



April 29, 2020

The Honorable Chief Justice Tani Cantil-Sakauye
The Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: Letter of Amici Curiae in Support of Petition for Writ of Mandate, *California Attorneys for Criminal Justice and American Immigration Lawyers Association, Southern California Chapter v. Gavin Newsom, California Governor and Xavier Becerra, California Attorney General*, Supreme Court No. S261829

Dear Chief Justice Cantil-Sakauye and Honorable Justices of the California Supreme Court,

Asian Prisoner Support Committee (“APSC”), Youth Justice Coalition (“YJC”), and Asian Americans Advancing Justice - Asian Law Caucus (“Asian Law Caucus”) respectfully request that this Court issue a writ of mandate requiring Governor Newsom and California Attorney General Becerra to enact a moratorium on state prison and jail transfers to immigration detention. This amici curiae letter is submitted pursuant to California Rules of Court Section 8.500(g).

Our organizations provide legal services, culturally relevant programming, and reentry services to Californians while they are in state prison, Immigration and Customs Enforcement (ICE) custody, and when they return home. The undersigned organizations are deeply concerned about the well-being and safety of the community members we serve due to crowded and unsanitary conditions in jails, prisons, and immigration detention that make these spaces more susceptible to the rapid spread of COVID-19. As a result of poor living conditions and inadequate medical care, people in prison tend to be far less healthy than the general public.¹ Their poor health outcomes are compounded further when they are transferred from the California Department of Corrections and Rehabilitation (CDCR) to ICE detention facilities, which are notorious for medical neglect and unhygienic conditions. In addition, it is important to underscore that people of color are disproportionately represented in our state’s prisons and ICE facilities and are consequently at higher risk of contracting and dying from the COVID-19 virus. Given the rapid spread and lethal nature of COVID-19, ensuring that our community members return home can be a matter of life or death. Tragically, CDCR continues to callously transfer our community members who have earned release to dangerous health conditions in immigration detention in the midst of this pandemic.

¹ Heather Harris, *Severe COVID-19 Infections May Threaten California’s Prisons*, Pub. Policy Inst. of CA, Mar. 27, 2020, <https://www.ppic.org/blog/severe-covid-19-infections-may-threaten-californias-prisons>.

CDCR's blatantly cruel practice of transferring individuals to ICE custody is completely voluntary. In this moment of an unprecedented global pandemic, the reasons for ending this practice are more self-evident than ever before. While lower courts have ordered ICE to release individuals through individual and class habeas petitions, these decisions will have little to no impact if ICE can simply replenish its detainee population via CDCR transfers.² Indeed, as long as CDCR continues to voluntarily and unnecessarily hand over Californians to ICE facilities--where COVID-19 runs rampant and unabated-- many of our community members will face grave illness and death. This state should turn the tide on this and demonstrate its commitment to protecting all Californians by immediately granting this writ of mandate.

I. Interests of Amici Curiae

A. Asian Prisoner Support Committee

The mission of the Asian Prisoner Support Committee is to provide direct support to API people who are incarcerated and to raise awareness about the growing number of APIs being imprisoned, detained, and deported.

Since 2002, APSC has led programs in prisons, organized anti-deportation campaigns, provided resources to "lifers," and developed culturally relevant reentry programs. APSC grew out of the campaign to support the "San Quentin 3"--Eddy Zheng, Viet Mike Ngo, and Rico Riemedio. The San Quentin 3 advocated for Ethnic Studies at San Quentin and--in retaliation by the prison administration--were sent to solitary confinement and transferred to different prisons. After spending months in solitary confinement (up to 11 months), Eddy, Mike, and Rico were released and eventually, all received parole (Eddy 2005, Rico 2007, Mike 2011).

Today, APSC facilitates the ROOTS ("Restoring Our Original True Selves") program in prisons, which is modeled after an Ethnic Studies curriculum, and seeks to increase understanding about immigration/refugee history, intergenerational trauma, leadership development, and reentry planning. Additionally, APSC provides community-based reentry services, and organizes deportation defense campaigns. About 80% of APSC staff are formerly incarcerated.

