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November 21, 2025

The Honorable Chief Justice Patricia Guerrero
and the Honorable Associate Justices of the
Supreme Court of the State of California
336 McCallister Street
San Francisco, CA 94102

Re: Letter of *Amici Curiae* in Support of Petition for Review of *Kjoller v. Superior Court of Nevada County*, Case No. S293723

To the Honorable Chief Justice and Associate Justices of the California Supreme Court:

This letter brief is submitted to the Court by the professors, scientists, and scholars appearing in Appendix A (the "Amici Curiae")[1] pursuant to the California Rules of Court, Rule 8.500(g), urging the Court to grant the petition for review in *Kjoller v. Superior Court of Nevada County*, Case No. S293723.

IDENTIFICATION OF *AMICI CURIAE* AND INTEREST IN SUPPORTING REVIEW

This letter is submitted on behalf of *Amici Curiae*, who are professors, scientists, and scholars that conduct research on issues of criminal law and procedure, prosecutorial obligations and misconduct, wrongful convictions, the use of forensic scientific evidence in criminal proceedings, or the use of generative artificial intelligence ("AI") models. The apparent use or misuse of generative artificial intelligence by the Nevada County District Attorney's Office raises many of the issues examined by the *Amici Curiae* in their academic and professional work: prosecutorial conduct in the criminal legal system, the ethical obligations of attorneys and prosecutors, how deficiencies in scientific tools and methods can lead to wrongful conviction, and deficiencies and error rates in generative AI specifically.

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[1] This brief was prepared by the undersigned on behalf of the *amici curiae*. No party or counsel for any party authored this brief in whole or in part, and no monetary contribution was provided for preparation or submission of the brief. Institutional affiliations of *amici curiae* are included for identification purposes only.

ARGUMENTS IN SUPPORT OF REVIEW

I. REVIEW IS NECESSARY TO EXAMINE WHETHER USE OF GENERATIVE ARTIFICIAL INTELLIGENCE RESULTED IN SUBMISSION OF FABRICATED LEGAL CITATIONS OR OTHER HALLUCINATION ERRORS, AND WHETHER SANCTIONS SHOULD ISSUE

Courts nationwide are facing the threat posed by use of generative AI in court submissions. To date, hundreds of published cases have grappled with the submission of fabricated and misleading legal authority and cascading risks to the rule of law.[2] This case presents the first known allegation of a prosecutor's office submitting nonexistent and misleading legal authority that appears to be generated by AI. Moreover, if the allegations in Mr. Kjoller's petition are correct, the Nevada County District Attorney's Office has engaged in the submission of fabricated legal authority in *multiple* proceedings without correcting or withdrawing the submissions.[3]

False citations are the tip of the iceberg. They signal deeper problems that are more difficult to detect, such as false quotations or false holdings from real cases or sycophantic arguments that lack factual or legal basis. Left uninvestigated and unchecked, the use of false or misleading legal authority in the criminal justice system—whether generated by AI or not—will have grave consequences: inaccurate judicial decisions, unjustified deprivation of individual liberty, wrongful convictions, and an erosion of public trust in the judicial system.

Review is warranted to stem the tide of potential AI misuse that would render the fundamental basis of our legal system—judicial decisions based on legal precedent—unreliable. To that end, investigation of whether and how the District Attorney has used generative AI is necessary, and should include the factual accuracy of its pleadings, how it supervises and manages attorneys in its office regarding their use of generative AI, and whether sanctions and further remedies must issue to protect the integrity of the judicial process and to "maintain[] public trust in the judicial branch."[4]

Generative AI or "GenAI"[5] is a tool that can produce "output," such as legal authority

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[2] (Charlotin, *AI Hallucination Cases Database*, Damien Charlotin Website <https://www.damiencharlotin.com/hallucinations/>[tracking "legal decisions in cases where generative AI produced hallucinated content" and identifying 569 such cases as of November 20, 2025].)

[3] Pet'r Request for Judicial Notice at pp. 2-3 (Nov. 12, 2025). The District Attorney's office maintains that it did not use generative artificial intelligence ("AI") in its written submissions in Mr. Kjoller's proceedings, even though it has belatedly admitted that its use of AI led to incorrect citations submitted to the trial court in another criminal proceeding. (Bernstein, *AI Caused Errors in Criminal Case, Northern California Prosecutor Says* (Nov. 7, 2025),The Sacramento Bee <https://www.sacbee.com/news/local/article312815223.html>.)

