

COPY SUPREME COURT COPY



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DEPARTMENT OF JUSTICE

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February 24, 2016

SUPREME COURT
FILED

FEB 25 2016

Frank A. McGuire Clerk

Deputy

Frank A. McGuire
Court Administrator and Clerk of the Supreme Court of California
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

RE: People v. Magdaleno Salazar
Supreme Court of the State of California Case No. S077524

Dear Mr. McGuire:

Respondent respectfully submits this letter to alert this Court and opposing counsel that, at oral argument in the above case, counsel for respondent may cite to *People v. Capistrano* (2014) 59 Cal.4th 830 in support of respondent's position that the trial court conducted an adequate voir dire.

In *Capistrano*, this Court held that the trial court conducted an adequate voir dire even though it eliminated 22 prospective jurors with a single question. This Court found voir dire adequate because the jurors expressed an "unequivocal inability to apply the death penalty regardless of the evidence." (*People v. Capistrano, supra*, 59 Cal.4th at p. 860.) Similarly, here, the trial court excused jurors who unequivocally indicated an inability to impose the death penalty, regardless of the evidence before them.

Sincerely,

RYAN M. SMITH
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

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DEATH PENALTY

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Magdaleno Salazar*

Case No.: **S077524**

I declare:

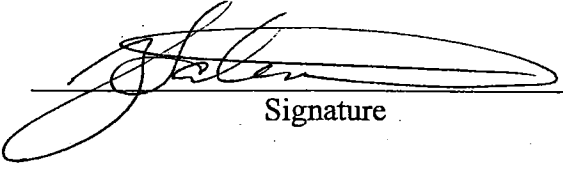
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General 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 February 24, 2016, I served the attached **LETTER TO THE COURT RE CITATION TO ADDITIONAL CASE** 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 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

James S. Thomson
Attorney at Law
819 Delaware Street
Berkeley, CA 94710
Attorney for Magdaleno Salazar

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 February 24, 2016, at Los Angeles, California.

Z. Salena
Declarant



Signature