

DECLARATION OF SERVICE

I am over the age of eighteen years old and not a party to the above-entitled action. My place of employment and business address is Orrick, Herrington & Sutcliffe LLP, Old Federal Reserve Bank Building, 400 Sansome Street, San Francisco, California 94111.

On February 8, 2004, I served a copy of APPELLANT'S REPLY BRIEF by placing a true copy thereof enclosed in a sealed envelope designated by Federal Express with delivery fees provided for and delivering it to a Federal Express office in San Francisco, California authorized to receive documents, addressed to the following at their respective office addresses last given, as follows:

BILL LOCKYER, ESQ.
Attorney General of the State of California
HOLLY D. WILKENS, ESQ.
Deputy Attorney General
110 West A Street, Suite 1100
San Diego, California 92101

MR. FREDERICK K. OHLRICH
Court Administrator and
Clerk of the Supreme Court
Supreme Court of California
Earl Warren Building
350 McAllister Street
San Francisco, California 94102

and causing it to be personally delivered to:

KEVIN COOPER
C-65304-3-EB-82
San Quentin Prison
San Quentin, California 94974
CONFIDENTIAL LEGAL MAIL

I declare under penalty of perjury under the laws of the

State of California that the foregoing is true and correct and that this document was executed on February 8, 2004 at San Francisco, California.

Anne Hawkins