[4] (Judicial Council of California, *Judicial Branch Administration: Rule and Standard for Use of Generative Artificial Intelligence in Court-Related Work*," at 5 (June 16, 2025) <https://news.workcompacademy.com/2025/California-Court-Rules-on-AI.pdf>.)

[5] The California Judicial Council defined "generative artificial intelligence" or "generative AI" as a "computer-based system that uses machine learning or similar techniques to produce new content—such as text, images, audio, video, code, or data visualizations—in response to user inputs. Generative AI systems create content that is not pre-programmed or explicitly retrieved but synthesized based on underlying models trained on large datasets and may

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and argumentation, in response to "inputs," *i.e.*, prompts or questions. This technology, however, carries with it a significant risk of producing "hallucinations."[6] We use the definition of "hallucination" employed in the recent groundbreaking study by Stanford scientists to include responses that are incorrect or misgrounded: "In other words, if a model makes a false statement or falsely asserts that a source supports a statement, that constitutes an hallucination."[7] This definition provides technical clarity to the term and establishes that "hallucinations" are not limited to instances where the AI system fabricates the existence of a case, statute, or regulation but includes the more general problems of factual inaccuracy. For example, in one instance AI-assisted legal research not only generated a state statute and a bankruptcy rule that did not exist, but also claimed that a real Supreme Court case contained a dissent that it did not and misstated the standard of judicial review in a constitutional challenge.[8] As one court has noted, AI hallucinations may be "more likely to occur when there are little to no existing authorities available that clearly satisfy the user's request—such as, for example, when a lawyer asks a generative AI tool to supply a citation for an unsupported principle of law." (*Noland v. Land of the Free, L.P.* (2025) 114 Cal. App. 5th 426, citing in part *In re Richburg* (Bankr. D.S.C. Aug. 27, 2025, No. AP 25-80037-EG) 671 B.R. 918, 924, fn. 11.)

The first study to assess the rate of hallucinations in response to a legal query found that commonly used AI models "***hallucinate between 58% (ChatGPT 4) and 88% (Llama 2) of the time***."[9] Even AI-driven research tools offered by LexisNexis and Thomson Reuters—which claim to mitigate hallucination risk—have each been found to "hallucinate ***between 17% and 33% of the time***."[10]

In addition to hallucinations, generative AI can reproduce the biases, inaccuracies, or other distortions of the underlying data on which it was trained. It can "regurgitate a falsely homogeneous sense of the legal landscape to their users, collapsing important legal nuances," and "their distributional biases, if they exist, may permeate and afflict *every* downstream version of these models, producing a kind of algorithmic monoculture by entrenching one particular notion of the law across a wide range of applications."[11]

The concerns identified by Mr. Kjoller in his petition for review—of "eight cases cited by the District Attorney in his Answer [to Mr. Kjoller's habeas petition], three do not exist," three more "do exist but do not stand for the principle the District Attorney claims," and there is "an additional fabricated case in the Answer's Table of Authorities"—are consistent with the GenAI hallucinations found by multiple courts in legal submissions. (Petition for Review at 11.) These fictitious cases often look "like a real case with a case name; a citation to the Federal

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include integration with other sources, such as real-time access to proprietary databases." (California Rule of Court 10.430(a)(2).)

[6] (Magesh, V., Surani, F., Dahl, M., Suzgun, M., & Ho, D.E., *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models* (Apr. 25, 2025), Journal of Legal Analysis 16:64 <https://arxiv.org/pdf/2401.01301>.)

[7] (Magesh, V., Surani, F., Dahl, M., Suzgun, M., Manning, C.D., & Ho, D.E., *Hallucination-Free? Assessing the Reliability of Leading AI Research Tools* (May 30, 2024) Journal of Empirical Legal Studies 22:216, <https://arxiv.org/pdf/2405.20362>; *Large Legal Fictions* at 9.)

[8] (*Hallucination-Free* at 2-3.)

[9] (*Large Legal Fictions* at 6.) (emphasis added).

[10] (*Hallucination-Free* at 1-2.) (emphasis added).