APSC has witnessed first-hand the devastation that CDCR transfers to ICE cause to the family members of the people who are detained in immigration detention and deported. A vast majority of the people APSC works with inside prisons are survivors of genocide and war. Many entered the United States as young children. At this moment of an unprecedented global pandemic,

² *Roman v. Wolf*, 5:20-cv-00768 TJH, 2020 WL 1952656 (C.D. Cal. Apr. 23, 2020) (granting preliminary injunction requiring ICE to release detainees from Adelanto Detention Center until detainees can follow social distancing and other COVID-19 health precautions); *Fraihat, et al. v. ICE, et al.*, EDCV 19-1546 JGB, 2020 WL 1932570 (C.D. Cal. Apr. 20, 2020) (ordering ICE to conduct individualized custody determinations for detainees based on vulnerability to COVID-19); *Castillo v. Barr*, 5:20-cv-00605 TJH, 2020 WL 1502864 (C.D. Cal. Mar. 27, 2020) (ordering the immediate release of two ICE detainees declaring that "[t]he law is clear-- the Government cannot put a civil detainee into a dangerous situation, especially where that dangerous situation was created by the Government"); *Ortuño v. Jennings*, 3:20-cv-02064 MMC, 2020 WL 1701724 (N.D. Cal. Apr. 8, 2020) (ordering the release of four plaintiffs with underlying medical conditions from Mesa Verde Detention Center); *Doe v. Barr*, 3:20-cv-02141 LB, 2020 WL 1820667 (N.D. Cal. Apr. 12, 2020), (ordering immediate release of individual with physical and mental health conditions who was transferred from CDCR to ICE custody).

that is already sweeping immigration detention facilities in California, APSC is alarmed about the health and safety of community members who have earned release from CDCR only to be transferred to even more dangerous conditions in immigration detention centers.

B. Youth Justice Coalition

The Youth Justice Coalition is working to build a youth, family, and formerly and currently incarcerated people's movement to challenge America's addiction to incarceration and the race, gender, and class discrimination in Los Angeles County's, California's and the nation's juvenile and criminal injustice systems. The YJC's goal is to dismantle policies and institutions that have ensured the massive lock-up of people of color, widespread law enforcement violence and corruption, the consistent violation of youth and communities' Constitutional and human rights, the construction of a vicious school-to-jail track, and the build-up of the world's largest network of jails and prisons. We use transformative justice and community intervention/peacebuilding, FREE LA High School, know your rights, legal defense, and police and court monitoring to "starve the beast"-- promoting safety in our schools, homes and neighborhoods without relying on law enforcement and lock-ups, preventing system contact, and pulling people out of the system. We use direct action organizing, advocacy, political education, and activist art to agitate, expose, and pressure the people in charge in order to upset power and bring about change.

The YJC challenges CDCR's practice of directly transferring community members to ICE because it is cruel and inhumane for California to funnel community members to immigration detention, especially as COVID-19 rapidly spreads through both the prison and immigration detention systems. Our membership includes people who have been directly transferred to ICE from state prisons and their family members. Based on their lived experiences, we are highly concerned for the well-being of individuals who are currently detained and/or will be transferred if the practice continues absent this Court's action.

The YJC has received requests for support from individuals recently transferred during this pandemic and their families. Requests have also been routed to us from other organizations. These requests are creating urgent demand which will be alleviated if this Court grants the original writ of mandate, thereby freeing up YJC resources to focus more on the localized communities it serves, particularly low-income youth of color and their families.

C. Asian Americans Advancing Justice - Asian Law Caucus

Since 1972, Asian Americans Advancing Justice - Asian Law Caucus has worked for the protection of the legal, civil, and human rights of members of low income and Asian Pacific Islander communities. The Asian Law Caucus provides legal representation to, and advocates on behalf of, API community members who are victims of CDCR's inhumane policy of funneling Californians directly into ICE custody. The Asian Law Caucus has expended a significant amount of our limited resources and staff time to protecting the safety of our detained clients given the immediate danger posed by COVID-19 in jails, prisons, and ICE facilities where conditions were already life-threatening and inhumane. The Asian Law Caucus has recently filed several habeas corpus petitions for the release of elderly and medically vulnerable clients from ICE custody; however, despite our efforts, CDCR is continuing to fill immigration beds and put people's lives

in danger by transferring individuals into ICE facilities at a rate we cannot stem on a case by case basis. The Asian Law Caucus recognizes the dire need for California’s leadership to end CDCR’s voluntary practice of transferring individuals to ICE custody to protect many Californians from illness or death.³ For all of these reasons, the Asian Law Caucus has an abiding interest in the outcome of this writ.

