

SUPREME COURT COPY

Law Office of Michael P. Goldstein

May 22, 2015

SUPREME COURT
FILED

MAY 26 2015

Ms. April Boelk,
Automatic Appeals Unit Supervisor
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4783

Frank A. McGuire Clerk

Deputy

Re: S055856, People v. Romero and Self

Dear Ms. Boelk:

Please advise the Court that I wish to bring to its attention the following authorities not yet available when the briefs were prepared:

Emotional Impact of Victim-Impact Evidence (Arguments II, III)

Paternoster & Deise, A Heavy Thumb on the Scale: The Effect of Victim Impact Evidence on Capital Decision Making, *Criminology* 49:1 (February, 2011) 129 (conclusions at pp. 153–156)

Exclusion of Mitigation Evidence (Argument VIII)

Preservation of right to review under Eighth Amendment standards

People v. Cowan (2010) 50 Cal.4th 401, 484–485

The Merits

People v. Thomas (2012) 54 Cal.4th 908, 943 (“The jury was aware that defendant’s mother had been severely abused and had suffered from bad parenting, which she then repeated in her treatment of defendant”).

DEATH PENALTY

Prosecutorial Future Dangerousness Argument (Argument XI)

People v. Clark (2011) 52 Cal.4th 856, 900 (juror properly excused for cause after failing to clearly state he would not set aside personal views; the sole view of concern noted: that future dangerousness would be an important sentencing criterion)

Judicial use of CALJIC rephrasing of statutory law as authority to expand criminal liability (Argument XIII.D)

People v. Diaz (S205145, 4/6/15) __ Cal.4th __, __, fn. 6, slip. opn., p. 10, fn. 6

Very truly yours,

/s/

Michael P. Goldstein,
Attorney for Appellant Orlando Romero, Jr.

PROOF OF SERVICE

Re: People v. Romero and Self

No. S055856

I, Michael P. Goldstein, certify that I am not a party to the within cause; that my business address is P.O. Box 30192, Oakland, CA 94604; and that I served a true copy of the accompanying

APPELLANT ROMERO'S LETTER REGARDING NEW AUTHORITIES

on each of the following, by placing same in envelopes addressed respectively as follows:

Theodore Cropley
Office of the Attorney General
P.O. Box 85266
San Diego, CA 92186-5266

John Grele
1 Blackfield Dr # 158
Tiburon, CA 94920

William D. Farber
369-B Third St., #164
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California Appellate Project (SF) 101
Second Street, Suite 600 San
Francisco, CA 94105

Orlando G. Romero, Jr.
(Appellant)

On May 22, 2015, I sealed and deposited each envelope in the United States Mail at Oakland, California, with the postage prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on May 22, 2015, at Oakland, California.

/s/

Michael Goldstein