[11] (*Large Legal Fictions* at 5-6.) (emphasis in original) (omitting citations)

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Supplement, which is the reporter that publishes opinions from federal district courts; identification of a district court; and the year for the decision." (*U.S. v. Hayes* (E.D. Cal. 2025) 763 F. Supp. 3d 1054, 1065; *Noland*, *supra*,114 Cal. App. 5th at p. 436 [appellant's brief contained "23 case quotations, 21 of which are fabrications" and was "peppered with inaccurate citations that do not support the propositions for which they are cited"].)

Use (and misuse) of GenAI implicates several California statutes, rules of court, and rules of professional conduct. CCP § 128.7 makes clear that an attorney certifies that their factual contentions in court filings have evidentiary support, while their legal contentions are based in existing law or "nonfrivolous argument[s]." (Code Civ. Proc. § 128.7(b)(2), (3).) A court can issue sanctions for violations of this rule that are "sufficient to deter repetition of this conduct or comparable conduct by others similarly situated," including monetary sanctions or "directives of a nonmonetary nature." (*Ibid.* § 128.7(d); *cf.* Code Civ. Proc. § 907 [filing frivolous appeal is sanctionable].) Similarly, the California Rules of Court permit a court to sanction a party or attorney for filing frivolous motions and appeals, for including in the record matters not reasonably material to the appeal, and for committing any unreasonable violation of the rules. (Cal. Rules of Court 8.276(a).)[12]

Both the California State Bar and the American Bar Association have reminded lawyers that use of GenAI tools implicate the duties of candor, competence and diligence, confidentiality, and supervision.[13] They have advised attorneys to "review for accuracy" all outputs from generative AI tools, "including analysis and citations to authority, and to correct errors, including misstatements of law and fact, a failure to include controlling legal authority, and misleading arguments."[14]

California Rule of Professional Conduct 3.8 imposes **special responsibilities on**

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[12] Beyond CCP § 128.7, the Judicial Council has mandated that California courts adopt policies requiring staff to verify the accuracy of material created by generative AI and to comply with all applicable laws, policies, and ethical rules. (California Rule of Court 10.430(a)(2).) And in the criminal legal context, the California Legislature recently enacted S.B. 524 to ensure that the use of AI in generating official documents—there, official law enforcement reports—be documented, disclosed, and weighed appropriately.

[13] (The State Bar of California, *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law*, (Practical Artificial Intelligence in the Practice of Law) <https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf>; American Bar Association, Formal Opinion 512, *Generative Artificial Intelligence Tools*, at 10 (July 29, 2024) <https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf>.) Submission of misleading or fabricated legal authority to a court squarely violates the **duty of candor** to the trial tribunal and the duty to present meritorious claims and contentions. (See Cal. Rule of Professional Conduct (RPC) 3.1, 3.3; Cal. Bus. & Prof. Code § 6068(d).) A lawyer's **duties of competence and diligence** require an understanding of how the technology works, review, validation, and correction of both the input and output of generative AI "to ensure the content accurately reflects and supports the interests and priorities of the client in the matter at hand, including as part of advocacy for the client." (*Practical Artificial Intelligence in the Practice of Law* at 3; RPC 1.1, 1.3.) The **duty of confidentiality** counsels against the input of confidential or personally identifying information to a generative AI tool that lacks adequate confidentiality and security protections. (RPC 1.6, 1.8.2; Cal Bus. & Prof. Code § 6068(e).) The **duty to supervise** warrants "clear policies regarding the permissible uses of generative AI," "reasonable efforts" to ensure that lawyers comply with their professional obligations when using generative AI, and training on the "ethical and practical aspects, and pitfalls, of any generative AI use." (*Practical Artificial Intelligence in the Practice of Law* at 3; RPC 5.1, 5.2, 5.3.)

[14] (*Generative Artificial Intelligence Tools* at 10; *Practical Artificial Intelligence in the Practice of Law* at 4.)