Asian Prisoner Support Committee, Youth Justice Coalition, and the Asian Law Caucus believe that these experiences render our organizations especially able to assist the Supreme Court in resolving the significant concerns raised by this case.

II. Our Organizations Urge This Court to Grant the Writ of Mandate To Protect Our Clients and Community Members From Certain Serious Illness And Death

Below are stories of some of the community members who were transferred from CDCR to ICE during the pandemic, or who are eligible for release from CDCR, but will be transferred to ICE absent action by this Court. These community members are children of war, genocide, and famine, and entered this country as refugees. They came of age in California during a proliferation of “tough on crime” policies and an unprecedented prison boom, resulting in the mass incarceration of youth of color. They have all dedicated themselves to their rehabilitation and have worked immensely hard to earn release on parole. The undersigned organizations are more than ready to provide reentry services and continued legal representation to ensure that these community members can safely return home and begin their transition back into our communities.

A. Rachana Duong Was Found Suitable for Parole But Was Transferred from CDCR to ICE Custody on March 17, 2020

Rachana Duong was born in 1975 in Battambang, Cambodia a few months after the Khmer Rouge came to power. As a child, he was exposed to the ravages of war and famine. Mr. Duong’s family was targeted by the Khmer Rouge because they were a military family. The Khmer Rouge murdered all of Mr. Duong’s maternal uncles and aunts. Mr. Duong’s father was a soldier who was tortured during the war because he was suspected of being a spy. They were able to escape death only because Mr. Duong’s mother moved the family to a different province and changed their names to remain undetected. Eventually, the family walked hundreds of miles to a refugee camp in Thailand. At the camp, Mr. Duong was kidnapped when he was four or five years old, but was eventually rescued by his father. When Mr. Duong was four years old, he also was infected by a virus in his spine that made him unable to walk. Extremely sick and malnourished, Mr. Duong almost died.

In 1980, when he was five years old, Mr. Duong and his family entered the U.S. as refugees and settled in San Diego, California. Mr. Duong became a lawful permanent resident. His parents and sister are U.S. citizens. Under the stress of adjusting to an entirely new life and culture in California, Mr. Duong’s parents’ marriage deteriorated when he was about eight years old. Mr.

³ The Asian Law Caucus has filed habeas corpus petitions on behalf of clients who have been transferred from CDCR to ICE custody during the COVID-19 pandemic. *Phaymany et al v. Marin et al*, Case No. 5:20-cv-00719 (C.D. Cal. Apr. 8, 2020); *Duong et al v. Jennings et al*, Case No. 3:20-cv-02864 (N.D. Cal. Apr. 24, 2020).

Duong, his brother, and sister remained in California with their mother. Their father abandoned them and moved to Utah to start a new family.

When Mr. Duong was about eleven years old, his mother began a relationship with a man who turned out to be impulsive and violent. His mother's boyfriend physically abused Mr. Duong's mother, grandmother, and brother, and attempted to sexually assault Mr. Duong's sister. Mr. Duong was not safe at home. Consequently, Mr. Duong sought refuge among his friends in his neighborhood. Mr. Duong and other Southeast Asian youth in his neighborhood shared a special bond because of their common experience of coming to the United States as young refugee children and being bullied by other kids at school for being different. To protect himself, Mr. Duong joined a gang with other Southeast Asian youth.

