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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN DIEGO

16 **PEOPLE OF THE STATE OF  
CALIFORNIA,**

17 Plaintiff,

18 v.

20 **JEREMY WHITE,**

21 Defendant.

Case No. SCD274477

**OPINION OF THE ATTORNEY  
GENERAL REGARDING THE  
DEFENDANT'S MOTION TO RECUSE  
THE DISTRICT ATTORNEY'S OFFICE**

Date: November 17, 2023

Time: 9:00 a.m.

Dept: 1901

Judge: Honorable Daniel B. Goldstein

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1 **ARGUMENT**

2 **I. DEFENDANT HAS NOT MET HIS BURDEN TO SHOW THE EXISTENCE OF A CONFLICT OF**  
3 **INTEREST WITH THE SAN DIEGO COUNTY DISTRICT ATTORNEY’S OFFICE OR THAT ANY**  
4 **CONFLICT PRESENTS A LIKELIHOOD OF UNFAIR TREATMENT**

5 Defendant seeks recusal of SDCDA because DA Stephan “has been unable to separate her  
6 political platform against antifa from her ethical duty to enforce the law evenhandedly.” (Def.  
7 Mtn. at p. 5.) Defendant asserts a conflict exists that would result in a likelihood of unfair  
8 treatment because DA Stephan has insulated right-wing protestors while engaging in biased  
9 prosecution against anti-fascists. (Def. Mtn. at pp. 1, 5-58.) But Defendant has failed to provide  
10 any evidence of a conflict of interest other than his opinions, suppositions, and innuendos.  
11 Defendant’s speculative and self-serving allegations are insufficient to justify the extreme step of  
12 recusing an entire prosecutorial agency under Penal Code section 1424. Because Defendant has  
13 not shown the existence of an actual conflict of interest, let alone one so pervasive that it is  
14 unlikely that he would be treated fairly, the motion must be denied.

15 **A. General principles of law relating to recusal motions under Penal Code section**  
16 **1424**

17 Penal Code section 1424 establishes the standard governing motions to disqualify a  
18 prosecutor or a prosecutorial agency. A motion under that section “may not be granted unless the  
19 evidence shows that a conflict of interest exists that would render it unlikely that the defendant  
20 would receive a fair trial.” (Pen. Code, § 1424, subd. (a)(1).) Under that statute, a defendant has  
21 the burden of showing that (1) a conflict of interest actually exists and (2) the level of conflict is  
22 so high that it is “unlikely that the defendant would receive a fair trial.” (Pen. Code, § 1424,  
23 subd. (a)(1); *People v. Eubanks* (1996) 14 Cal.4th 580, 592.) The decision in *Eubanks* clarifies  
24 and expands this statutory standard to all aspects of the criminal proceedings, not just trial.  
(*People v. Eubanks, supra*, 14 Cal.4th 580 at p. 593.)

25 The first part of the determination requires that the defense prove that a conflict exists. A  
26 conflict of interest will usually stem from “any incentive for the prosecutor to elevate some other  
27 interest over the interest in impartial justice, should the two diverge.” (*People v. Superior Court*  
28 (*Humberto S.*) (2008) 43 Cal.4th 737, 754.) A conflict will be shown when the circumstances of

1 a case “evidence a reasonable possibility” that the district attorney’s office “may not exercise its  
2 discretionary function in an evenhanded manner.” (*People v. Conner* (1983) 34 Cal.3d 141, 148.)  
3 In other words, a conflict is only shown when a “reasonable possibility” of less than impartial  
4 treatment exists. (*Haraguchi v. Superior Court* (2008) 43 Cal.4th 706, 713; *Packer v. Superior*  
5 *Court* (2014) 60 Cal.4th 695, 709-710.)

6 Even if the defense establishes the existence of a conflict, that fact alone is not sufficient to  
7 justify recusal of a district attorney’s office. (*People v. Eubanks, supra*, 14 Cal.4th at p. 594.)  
8 The defense must also show that the conflict is so grave as to make a fair trial unlikely. (*Id.* at  
9 p. 593.) To make such a showing, the defense must prove that it is more likely than not that the  
10 defendant will be treated unfairly during some portion of the criminal proceedings. (*Haraguchi v.*  
11 *Superior Court, supra*, 43 Cal.4th at p. 713.)

