

OFFICE OF THE STATE PUBLIC DEFENDER

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December 23, 2014

SUPREME COURT
FILED

DEC 23 2014

Frank A. McGuire Clerk

Deputy

Frank A. McGuire
Supreme Court of California
350 McAllister Street
San Francisco CA 94102-3600

Re: *People v. Royce Lyn Scott*, No. S064858
Additional Authority (Oral argument set January 7, 2015)

Dear Mr. McGuire:

Oral argument in the above-entitled case has been set for 1:30 p.m. on January 7, 2015. At that hearing, I may cite the following recent authorities that support appellant's argument that the trial court improperly denied appellant's motion brought under *People v. Wheeler* (1978) 22 Cal.3d 258 and *Batson v. Kentucky* (1986) 476 U.S. 79 (AOB and ARB, Argument I):

People v. Lopez (2013) 56 Cal.4th 1028, 1049 [a trial court's request for a prosecutor to state reasons for a challenge after finding that a prima facie case of discrimination was not established does not necessarily convert a first stage case of the *Batson* inquiry into a third stage analysis].

People v. Sattiewhite (2014) 59 Cal.4th 446, 469 [reasons given by a prosecutor does not convert a case into a third-stage *Batson* claim unless the trial court explicitly or implicitly evaluates the prosecutor's stated reasons].

People v. Harris (2013) 57 Cal.4th 804, 883 (conc. opn of Liu, J.) [citing cases where a prima facie case of discrimination has been found].

DEATH PENALTY

Johnson v. Finn (9th Cir. 2011) 665 F.3d 1063, 1069 [a passable ground upon which a prosecutor could reasonably have based a challenge “does not suffice to defeat an inference of racial bias at the first step of the *Batson* framework”].

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arnold Erickson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arnold Erickson
Senior Deputy State Public Defender
Attorney for Appellant

DECLARATION OF SERVICE

Re: *People v. Royce Lyn Scott*

Case No. S064858

I, Randy Pagaduan, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, Suite 1000, Oakland, California 94607. On this day, I served a copy of the following document(s):

ADDITIONAL AUTHORITY LIST

by enclosing it in envelopes and

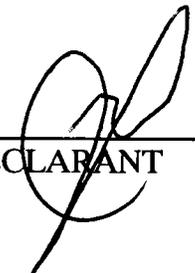
- / / **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid;
- / **X** / **placing** the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **December 23, 2014**, as follows:

Attn: Jennifer Jadowitz
Office of the Attorney General
110 W. "A" Street, Suite 1100
P.O Box 85266
San Diego, CA 92186

Royce Lyn Scott
K-69300
San Quentin State Prison
San Quentin, CA 94974

I declare under penalty of perjury that the foregoing is true and correct. Signed on **December 23, 2014**, at Oakland, California.



DECLARANT