

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 738-9000
Telephone: (619) 738-9111
Facsimile: (619) 645-2191
E-Mail: Allison.Acosta@doj.ca.gov

March 1, 2018

Jorge E. Navarrete
Court Administrator and Clerk of the Supreme Court
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: *People v. Floyd Smith*
Supreme Court of the State of California Case No. S065233

Dear Mr. Navarrete:

This case is scheduled for oral argument on Tuesday, March 7, 2018, at 1:30 p.m., in San Francisco. For the court's consideration, the People cite the following additional authorities not contained in the briefs on file.

Arguments I and XIII: *People v. Winbush* (2017) 2 Cal.5th 402, 432–446; *People v. O'Malley* (2016) 62 Cal.4th 944, 971–983; *People v. Johnson* (2015) 61 Cal.4th 734, 753–760; *People v. DeHoyos* (2013) 57 Cal.4th 986, 101–116.

Argument V: *People v. Salazar* (2016) 63 Cal.4th 214, 225–228; *People v. Bivert* (2011) 52 Cal.4th 96, 1222.

Argument VI: *People v. Souza* (2012) 54 Cal.4th 90, 134–135.

Respectfully submitted,

S/ ALLISON V. ACOSTA
ALLISON V. ACOSTA
Deputy Attorney General
State Bar No. 297099

For XAVIER BECERRA
Attorney General

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DECLARATION OF ELECTRONIC SERVICE (VIA TRUEFILING)

Case Name: **People v. Floyd Smith**

Case No.: **S065233**

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.

On March 1, 2018, I electronically served (via truefiling) the attached **Letter**, as follows:

Party/Agency	Address
Elias Batchelder Deputy State Public Defender Counsel for Appellant	elias.batchelder@ospd.ca.gov
California Appellate Project	filing@capsf.org

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 March 1, 2018, at San Diego, California.

L. Hernández

Declarant

S/ L. Hernández

Signature

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **PEOPLE v. SMITH (FLOYD DANIEL)**

Case Number: **S065233**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **allison.hawley@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	Letter

Service Recipients:

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Allison Acosta Department of Justice, Office of the Attorney General-San Diego 297099	allison.acosta@doj.ca.gov	e-Service	3/1/2018 2:28:34 PM
California Appellate Project CAP Department of Justice, Office of the Attorney General-San Diego	filing@capsf.org	e-Service	3/1/2018 2:28:34 PM
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Lidia Hernandez Department of Justice, Office of the Attorney General-San Diego	Lidia.Hernandez@doj.ca.gov	e-Service	3/1/2018 2:28:34 PM
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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

--

Date

/s/Allison Hawley

Signature

Hawley, Allison (297099)

Last Name, First Name (PNum)

Department of Justice, Office of the Attorney General-San Diego

Law Firm