12 Where a defendant seeks to recuse an entire agency, as opposed to a particular prosecutor, a  
13 defendant’s showing must be “especially persuasive.” (*People v. Hamilton* (1988) 46 Cal.3d 123,  
14 139.) Recusal of an entire agency is disfavored and must only be ordered when there is no  
15 alternative remedy. (*People v. Dekraii* (2016) 39 Cal.App.5th 1110, 1139.) To make such a  
16 showing, the defense must prove “that the conduct of *any* deputy district attorney assigned to the  
17 case, or of the office as a whole, would likely be influenced by the personal interest of the district  
18 attorney or an employee.” (*People v. Vasquez* (2006) 39 Cal.4th 47, 57, emphasis added.) As  
19 will be discussed in further detail below, Defendant has not met his burden to show the existence  
20 of a conflict or a likelihood of unfair treatment, and consequently, the motion must be denied.

21 **B. Defendant has not provided competent evidence of a conflict of interest sufficient**  
22 **to require recusal**

23 Defendant’s motion is accompanied by a declaration of counsel and numerous exhibits in  
24 support of his “Statement of Facts.” But these addenda do not constitute competent evidence  
25 under Penal Code section 1424.

26 Penal Code section 1424, subdivision (a)(1), specifies that a motion to disqualify the district  
27 attorney’s office “*shall* contain a statement of the facts setting forth the grounds for the claimed  
28 disqualification” and “*shall* be supported by affidavits of witnesses who are competent to testify

1 to the facts set forth in the affidavit.” (Emphasis added.) This language leaves no room for the  
2 myriad exhibits Defendant offers devoid of any supporting affidavits. Nor does it leave room for  
3 the information and belief of counsel. (See Def. Mtn. at p. 60 [Declaration of Counsel ¶¶ 9-11.]  
4 Indeed, such “evidence” furnishes no proof of facts sufficient to establish a conflict of interest:

5 An affidavit based on “information and belief” is hearsay and must be disregarded  
6 [citations], and it is “unavailing for any purpose” whatsoever [citations]. [¶] . . . [¶]  
7 Matters alleged on “information and belief” do “not serve to establish the facts . . .  
8 because an affidavit which is to be used as evidence must be positive, direct and not  
9 based upon hearsay.” [Citation.] A ruling “of the court is to be based upon facts  
10 which may be presented to it, and not upon the belief of the affiant.” [Citation.] Such  
11 allegations on “information and belief” furnish “no proof of the facts stated.”  
12 [Citations.]

13 (*Star Motor Imports, Inc. v. Superior Court* (1979) 88 Cal.App.3d 201, 204-205; accord, *People*  
14 *v. Avila* (2006) 38 Cal.4th 491, 605; *Baustert v. Superior Court* (2005) 129 Cal.App.4th 1269,  
15 1275, fn. 5 [“The declaration was made on information and belief and therefore did not provide  
16 competent evidence of the facts stated therein”]; *People v. Oppel* (1990) 222 Cal.App.3d 1146,  
17 1153.)

18 Defendant acknowledges the statutory requirement to provide affidavits, but insists that an  
19 exception exists “when it comes to statements made by the District Attorney that are not in  
20 dispute, including public appearances and campaign statements,” and this court can take judicial  
21 notice of such undisputed facts. (Def. Mtn. at pp. 55-56 [citing cases].) However, Defendant  
22 provides no authority for why this court should afford any evidentiary weight to opinion pieces,  
23 social media posts and comments, spreadsheet excerpts, digital photographs, and stills taken from  
24 video footage. (See, e.g., Def. Mtn. at pp. 22-46 & Exhibits A, E, G, H, Q, S, Y, Z.)

25 In any event, as addressed below, even if Defendant’s exhibits are admissible and reliable,  
26 they are insufficient to establish a disqualifying conflict of interest.

27 **C. Defendant has not shown the existence of an actual conflict where a reasonable  
28 possibility of unfair treatment exists**

To begin with, Defendant has not demonstrated an actual conflict of interest because he has  
not identified “any incentive for the prosecutor to elevate some other interest over the interest in  
impartial justice, should the two diverge.” (*People v. Superior Court (Humberto S.)*, *supra*, 43

1 Cal.4th at p. 754.) In other words, Defendant has not shown that DA Stephan, the trial  
2 prosecutor, or the office as a whole has “a direct, substantial interest in the outcome or conduct of  
3 the case separate from their proper interest in seeking [that] justice [is] done.” (*People v. Dekraai*,  
4 *supra*, 39 Cal.App.5th at p. 1140.)

