

# SUPREME COURT COPY

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DEPARTMENT OF JUSTICE



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COPY

September 19, 2016

**SUPREME COURT  
FILED**

SEP 21 2016

Honorable Frank A. McGuire  
Clerk of the California Supreme Court  
350 McAllister Street, First Floor  
San Francisco, CA 94102

**Frank A. McGuire Clerk**  

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**Deputy**

RE: THE PEOPLE OF THE STATE OF CALIFORNIA v. ANDREW HAMPTON MICKEL  
Supreme Court California S.F., Case No. S133510

Dear Mr. McGuire:

Oral argument in the above-referenced case has been calendared for October 5, 2016. At oral argument, I intend to cite from the following additional authorities, which were not contained in the papers and briefs on file because they post-date those filing:

*People v. Romero* (2015) 62 Cal.4th 1, 44, fn. 17, disapproving of language in *People v. Whalen* (2013) 56 Cal.4th 1, 51

This authority is relevant to the issue briefed in Respondent's Brief at pages 157-161.

Sincerely,

ROBERT C. NASH  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

RCN:par

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DEATH PENALTY

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **People v. Mickel**

No.:

**S133510**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On September 19, 2016, I served the attached **LETTER TO SUPREME COURT OF CALIFORNIA RE: ADDITIONAL AUTHORITIES** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Lawrence A. Gibbs  
Attorney at Law  
P.O. Box 7639  
Berkeley, CA 94707  
(Attorney for Appellant)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 19, 2016, at Sacramento, California.

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Declarant