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prosecutors. Prosecutors bear "specific obligations to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence, and that special precautions are taken to prevent and to rectify the conviction of innocent persons."[15] As this Court recently observed, "Prosecutors . . . are held to an elevated standard of conduct. It is the duty of every member of the bar to maintain the respect due to the courts . . . . A prosecutor is held to a standard higher than that imposed on other attorneys because of the unique function he or she performs in representing the interests, and in exercising the sovereign power, of the state." (*People v. Barrett* (2025) 17 Cal. 5th 897, 984 [cleaned up].) As the representative of the state, "whose interest . . . in a criminal prosecution is not that it shall win a case, but that justice shall be done," (*Kyles v. Whitley* (1995) 514 U.S. 419, 439), "prosecutors remain under the solemn obligation to present evidence only if it advances rather than impedes the search for truth and justice." (*People v. Seaton* (2001) 26 Cal. 4th 598, 649 *as modified* (Sept. 26, 2001).)

When confronted with evidence of fabricated authority, courts have not hesitated to demand sworn testimony from attorneys and thereafter to impose sanctions. In *Noland v. Land of the Free, L.P.*, the Second District Court of Appeal on its own motion issued an order to show cause why plaintiff's counsel should not be sanctioned for filing appellate briefs "replete with fabricated quotes and citations." (*Noland*, *supra*,114 Cal. App. 5th at p. 441.) The court later found the attorney's conduct to violate court rules against filing a frivolous appeal. (*Ibid.* at pp. 447-448.) Sanctions were warranted even though the attorney claimed to be unaware that GenAI could hallucinate fake cases because "counsel [] fundamentally abdicated his responsibility to the court and to his client" by failing "to *read* the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propositions for which they are cited." (*Ibid.* at p. 445 [ordering sanction of $10,000].) Only last month, the Fourth District Court of Appeal sanctioned an attorney for citing a case that did not exist in his appellate brief, along with two cases that did not address the issues for which they were cited. (*People v. Alvarez* (2025) 114 Cal. App. 5th 1115.) The court observed that, as here, the case was "particularly disturbing because it involves the rights of a criminal defendant, who is entitled to due process, and representation by competent counsel. Courts are obligated to ensure these rights are protected." (*Ibid.* [cleaned up].)

The District Attorney's apparent serial submission of nonexistent legal citations in court proceedings involving multiple criminal defendants—that appear to be AI-generated hallucinations—warrants review. If true, the submission of fake or misleading legal authority—whether intentionally or not—violates the California Rules of Court. If true, it also violates the District Attorney's ethical obligations. Steps should be taken to prevent potential GenAI misuse among subordinate attorneys: implementing a policy governing subordinate attorneys' use of AI, requiring verification of the accuracy of content created in part or in full with generative AI, or requiring trainings on the appropriate use and risks of generative AI. And if GenAI did not cause the errors in the District Attorney's briefs, the errors would still raise concerns regarding whether the submissions complied with court rules and rules of professional conduct.

An order to show cause is warranted to investigate the District Attorney's conduct and determine whether sanctions are appropriate.

[15] (RPC 3.8, cmt. 1.)

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II. REVIEW IS NECESSARY TO INVESTIGATE THE CAUSE OF FABRICATED LEGAL CITATIONS AND HALLUCINATION ERRORS AND TO MITIGATE THE RISK OF PROSECUTORIAL MISCONDUCT, WRONGFUL CONVICTION, AND ERRONEOUS ADJUDICATIONS

Review is warranted because nonexistent legal authority contained in court submissions raises concerns of prosecutorial misconduct, wrongful conviction, and the negative downstream effects of legal briefs and judicial decisions containing false authority. Mr. Kjoller's case does not appear to be isolated. His attorneys have identified ***four briefs*** containing nonexistent legal citations; the District Attorney has admitted GenAI led to the error in only ***one*** of these cases.[16] The District Attorney's position, and the lower courts' denial of an investigation of his office's conduct, has prevented a fulsome examination of how nonexistent legal citations may have arrived in the District Attorney's court filings, whether GenAI tools or models were used, how those tools or models generated errors, and the error rates of those tools. Even if GenAI did not produce the nonexistent authority that appeared in the District Attorney's submissions, they raise concerns that must be addressed.