5 Defendant’s overarching argument for recusal is that DA Stephan made a “political deal  
6 with the devil” during the “contentious 2018 election in San Diego” such that her charging  
7 decisions are dictated by certain campaign donors and supporters. (Def. Mtn. at pp. 6-7, 9-18, 58  
8 [Declaration of Counsel ¶¶ 3-5].) Defendant claims “it is reasonable to infer that Stephan feels a  
9 sense of obligation to her voters who are directly opposed to antifa and who elected her based on  
10 a promise to target antifa.” (Def. Mtn. at p. 54.) Defendant further explains that DA Stephan’s  
11 “apparent conflict of interest then elevated to an actual conflict of interest when her loyalty [to]  
12 those who funded her campaign began to affect her charging decisions.” (Def. Mtn. at p. 54.) As  
13 such, Defendant argues he cannot be treated fairly because of what he has unilaterally concluded  
14 is a biased charging decision. But the only support for this conclusion is his unsupported  
15 assertions that several violent acts allegedly perpetrated by right-wing extremists were not  
16 investigated and charged. (Def. Mtn. at pp. 18-46.) That is, Defendant’s claim of a conflict is  
17 based on groundless speculation which cannot serve to meet the defense burden. “[S]heer  
18 speculation does not constitute sufficient evidence of potential bias to recuse an entire  
19 prosecutorial office from a case.” (*People v. Hernandez* (1991) 235 Cal.App.3d 674, 680; see  
20 also *People v. Parmar* (2001) 86 Cal.App.4th 781, 800 [recusal denied in part because claim of  
21 conflict was “wholly speculative”].)

22 Moreover, a conflict of interest is not evidenced by an elected district attorney having a  
23 strong feeling about a particular prosecution. (*People v. Vasquez, supra*, 39 Cal.4th at p. 63.) As  
24 the elected district attorney, DA Stephan is not prohibited from having a public opinion about  
25 Antifa activists. Indeed, the California Supreme Court has noted that “[d]istrict attorneys, as  
26 people, inevitably hold individual personal values and allegiances and feel varying emotions  
27 relating to their work. As public officeholders, they may also have political ambitions or  
28 apprehensions. But that a public prosecutor might feel unusually strongly about a particular

1 prosecution or, inversely, might hesitate to commit to a prosecution for personal or political  
2 reasons does not inevitably indicate an actual conflict of interest, much less a constitutional bar to  
3 prosecution.’ [Citation.]” (*People v. Bryant* (2014) 60 Cal.4th 335, 376, citing *People v.*  
4 *Vasquez, supra*, 39 Cal.4th at p. 63.) Notably, the United States Supreme Court, too, has  
5 observed that allegations of prosecutorial overreaching should be dealt with on their own terms,  
6 separate from the rubric of recusable bias or conflict: “It is true that a prosecutor may on  
7 occasion be overzealous and become overly committed to obtaining a conviction. That problem,  
8 however, is personal, not structural. . . . [S]uch overzealousness ‘does not have its roots in a  
9 conflict of interest.’” (*Young v. United States ex rel. Vuitton et Fils S.A.* (1987) 481 U.S. 787,  
10 807, fn. 18, citation omitted.)

11 Defendant’s reliance on *People v. Lastra* (2022) 83 Cal.App.5th 816 (*Lastra*), does not  
12 compel a different conclusion. (Def. Mtn. at pp. 52-55, 58.) There, several protestors were  
13 charged with crimes relating to a march over the killing of George Floyd, Jr. by Minneapolis  
14 police officers. (*Lastra, supra*, 83 Cal.App.5th at p. 819.) The defendants filed a motion to  
15 recuse the San Luis Obispo County District Attorney’s Office on the basis that the elected district  
16 attorney had expressed: (1) disparaging opinions about the Black Lives Matter (BLM)  
17 movement, (2) explained his charging decision in the case to a Facebook group that had shown  
18 extreme animosity towards BLM, (3) solicited fundraising for his campaign to keep “leading the  
19 fight” against “wacky defund the police movement and anarchist groups,” which also referred to  
20 “crazy protest activity,” and (4) appeared at a fundraiser alongside a prominent political  
21 commentator where she called BLM “one of the most racist movements that ever existed in the  
22 country” and later praised the speaker as being truthful. (*Id.* at p. 821-822.) On appeal, the Court  
23 of Appeal upheld the trial court’s order recusing the district attorney’s office. (*Id.* at p. 823.) In  
24 doing so, it offered little in the way of analysis, but largely deferred to the judgment of the trial  
25 court who was familiar with the dynamics of the county. (*Ibid.*)