As a teenager, Mr. Duong briefly lived with his father in Utah. In a new place, Mr. Duong's grades improved and he made healthy friendships. However, his time in Utah was short-lived. His father's new family did not welcome him and said it was too costly to support him. Mr. Duong tried to return to his mother's house, but he was also not welcomed there. Thus, he became homeless, and his group of friends became his primary community. Mr. Duong and his friends supported themselves through criminal activities, which became more serious as they got older. Mr. Duong dealt with his grief and pain through the use of controlled substances and drinking. Desperate for financial security, when Mr. Duong was 19 years old, he and two friends committed a robbery that led to the unintentional death of an elderly woman. For this crime, Mr. Duong was sentenced to life imprisonment.

Mr. Duong spent his twenty-six years of incarceration actively pursuing rehabilitation. During his time of incarceration, Mr. Duong excelled in academics and completed college courses. He maintained employment and received positive feedback for both his studies and work. He completed numerous self-help programs, including Alcoholics Anonymous, Victim's Awareness, Anger Management, Alternatives to Violence, and Emotional Awareness. Through these programs, Mr. Duong learned about compassion, healing, and healthy conflict resolution. He learned about how his crime ripped apart a family and a community, and began focusing on how he could rebuild that community. During his years in prison, Mr. Duong grew up from a hurt kid into a responsible, mature adult. As part of the rigorous parole application process, Mr. Duong participated in a Comprehensive Risk Assessment, which resulted in a clinical psychologist determining that Mr. Duong represented a low risk for reoffending. The parole board considered the Comprehensive Risk Assessment, the opinion of the District Attorney's office, and Mr. Duong's conduct while in prison, and recommended his release from prison. Governor Newsom agreed with the parole board's recommendation and granted parole.

Through the years, Mr. Duong has been diagnosed with numerous health conditions, including asthma, chronic cough, high blood pressure, pre-diabetes, gastro-reflux disease, high cholesterol, and a lesion on his liver. On March 17, 2020, on the eve of the shelter-in-place order from Governor Newsom, instead of being released on parole, CDCR transferred Mr. Duong from CMF Vacaville state prison to ICE custody at Yuba County Jail in Marysville, California where he remains today. The conditions at Yuba County Jail have exacerbated Mr. Duong's respiratory health issues. The dust and dirt in the county jail have worsened his allergy symptoms. In addition to his twice-daily inhaler, Mr. Duong must take allergy medication and nasal spray daily just so

that he can breathe. Mr. Duong's nasal passage is constantly clogged, and he cannot take deep breaths without coughing. He describes feeling as though his lungs are full of liquid.

It is not possible for Mr. Duong to take appropriate COVID-19 health precautions in Yuba County Jail. Mr. Duong lives in a cell where the beds are very close together. There are about forty people living in his pod who share two showers. About twenty people occupy a small common space at a time. Detainees line up together to pick up food and eat in their cells. In such crowded conditions, Mr. Duong simply is not able to stay six feet apart from other detainees. Further, facilities are cleaned infrequently and detainees go days without having any soap or cleaning supplies.

Medical staff at Yuba County Jail work long hours and do not follow sanitary protocols. After administering Mr. Duong's twice-daily inhaler, the staff scatter Mr. Duong's inhaler in a drawer along with other inhalers. On at least one occasion, staff have administered incorrect medications to Mr. Duong. When Mr. Duong suffered a coughing fit requiring immediate medical care, it took staff 15 minutes to respond to Mr. Duong's health emergency. Moreover, Mr. Duong had to walk to get his inhaler himself. Consequently, while he remains in ICE custody, he is highly vulnerable to COVID-19 infection. Given his numerous medical conditions, his life is in constant danger.

Mr. Duong prepared a detailed reentry plan as part of his parole application process. Mr. Duong's mother, father, and sister are U.S. citizens. Mr. Duong's transitional housing placement at Taylor Street Center in San Francisco, California, has been approved. After serving over two decades and earning his release from prison, Mr. Duong is more than willing to submit to the conditions of his parole and begin the process of reintegrating into society.

B. Sitha Chum Was Found Suitable for Parole But Was Transferred from CDCR to ICE Custody on March 26, 2020

Sitha Chum was born in 1980 in a refugee camp in Thailand during the Khmer Rouge genocide. His parents had fled Cambodia and met in the refugee camp. His father was a soldier in the Cambodian military and had escaped after he had been interrogated and most of his family had been killed by the Khmer Rouge. Mr. Chum's mother also fled Cambodia after most of her family was killed.