Prosecutors must "refrain from improper methods calculated to produce a wrongful conviction." (*Berger v. United States* (1935) 295 U.S. 78, 88, *overruled on other grounds by Stirone v. United States* (1960) 361 U.S. 212.) At least three prosecutorial obligations are implicated by use of GenAI, and if violated, may require reversal of a conviction. *First*, under due process principles, the prosecution cannot "present evidence it knows is false and must correct any falsity of which it is aware in the evidence it presents, even if the false evidence was not intentionally submitted." (*Seaton*, *supra*, 26 Cal.4th at p. 647, citing *Napue v. Illinois* (1959) 360 U.S. 264.) In the context of expert testimony, this Court has observed that a prosecutor that has "serious[] doubts" regarding the accuracy of evidence cannot present it to the factfinder. (*Seaton*, *supra*, 26 Cal.4th at p. 650.)[17] *Second*, "[i]t is prosecutorial misconduct to misstate the law." (*People v. Fayed* (2020) 9 Cal.5th 147, 204.) To establish such error, bad faith on the prosecutor's part is not required. (*People v. Centeno* (2014), 60 Cal. 4th 659, 666.)[18] *Third*, a prosecutor must disclose exculpatory evidence and cannot shift that burden to a defendant to discover the evidence. (*Brady v. Maryland* (1963) 373 U.S. 83, 88 [prosecutor may not become the "architect of a proceeding that does not comport with [the] standards of justice"].) "A rule declaring 'prosecutor may hide, defendant must seek,' is not tenable in a system constitutionally bound to accord defendants due process." (*Banks v. Dretke* (2004) 540 U.S. 668, 696 [cleaned up].)

Prosecutorial misconduct may require reversal of a conviction. "A prosecutor who uses deceptive or reprehensible methods to persuade the jury commits misconduct, and such actions require reversal under the federal Constitution when the infect the trial with such unfairness as to make the resulting conviction a denial of due process.'" (*People v. Friend* (2009) 47 Cal. 4th 1,

[16] Pet'r Request for Judicial Notice at pp. 2-5.
[17] (*Cf.* Gershman, *The Prosecutor's Duty to Truth* (2001) 14 Geo. J. Legal Ethics 309.)
[18] "The term prosecutorial 'misconduct' is somewhat of a misnomer to the extent that it suggests a prosecutor must act with a culpable state of mind. A more apt description of the transgression is prosecutorial error." (*Hill, supra*, 17 Cal.4th at pp. 822–823 fn. 1.)

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29 [cleaned up].) "Under state law, a prosecutor who uses such methods commits misconduct even when those actions do not result in a fundamentally unfair trial," (*People v. Alfaro* (2007) 41 Cal.4th 1277, 1328), but "a result more favorable to the defendant . . . without the misconduct" was reasonably probable. (*People v. Martinez* (2010) 47 Cal.4th 911, 955–956.)

Fabricated or misleading facts, legal citations, or arguments generated by AI may infect criminal proceedings and lead to wrongful convictions in a manner akin to other types of prosecutorial misconduct. One study of capital convictions that were reversed or exonerated found that prosecutorial misconduct consisted, among other issues, of the failure to correct false testimony or evidence or the introduction of expert evidence "not supported by scientific rigor."[19] Another study of exonerated individuals found that, in 60% of these cases, "forensic analysts called by the prosecution provided invalid testimony," *i.e.*, where empirical data did not support the trial testimony.[20] In Houston, for example, several men were exonerated following wrongful convictions—and more than 50 years of wrongful incarceration—that were clearly linked to substandard and unreliable analysis and reports by the Houston Police Department's Crime Laboratory and Property Room. The error rates of the severely underfunded serology laboratory were shocking and laid out in instructive detail by independent investigator Michael Bromwich's scientific audit.[21]

Many of the concerns raised by generative AI are mirrored in Bromwich's assessment of the Crime Lab's deficiencies: "the absence of a quality assurance program, inadequately trained analysts, poor analytical technique, incorrect interpretations of data, the characterizing of results as 'inconclusive' when that was not the case, and the lack of meaningful and competent technical reviews," and forensic reports that "suggested a strength of association between a suspect and the evidence that simply was not supported by the analyst's actual DNA results."[22] Professor Sandra Guerra Thompson tells the story of how the audit of the Houston Crime Lab scandal ultimately led to the creation of a model independent forensic laboratory in Harris County.[23] Instead of just sanctioning lawyers, an audit of this kind would go a long way to bringing about constructive change and clarity given the controversy surrounding the reliability of AI tools, the financial stakes for vendors, and the profound consequences for criminal defendants, public safety, and our justice system.