26 The decision in *Lastra* is distinguishable. Within a matter of weeks, the elected district  
27 attorney in that case expressed animus towards a group and then initiated a prosecution against  
28 those protesting a cause related to that group. Around that same time, he publicly appeared with

1 and spoke highly of individuals who expressed antipathy toward that group, and he sought to  
2 financially benefit from his stance against that group by soliciting campaign contributions. That  
3 is not the case here. The website that Defendant claims evinces DA Stephan’s bias against a  
4 group was published (and removed) years before the underlying incident here even occurred.  
5 (See Def. Mtn. at p. 9 & fn. 3.) Moreover, unlike the district attorney in *Lastra*, in the wake of  
6 filing the instant charges, DA Stephan has not solicited campaign contributions based on her  
7 opposition to any group. *Lastra* does not support a conclusion that the recusal of SDCDA is  
8 appropriate here.

9 Defendant’s reliance on *People v. Eubanks, supra*, 14 Cal.4th 580, is also misplaced. (Def.  
10 Mtn. at pp. 53-54.) There, the Santa Cruz County District Attorney’s Office incurred costs in the  
11 investigation of a theft of computer trade secrets owned by victim Borland International, a  
12 software development company that brought the case to the district attorney’s attention. The  
13 district attorney asked the victim to pay for the costs, and the victim did so, “paying as well other  
14 significant costs of the investigation.” (14 Cal.4th at p. 598.) It was conceded that the victim’s  
15 payment was “substantial” in light of the office’s resources. (*Id.* at p. 599.)

16 On these facts, our Supreme Court found that “the [victim’s] private financial contributions  
17 [were] of a nature and magnitude likely to put the prosecutor’s discretionary decision making  
18 within the influence or control of an interested party.” (*People v. Eubanks, supra*, 14 Cal.4th at  
19 p. 599.) The court cautioned, however, that “[a] district attorney is not disqualified simply  
20 because, in an effort to overcome budgetary restraints, he or she has accepted assistance from the  
21 public in investigating or prosecuting a crime.” (*Id.* at p. 597.)

22 Here, DA Stephan did not solicit financial contributions or reimbursement for prosecuting  
23 Defendant. Even assuming right-wing extremists donated to DA Stephan’s 2018 campaign,  
24 Defendant did not and cannot show that DA Stephan received “significant and substantial,” let  
25 alone any, financial contributions of a “nature and magnitude likely to put the prosecutor’s  
26 discretionary decision making within the influence or control of an interested party.” (*Id.* at  
27 p. 599.) Therefore, *Eubanks* is inapposite. An actual conflict has not been shown.  
28

1           **D. Defendant has not shown that it is more likely than not he will be treated**  
2           **unfairly during the criminal proceedings**

3           Even assuming some conflict has been shown, Defendant has nevertheless failed to meet  
4 his burden to support the second requirement of section 1424, namely, that any conflict is so  
5 grave that there is a likelihood of unfair treatment. (*Haraguchi v. Superior Court, supra*, 43  
6 Cal.4th at p. 713.)

7           *People v. Neely* (1999) 70 Cal.App.4th 767 (*Neely*) is instructive. In *Neely*, the defendant's  
8 first conviction was overturned. When transferred back to the trial court, the then-appointed  
9 district attorney, Walter Miller, elected not to seek the death penalty. (*Id.* at p. 773.) Soon  
10 thereafter, a primary election ensued where Miller's challenger, Gary Lacy, emphasized that  
11 Miller had never sought the death penalty and was "soft on crime." During the campaign, Lacy  
12 referred to Neely's case arguing that Miller should have pursued the death penalty. When Lacy  
13 won the election, he announced he would seek the death penalty in that case. (*Id.* at p. 776.)

14           The defense moved to recuse the district attorney's office. (*People v. Neely, supra*, 70  
15 Cal.App.4th at p. 773.) At the hearing, Lacy testified as to his decision making process and  
16 further explained that he had offered Neely a plea bargain should he plead guilty and accept a life  
17 sentence without the possibility of parole. (*Id.* at p. 777.) The trial court granted Neely's motion  
18 to recuse on the basis that there was an appearance of impropriety because the case was a  
19 prominent issue in Lacy's campaign for election. (*Id.* at p. 778.)

