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DEPARTMENT OF JUSTICE



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November 9, 2005

VIA FACSIMILE AND U.S. MAIL - (408) 277-9916

Clerk of the Court
California Court of Appeal
Sixth Appellate District
333 W. Santa Clara Street, Suite 1060
San Jose, CA 95113

Attention: Jane

RE: California Highway Patrol v. Santa Cruz County Superior Court
California Court of Appeal, Sixth District Case No. H029406

Dear Clerk of the Court:

Pursuant to instructions from Jane of your office, I am writing to advise the Court of Appeal of a development in this case. The California Highway Patrol, through the Attorney General's Office, filed this writ petition on October 6, 2005 and this court has yet to rule on the matter.

The Superior Court held a hearing in this case on November 7, 2005, at which it directed counsel for the California Highway Patrol to investigate the status of this writ petition. The Superior Court also set a further hearing for November 14, 2005, and the trial court indicated that it would contemplate a contempt finding against the California Highway Patrol if the Court of Appeal had not addressed the writ by then. Given this new information, we respectfully ask that the court issue the requested stay of further proceedings and rule on the merits of the California Highway Patrol's writ petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Miguel A. Neri".

MIGUEL A. NERI
Supervising Deputy Attorney General

For **BILL LOCKYER**
Attorney General

MAN:tm