Many of the root causes of wrongful convictions arising from prosecutorial misconduct or false or misleading forensic evidence may be present in the use of generative AI by prosecutor's offices: lack of financial and personnel resources; ineffective management and training of personnel; disciplines with an inadequate scientific foundation; lack of adequate

[19] (Death Penalty Information Center, *Documenting Prosecutorial Misconduct Reversals and Exonerations in Capital Cases*, https://deathpenaltyinfo.org/stories/documenting-prosecutorial-misconduct-reversals-and-exonerations-in-capital-cases.)
[20] (Garrett & Neufeld, *Invalid Forensic Science Testimony*, (2009) 95 Va. L. Rev. 1, 9.)
[21] (Bromwich, *Final Report of the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room* (Bromwich Report) (June 13, 2007), https://studylib.net/doc/8300867/final-report-of-the-independent-investigator-for-the-hous....)
[22] (*Ibid.* at p. 5.)
[23] (Thompson, Cops In Lab Coats: Curbing Wrongful Convictions through Independent Forensic Laboratories (2015).)

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quality control and quality assurance.[24] And the criminal legal system may be unable to detect, prevent, or redress inaccurate or biased outputs of generative AI: prosecutors and defense counsel may not realize that factual or legal assertions in briefing or testimony presented to the court or factfinder are inaccurate or misleading; and trial and appellate courts may not independently review these submissions, especially given that the vast majority of criminal proceedings result in plea agreements and no further review.

The consequences of wrongful convictions based on the misuse of generative AI would be grave. In addition to the vacatur of individual convictions, systematic investigations and reform efforts may be required to understand the scope of the problem and implement forward-looking fixes. Wrongfully incarcerated individuals may be entitled to restitution and damages. And, over time, reliance by courts and juries on nonexistent or misleading legal authority will have downstream effects: inappropriately shifting the legal landscape towards precedent that favors the prosecution.

Review is warranted to investigate the District Attorney's conduct and safeguard against any potential risk of prosecutorial misconduct, wrongful conviction, and other collateral and downstream consequences of unacknowledged, uncorrected, and widespread misuse of GenAI. Those harms undermine the integrity of and public trust in the judicial system.

III. A REFEREE SHOULD BE APPOINTED THAT WILL ASSESS THE USE AND RISKS OF GENERATIVE AI AND MAKE APPROPRIATE RECOMMENDATIONS

Review is warranted to appoint a special master or referee that has the breadth and scope of expertise to investigate the District Attorney's conduct, assess whether GenAI tools may have caused fabricated legal authority, and, if so, recommend sanctions or other remedial measures.

A court is empowered to appoint a special master or special referee to investigate technical and legal issues, conduct joint factfinding with the parties, and issue a report of their findings. (Cal. Code Civ. Proc. §§ 845-846; Cal. Code Civ. Proc. § 639(a)(3), (a)(4); *Wilson v. Eu* (1991) 54 Cal. 3d 471, 473-474 [appointing referee in mandate proceeding to hear matter, employ counsel, experts, and other personnel to assist, with court's approval, and make report and recommendation to court]; *Holt v. Kelly* (1978) 20 Cal. 3d 560, 562 ["Since appellate courts are not equipped to take evidence, a reference is essential when the determination of controverted issues of fact becomes necessary in an original proceeding"].)

A special master or referee is well-suited for this task considering the technical aspects of an investigation. Not only can they make findings regarding the conduct of the attorneys in the District Attorney's Office, but they can also issue subpoenas to examine any underlying inputs/queries and outputs/responses from GenAI tools that may have led to the use of nonexistent authority. They can also assess the error rates in GenAI tools, including the representations by vendors about the risk of hallucination and sycophancy, and how to

[24] (Bromwich Report at 7-9; National Institute of Justice, *The Impact of False or Misleading Forensic Evidence on Wrongful Convictions* (Nov. 28, 2023), <https://nij.ojp.gov/topics/articles/impact-false-or-misleading-forensic-evidence-wrongful-convictions>.)

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reasonably verify the accuracy of legal citation and argument in legal submissions. Finally, they can evaluate the internal and external costs and benefits of implementing policies and practices to prevent GenAI misuse.