20           The appellate court found the recusal order improper and that the defense had not shown  
21 that it was likely that the defendant would be treated unfairly. (*People v. Neely, supra*, 70 Cal.  
22 4th at p. 776.) Noting that the trial court had found that Lacy would be evenhanded, the Court of  
23 Appeal admonished that "[t]he fact that Lacy would be aware of the possible [electoral]  
24 consequences of not seeking the death penalty is not at all the same as finding that Lacy would  
25 use that knowledge in derogation of his duty." (*Id.* at pp. 778-779.) The court rejected the  
26 defense's argument that discretionary decisions were affected by "bias evidenced by the political  
27 campaign," which was "indivisible in rendering a likelihood that [defendant] would not receive a  
28 fair trial." (*Id.* at p. 780.) The court also declined to engage in speculation that another office

1 might not have sought the death penalty or that an “unbiased” prosecutor might have believed that  
2 a codefendant might have committed the crime. (*Id.* at p. 780.)

3 Similar to *Neely*, Defendant has not met his burden to show that anything that occurred  
4 during the 2018 campaign has risen to the level of a recusable conflict. This is especially true  
5 given that the incident underlying this case occurred years after the election. Thus, unlike *Neely*,  
6 DA Stephan made no reference to this case in the context of her campaign and did not make it a  
7 basis for her election. Even assuming DA Stephan communicated an anti-Antifa platform in  
8 2018, this court, like the *Neely* court, should reject Defendant’s “assumption that candidates for  
9 public office invariably adhere to campaign positions . . . .” (*People v. Neely, supra*, 70 Cal. 4th  
10 at p. 778-779.) As in *Neely*, the cynical suggestion that SDCDA cannot fairly prosecute this case  
11 because of personal opinions held by some of DA Stephan’s supporters finds no basis in the  
12 record. Rather, as appellant acknowledges, “a right-wing extremist juvenile” was referred for  
13 juvenile prosecution based on his conduct at the January 9, 2021, demonstration. (Def. Mtn. at  
14 pp. 37-38.) Because this case presents an even weaker case for a conflict than *Neely*, Defendant’s  
15 motion should be denied.

16 **E. The large size, numerous branches, and hundreds of employees of the district**  
17 **attorney’s office demonstrates there is no likelihood any alleged conflict would**  
18 **lead to unfair treatment of defendant by the entire San Diego County District**  
19 **Attorney’s Office**

20 Moreover, there is no evidence that any of the line prosecutors in the office have been  
21 influenced by DA Stephan’s supposed intense interest in the case. As established, disqualifying  
22 an entire office is an extreme step. Notably, “[t]he size of the office is a relevant factor to  
23 consider.” (*Melcher v. Superior Court* (2017) 10 Cal.App.5th 160, 169 (*Melcher*)). And recusal  
24 of an entire agency is disfavored and must only be ordered when there is no alternative remedy.  
25 (*People v. Dekraii, supra*, 39 Cal.App.5th at p. 1139.) To make such a showing, the defense must  
26 prove “that the conduct of *any* deputy district attorney assigned to the case, or of the office as a  
27 whole, would likely be influenced by the personal interest of the district attorney or an  
28 employee.” (*People v. Vasquez, supra*, 39 Cal.4th at p. 57, emphasis added.)

1           While influence on a continuing prosecution is a factor courts consider when determining  
2 whether to recuse an elected district attorney or her office, that consideration is not present here.  
3 (See *Packer v. Superior Court, supra*, 60 Cal.4th at pp. 699, 709-711 [no recusal required where  
4 prosecutor’s children knew defendant and might be called to testify]; *People v. Vasquez, supra*,  
5 39 Cal.4th at pp. 55, 57-58 [recusal of district attorney’s office upheld where defendant was the  
6 son of the district attorney office’s administrator and stepson of a deputy district attorney].)  
7 Similarly, while there are instances where an elected district attorney’s connection to a case may  
8 be imputed on to an entire agency, that is not the case here. (See e.g., *People v. Vasquez, supra*,  
9 39 Cal.4th at pp. 55, 57-58 [recusal of district attorney’s office upheld where evidence showed a  
10 conflict of interest influenced the prosecution].)