The Chum family remained in the camp until 1983 when they arrived in the United States as refugees. Mr. Chum was three years old. He had an unstable childhood as his family struggled to acclimate to American society on their own. They originally resettled in Modesto but then relocated into Monterey Park, El Monte, and finally Pomona when they managed to purchase a home in 1992.

Mr. Chum's childhood was filled with emotional and physical pain. He held memories such as being locked out of the house at night as a child--for not remembering how to spell a word--or being chased out of the family garden when he would try to help. His parents often reminded him of when he angered them as a very young child back in Thailand, by trading rice for ice cream. He was even sent away to Minnesota as a teenager because he struggled with school. He did not

graduate and was sent back home. As a child, Mr. Chum was the recipient of harsh forms of punishment from his family whose traditional forms of Cambodian discipline were interlaced with the trauma of enduring the Khmer Rouge genocide. Consequently, he, too, was traumatized and struggled with anger issues throughout his youth.

The mid-to-late 1990s saw a spike in violence among the Cambodian community in parts of Southern California, particularly in Los Angeles County. As a teenager, Mr. Chum returned to a neighborhood rife with violence and was, on one occasion, stabbed from behind. Traumatized and fearful, he resorted to finding ways to protect himself. Like many other Cambodian youth, he found safety and security with friends who shared the same struggles and agreed to look out for one another.

In 2000, when Mr. Chum was nineteen, he was a passenger in a car with friends when one of them shot a firearm. No injuries were sustained, but a neighbor reported the shooting. Mr. Chum was arrested along with the vehicle's three other teenage occupants. All four teenagers received indeterminate sentences. This was a time when tough on crime penalties were being imposed on youth through the passage of measures such as Proposition 21, and young people were amassed into the adult criminal legal system with extreme sentences.

Mr. Chum entered the prison system feeling hopeless. He thought he would never get a chance at parole. Despite that, he made an earnest effort towards self-improvement. He sought counseling, therapy, and psychological support. He became an avid reader and studied towards getting his GED. He found spiritual support in learning from and reading the Bible. Desiring to understand his anger, he joined self-help groups including anger management, Alcoholics Anonymous, Criminals and Gangs Anonymous, and Alternatives to Violence Project. He also studied the nonviolent teachings of Dr. Martin Luther King. These educational experiences and the support network he built helped Mr. Chum understand and address the harms he had endured throughout his life.

In turn, Mr. Chum took the initiative to give back to his community. He participated in a life cycle program that allowed him to share his journey with youth and support violence intervention work. Additionally, he participated with Relay for Life and donated his own paycheck and earnings to the cause. He also earned a certification in handling blood-borne pathogens and bodily fluids which allowed him to work with the medical staff to maintain healthcare facilities-- a vital skill that is in high demand, especially now.

As a result of the passage SB 261 in 2015, which led to youth offender parole reform in California, Mr. Chum had an opportunity to appear before the parole board in November 2019. Due to his record of rehabilitation, he was found suitable for parole from CDCR. However, during the present shelter-in-place order issued by Governor Newsom, CDCR did not release Mr. Chum on parole to reunite with his family and community. Rather, on March 26, 2020, CDCR facilitated his transfer from the Correctional Training Facility in Soledad to ICE custody, where he endures even more dangerous health conditions.

Mr. Chum is currently in ICE custody at the Mesa Verde Detention Center in Bakersfield where it is impossible for him to socially distance himself from others. The physical design of the

facility and living situation simply do not accommodate necessary social distancing practices. To house ICE detainees, all living areas, including restrooms, are shared in an open dorm setting and double-bunk beds are placed just a few feet apart from each other. Additionally, Mr. Chum's elderly parents are being forced to prepare for potentially losing their son to deportation to Cambodia-- a country where they experienced immense trauma and fled before Mr. Chum was born-- while also constantly worrying about his health in detention.