Based on that investigation, the Court of Appeal may proceed with determination of an appropriate remedy, if warranted: such as monetary sanctions, nonmonetary directives, dismissal of the indictment in the interests of justice, or sanctions imposed on the attorneys involved. If the court relied upon fabricated or misleading authority, that should be corrected. A judge has inherent power to devise a procedure for resolution of an issue presented to the court, unless otherwise specified by statute or court rule. (See *Citizens Utilities Co. v. Superior Court* (1963) 59 Cal.2d 805, 812-813; *People v. Jordan* (1884) 65 Cal. 644, 646; Code Civ. Proc. § 187.)

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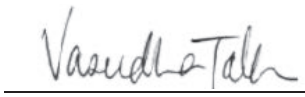
In sum, the conduct alleged here has grave consequences for the rule of law, the integrity of the judicial system, and the rights of criminal defendants. This Court should grant the petition for review and direct the Court of Appeal to issue an Order to Show Cause to ensure a complete investigation is conducted.

Respectfully Submitted,



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On behalf of *Amici Curiae*

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APPENDIX A

List of *amici curaie*

1. Abbe Smith, Scott K. Ginsburg Professor of Law, Georgetown University Law Center
2. Aditya Parameswaran, Associate Professor, Computer Science and Co-Director, EPIC Data Lab, University of California, Berkeley
3. Alondra Nelson, Harold F. Linder Professor, Institute for Advanced Study
4. Andrea Roth, Professor of Law and Barry Tarlow Chancellor's Chair in Criminal Justice, University of California, Berkeley Law School of Law
5. Barry Friedman, Jacob D. Fuchsberg Professor of Law, Faculty Director, Policing Project, New York University School of Law
6. Barry Scheck, Professor of Law, Cardozo School of Law; Co-Founder & Special Counsel, Innocence Project*
7. Brandon Garrett, David W. Ichel Distinguished Professor of Law, Duke University School of Law
8. Bruce A. Green, Louis Stein Chair, Director, Louis Stein Center for Law and Ethics, Fordham University School of Law
9. Chesa Boudin, Executive Director, Criminal Law and Justice Center, University of California, Berkeley School of Law*
10. Colleen Chien (she/her), Professor and Co-Director, Berkeley Center for Law and Technology, University of California, Berkeley School of Law
11. W. David Ball, Professor, Santa Clara University School of Law
12. David L. Faigman, Chancellor & Dean and John F. Digardi Distinguished Professor of Law, University of California College of the Law, San Francisco
13. David Luban, Distinguished University Professor, Georgetown Law School
14. Elizabeth Daniel Vasquez, President, The Forensic Evidence Table*
15. Erin Murphy, Norman Dorsen Professor of Civil Liberties, New York University School of Law
16. Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law
17. Jeffrey Fagan, Isidor & Seville Sulzbacher Professor of Law, Columbia Law School,
18. Katherine Judson, Executive Director, Center for Integrity in Forensic Sciences
19. Katie Kinsey, Chief of Staff/Tech Policy Counsel, Policing Project, New York University, School of Law
20. Maneka Sinha, Professor of Law, George Washington University Law School
21. Rebecca E. Wexler, Alfred W. Bressler Professor of Law, Columbia Law School
22. Suresh Venkatasubramanian, Director of the Center for Tech Responsibility, Brown University

*On the brief.

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PROOF OF SERVICE

I, Sadie Cook, declare that I am over the age of eighteen and not a party to the above action. My business address is 1 Rockefeller Plaza, 8th Floor, New York, New York 10020. My electronic service address is scook@ecbawm.com. On November 21, 2025, I served the attached:

Letter of Amici Curiae in Support of Petition for Review in *People v. Kjoller*
Case No. S293723

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused to be transmitted to the following case participants a true electronic copy of the document via this Court's TrueFiling system:

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Attorneys for Kyle Kjoller

BY MAIL: I mailed a copy of the document identified above to the following case participants by depositing the sealed envelope with the U.S. Postal Service, with the postage fully prepaid:

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Nevada County Superior Court - Main
201 Church Street, Suite 5
Nevada City, CA 95959
Trial Court Case No. CR0005981

Clerk of the Court of Appeal - Third Appellate District
For: Hon. Harry Hull
914 Capitol Mall, 4th Floor
Sacramento, CA 95814
Appellate Court Case No. C104445
Respondent

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

Executed on November 21, 2025, in New York, NY.

Sadie Cook

Sadie Cook, Declarant

Document received by the CA Supreme Court.