11           Distinguishing *People v. Choi* (2000) 80 Cal.App.4th 476 (*Choi*), upon which Defendant  
12 relies (Def. Mtn. at p. 57), illustrates this point. In that case, the Court of Appeal affirmed the  
13 recusal of a district attorney’s office where the victim of a murder was the district attorney’s close  
14 friend and the district attorney discussed the matter with the press. (80 Cal.App.4th at p. 478.)  
15 The district attorney also sought court permission ex parte to send a letter to the editor after a gag  
16 order had been placed on the case. (*Id.* at pp. 480-481.) The appellate court found the district  
17 attorney’s “deep emotional involvement which stemmed from the loss of his close  
18 friend . . . prevented him from exercising the discretionary functions of his office in an  
19 evenhanded manner.” (*Id.* at pp. 481-482.) The appellate court upheld recusal of the office  
20 because the line prosecutors served at the district attorney’s will, the district attorney could not  
21 divorce himself from the case, and an ethical wall that had been erected between the district  
22 attorney and the prosecuting attorneys failed. (*Id.* at p. 483.)

23           *Choi* could not be more different than the circumstances here. To the extent Defendant  
24 claims that DA Stephan has an intense emotional involvement in this case, she plainly does not.  
25 Expressing anti-Antifa sentiment five years ago and then issuing one press release about the case  
26 does not illustrate an intense emotional involvement. (See Def. Mtn. at pp. 9-12, 47 & Exhibit  
27 BB.) Accordingly, there is no evidence that DA Stephan has exerted any undue influence on this  
28

1 case which has led the prosecutors to treat Defendant any differently than other defendants  
2 merely because of DA Stephan’s 2018 campaign website.

3 *People v. Pomar* (2023) 313 Cal.Rptr.3d 457 (*Pomar*), upon which Defendant relies, is also  
4 distinguishable. (See Def. Mtn. at p. 57.) There, the elected district attorney made clear during  
5 the recall campaign and the election that she had “a deep, personal” interest in the cases as they  
6 involved the murder of her husband’s cousin; that she believed in the defendants’ guilt; and that  
7 she disagreed with the office’s handling of the cases. (*Pomar, supra*, 313 Cal.Rptr.3d at p. 468.)  
8 Notably, none of these circumstances exist in this case, and the Defendant’s allegations are based  
9 on pure speculation.

10 Lastly, SDCDA employs around 300 deputy district attorneys across four geographic  
11 branches in a large county. As there is no evidence that DA Stephan has exerted any undue  
12 influence on every single one of her 300 deputy district attorneys, an ethical wall is possible, if  
13 needed, and SDCDA can continue the prosecution of Defendant. Indeed, the size of the San  
14 Diego County District Attorney’s Office is significant, because, “[a] large office can more easily  
15 erect ethical walls and insulate the conflict of interest than a smaller office or unit of a larger  
16 office.” (*Melcher, supra*, 10 Cal.App.5th at p. 169; see also *People v. Gamache* (2010) 48  
17 Cal.4th 347 [California Supreme Court emphasized the large size of the San Bernardino County  
18 District Attorney’s Office (500 employees, 112 deputy district attorneys and a “huge geographic  
19 spread”), in upholding the denial of a recusal motion].)

20 In sum, Defendant has not met his burden under Penal Code section 1424 to justify the  
21 extreme step of recusing an entire prosecutorial agency. The court should summarily deny the  
22 motion and deny any request for an evidentiary hearing. (See *Spaccia v. Superior Court* (2012)  
23 209 Cal.App.4th 93, 111-112; *People v. Johnson* (2015) 242 Cal.App.4th 1155, 1163-1164.)  
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**CONCLUSION**

For the foregoing reasons, the Attorney General opines that Defendant’s motion to disqualify the San Diego County District Attorney’s Office should be denied.

Dated: November 9, 2023

Respectfully submitted,  
  
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*/s/ Britton B. Lacy*  
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **People v. Jeremy White**

No.: **SCD274477**

I declare: I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 9, 2023, I served the attached **OPINION OF THE ATTORNEY GENERAL REGARDING THE DEFENDANT'S MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

The Honorable Summer Stephan  
San Diego County District Attorney's Office  
330 West Broadway, Suite 1320  
San Diego, CA 92101

Curtis L. Briggs  
1211 Embarcadero #200  
Oakland, CA 94606  
Atty. for Defendant White

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 9, 2023, at San Diego, California.

O. de la Cruz  
\_\_\_\_\_  
Declarant



\_\_\_\_\_  
Signature