

COPY

KAMALA D. HARRIS
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State of California
DEPARTMENT OF JUSTICE



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SUPREME COURT COPY

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May 18, 2015

SUPREME COURT
FILED

MAY 18 2015

Frank A. McGuire Clerk

Deputy

April Boelk
Automatic Appeals Unit Supervisor
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: *People v. Seumanu*
Supreme Court of the State of California, Case No. S093803

Dear Ms. Boelk:

Oral argument has been scheduled for the afternoon of May 26, 2015. If you would please advise the Court that counsel for respondent intends to address the following issue raised in appellant's supplemental brief:

The Arbitrariness and Uncertainty of Actual Execution of a Death Sentence in California Renders that Capital Regimen Unconstitutional under the Eighth Amendment of the United States Constitution.

Respondent will of course be prepared to address any other issues on which the Court has questions.

Sincerely,

A handwritten signature in cursive script that reads "Nanette Winaker".

NANETTE WINAKER
Deputy Attorney General
State Bar No. 186025

For KAMALA D. HARRIS
Attorney General

NW:er

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DEATH PENALTY

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Seumanu* (CAPITAL CASE)
No.: S093803

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 May 18, 2015, I served the attached **LETTER TO APRIL BOELK, AUTOMATIC APPEALS UNIT SUPERVISOR re ORAL ARGUMENT** 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 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Mark David Greenberg
Attorney at Law
484 Lake Park Avenue
PMB 429
Oakland, CA 94610
(2 copies)

County of Alameda
Criminal Division
Rene C. Davidson Courthouse
Superior Court of California
1225 Fallon Street, Room 107
Oakland, CA 94612-4293

The Honorable Nancy O'Malley
District Attorney
Alameda County District Attorney's Office
1225 Fallon Street, Room 900
Oakland, CA 94612-4203

California Appellate Project
101 Second Street, Suite 600
San Francisco, CA 94105-3647

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 May 18, 2015, at San Francisco, California.

E. Rios

Declarant

E. Rios

Signature