C. Several Community Members Have Been Found Suitable for Parole But Are At Risk of Being Transferred To ICE Custody During the COVID-19 Pandemic

1. Chanthon Bun Was Found Suitable For Release on Parole in February 28, 2020, Is At High Risk for Severe Illness from COVID-19, And Is Slated To Be Transferred to ICE Custody Upon His Release

Chanthon Bun and his family are survivors of the Khmer Rouge regime and genocide, which resulted in the death of one third of Cambodia's population. Shortly after his family escaped the genocide, Mr. Bun was born in a refugee camp in Thailand in 1970. He spent the first fifteen years of his life in the camp, where rampant assault, abuse, theft, and terrorization from the Thai military were ever present. For the first fifteen years of his life, Mr. Bun and his family were only focused on surviving.

In 1985, Mr. Bun and his family resettled to Los Angeles, California as refugees. While trying to integrate into life in the United States, Mr. Bun faced discrimination at his school and bullying by his peers because of his limited English proficiency. Simultaneously, he and his family had to scrape together jobs to try to stay afloat. With the compounding effects of war, bullying and poverty, Mr. Bun turned to life in the streets to survive these new conditions.

In 1998, Chanthon Bun was convicted of second degree robbery and personal use of a firearm. No one was physically hurt as a result of the crime. At eighteen years old, he was sentenced to serve 49 years and 8 months in prison.

While inside prison, Mr. Bun gave up hope of ever getting out; regardless, he dedicated himself to self-help programs to turn his life around. What began with an interest in bettering himself snowballed into a commitment to give back to his community inside prison. In 2014, Chanthon Bun received his GED and began participating in programs that addressed the many challenges he and his community faced during his youth. He participated in Alternative to Violence Program (AVP), Prisoners against Child Abuse, Native Hawaiian Hula, Criminal Gang Anonymous, Nonviolent Communication, Kid Creating Awareness Together (Kid CAT), Restoring Our Original True Selves (ROOTS), Guiding Rage into Power, college programs, Computer Literacy, and Electronics. Mr. Bun is now a leader in his community. He facilitates and leads many of these groups and mentors other people coming into the prison who are looking for a second chance at life.

As a testament to his growth, on February 28, 2020, Mr. Bun was found suitable for parole. However, because he is not a U.S. citizen, he faces the threat of being transferred over to an ICE detention center immediately after his release. Being transferred over to ICE will exponentially

raise the likelihood of Mr. Bun contracting COVID-19. ICE facilities are incapable of practicing social distancing because detainees are crammed into close living quarters. In many immigration detention facilities, people who are detained are double bunked with another person and share common areas with over 100 other detainees, making the likelihood of a COVID-19 outbreak high. Mr. Bun suffers from Thrombotic thrombocytopenic purpura (TTP) blood disorder, hypokalemic periodic paralysis, and hypertension. Mr. Bun is medically vulnerable and contracting COVID-19 would likely mean serious illness, even death.

Further, despite the fact that he was born in a Thai refugee camp and has never set foot in Cambodia, if transferred, he will likely face deportation to Cambodia. He has two children in the United States that he provides support for and cannot do so if he is transferred over to ICE, and contracts COVID-19 and/or is deported.

2. Hieu Nguyen Was Found Suitable For Release On Parole On December 12, 2019 But Will Be Transferred to ICE Custody Upon His Release

Hieu Nguyen grew up on a farm in Vietnam in an area where food was scarce and people were starving. Starvation in the community led to rampant violence on Mr. Nguyen's family's farm. When Mr. Nguyen was nine-years old, people came onto his farm, stole his family's potatoes, and violently attacked him and his brother. This resulted in Mr. Nguyen and his brother having their heads cracked open and multiple cut wounds.

Mr. Nguyen came into the United States as a child refugee after the Vietnam War. The years post-Vietnam War proved to be exceedingly challenging for civilians who were not immediately able to evacuate Vietnam. Having escaped the violence of war, including military assault on civilians and reeducation camps, Mr. Nguyen and his family looked to make a better life in the United States. His family resettled in Santa Clara County, California. Assimilating to the United States was challenging for him and his family. As a young child, he was often bullied and assaulted for being an immigrant. He was bullied for his limited knowledge of English and for wearing cheap clothes. Mr. Nguyen grew up in poverty and felt his only means of safety was joining a gang.

