

4 him, the fact that Section 1172.75 is silent as to capital inmate capital sentences are
 5 eligible for recall and resentencing. Essentially, the defendant is describing the doctrine of *expressio*
 6 *unius est exclusion alterius*, meaning “[t]he expression of some things in a statute necessarily means
 7 the exclusion of other things not expressed.” (See *Gikas v. Zolin* (1993) 6 Cal.4th 841, 852.) The
 8 defendant’s assertion fails in this case because “the maxim...is inapplicable where its operation would
 9 contradict a discernible and contrary legislative intent.” (*Casterson v. Superior Court* (2002) 101
 10 Cal.App.4th 177, 190, internal quotations omitted, quoting *Wildlife Alive v. Chickering* (1976) 18
 11 Cal.3d 190, 195; see also *Moore v. Superior Court* (2020) 58 Cal.App.5th 561, 579-580, citing *In re*
 12 *J.W.* (2002) 29 Cal.4th 200, 209.)

13 Here, the doctrine is inapplicable because there is already a clearly stated and readily
 14 ascertainable legislative intent when it comes to challenging capital sentences. Section 1509 begins:
 15 “This section applies to any petition for writ of habeas corpus filed by a person in custody pursuant to
 16 a judgment of death. **A writ of habeas corpus pursuant to this section is the exclusive procedure**
 17 **for collateral attack on a judgment of death.**” (Pen. Code § 1509(a), emphasis added.) “Courts are
 18 required to ‘assume’ that the Legislature, when enacting a statute, was aware of existing related laws
 19 and intended to maintain a consistent body of rules.” (*Moore, supra*, 58 Cal.App.5th at 574, internal
 20 quotations omitted.) Without an express declaration of legislative intent, courts will not find an implied
 21 repeal of one statute unless they are unable to harmonize the conflict such that concurrent operation of
 22 both statutes is impossible. (*Moore, supra*, 58 Cal.App.5th at 574-575.) In this case, it must be
 23 presumed that the Legislature was aware of Section 1509 and its exclusivity clause when it enacted

1 Section 1172.75. If the Legislature meant for capital sentences to be included as an *exception* to
 2 Section 1509, it needed to do so expressly. Nothing in Section 1172.75 operates as an implied repeal,