

23 ⁷² App. at pp. 36, 38-39.

24 ⁷³ App. at pp. 36, 39.

25 ⁷⁴ App. at pp. 21-22, 30, 32-33.

26 ⁷⁵ App. at pp. 32-33, 22, 28-29.

27 ⁷⁶ Pen. Code, §§1485.55, 4902, subd. (a).

27 ⁷⁷ App. at p. 3.

28 ⁷⁸ Cal. Code of Regs., tit. 2, § 640, subd. (f).

1 Saldana remained continuously confined solely as a result of his erroneous convictions from the date
2 of his arrest on January 3, 1990, until his release from custody on May 11, 2023.⁷⁹ But for his
3 convictions in case number KA002306, Saldana would not have spent 12,181 days “illegally behind
4 bars, away from society, employment, and [his] loved ones.”⁸⁰ Given the statutory rate of \$140 per
5 day, Saldana is therefore entitled to indemnification in the amount of \$1,705,340 for his injury if
6 sufficient funds are available upon appropriation by the Legislature.⁸¹

7 **V. Conclusion**

8 As mandated by Penal Code section 1485.55, the undersigned hearing officer recommends
9 CalVCB approve payment to Saldana in the amount of \$1,705,340 for his claim as an erroneously
10 convicted offender under Penal Code section 4900 if sufficient funds are available upon appropriation
11 by the Legislature, as indemnification for the injury sustained for his 12,181 days of imprisonment
12 solely as a result of his vacated convictions.

13
14 Date: August 3, 2023

Caitlin Christian

Caitlin Christian
Hearing Officer
California Victim Compensation Board

15
16
17
18
19
20
21
22
23
24
25 _____
26 ⁷⁹ Email to CalVCB from counsel Michael Romano sent at 5:12 p.m. on July 25, 2023; Supp. at pp. 3-4;
App. at p. 41.

27 ⁸⁰ Holmes v. California Victim Compensation & Government Claims Bd. (2015) 239 Cal.App.4th 1400,
1405.

28 ⁸¹ Pen. Code, § 4904, subd. (a).