Mr. Nguyen joined a gang at the age of sixteen because school life was violent. It brought him a sense of comfort and community that there were others willing to protect him and keep him safe. In 2000, two rival factions of Milpitas High School planned to meet up for a fight. This resulted in Mr. Nguyen being convicted of second degree murder. At the age of nineteen, he was given a life sentence.

Mr. Nguyen is currently incarcerated at San Quentin State Prison. While in prison, Mr. Nguyen committed to his rehabilitation by joining several self-help programs and eventually became a leader and mentor to other incarcerated men. During his rehabilitation, he has also made a commitment to serving his community inside prison and out in the free world. In 2015, Mr. Nguyen joined Restoring Our Original True Selves (ROOTS) and has been a participant in the program for the last five years. In those years, he graduated from being a participant to holding leadership positions within the program. Additionally, he has shared his story on a podcast highlighting his experiences with the immigration to school to gang to prison pipeline. And most

importantly, Mr. Nguyen presented at ROOTS 2015 Symposium at San Quentin State Prison. His story and presentation were part of a large effort to gather community members to invest resources into incarcerated community members and their reentry. This resulted in building relationships with stakeholders for opportunities to hire formerly-incarcerated individuals into their own organizations.

Additionally, Mr. Nguyen has participated in Kid Creating Awareness Together (Kid CAT), Guiding Rage into Power (GRIP), and Alternative to Violence Program (AVP). He is currently taking college courses at Patten University at San Quentin with hopes to advance in higher education when he is released from prison.

On December 12, 2019, after serving nineteen years in prison, Mr. Nguyen was found suitable for parole at his first Board of Parole hearing. Upon his release, he is committed to complying with all of the terms of his parole, continuing his education, and gaining employment.

If this court does not take action to grant the writ of mandate, Mr. Nguyen will be transferred over to ICE upon being released from San Quentin State Prison. ICE serves as an immediate threat to Mr. Nguyen's health as conditions in ICE facilities do not allow for social distancing to prevent the spread of COVID-19. ICE detention will prevent Mr. Nguyen's safe and healthy transition back into society-- something he has worked towards for two decades. Furthermore, all of Hieu's support systems and relatives reside in the United States. If released, Mr. Nguyen is prepared to abide by all of his parole conditions and remain a productive and contributing member of society. He has plans to give back to his community at large and cannot do so if transferred over to ICE.

III. Conclusion

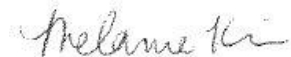
As long as CDCR continues to transfer community members to immigration detention where conditions are indisputably dangerous and even deadly, California cannot meaningfully stem the spread of COVID-19 and its destruction. On behalf of our communities, Asian Prisoner Support Committee, Youth Justice Coalition, and the Asian Law Caucus urge this Court to grant the writ of mandate.

Sincerely,



Angela Chan

Policy Director and Senior Staff Attorney, Criminal Justice Reform Program
Asian Americans Advancing Justice – Asian Law Caucus



Melanie Kim

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Document received by the CA Supreme Court.

PROOF OF SERVICE

*California Attorneys for Criminal Justice and American Immigration Lawyers Association,
Southern California Chapter v. Gavin Newsom, California Governor and Xavier Becerra,
California Attorney General, Supreme Court No. S261829*

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 55 Columbus Ave., San Francisco, CA 94111 and my business email address is melaniek@advancingjustice-alc.org.

I hereby certify pursuant to Cal. Rules of Court, rule 8.500(g), that on April 29, 2020, I caused to be served true copies of the **Letter of Amici Curiae in Support of Petition for Writ of Mandate** on the interested parties in this action as follows.

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Not required until
further notice from the
court.

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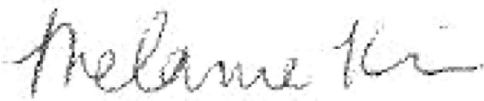
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BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be served electronically through TrueFiling in portable document format (“PDF”) Adobe Acrobat.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 29, 2020, at San Francisco, California.



Melanie Kim