

Office of the State Public Defender

770 L St., Suite 1000
Sacramento, California 95814-3362
Telephone: (916) 322-2676
Fax: (916) 327-0459



May 10, 2020

Mr. Jorge E. Navarrete
Clerk/Executive Officer
Supreme Court of California
350 McAllister Street
San Francisco, California

Re: *People v. Silveria & Travis*, S062417;
Argument scheduled for May 20, 2020

Notice of Supplemental Authorities

Mr. Navarrete,

This case is scheduled for oral argument on Wednesday, May 20, 2020, at 9:00. For the Court's consideration, appellant cites the following additional authorities, relevant to two of the appellate issues, not contained in the briefs on file.

Silveria AOB, XI: Improper Denial of Severance:

United States v. McRae (5th Cir. 2012) 702 F.3d 806, 821-838 (trial court abused its discretion in denying severance motion; limiting instructions were insufficient to cure risk of prejudice);

People v. Earle (2009) 172 Cal.App.4th 372, 384-411 (joinder of charges improper, Court of Appeal finds that joinder resulted in gross unfairness resulting in a denial of due process).

Silveria AOB, XIII: Witherspoon/Witt error:

People v. Buenrostro (2018) 6 Cal.5th 367, 412-418 (reversal of death sentence required where potential juror excused for cause due to her views on the death penalty without sufficient showing that she was unwilling or unable to put those views aside);

People v. Woodruff (2018) 5 Cal.5th 697, 741-745 (same);

People v. Covarrubias (2016) 1 Cal.5th 838, 861-866 (same);

People v. Zaragoza (2016) 1 Cal.5th 21, 37-41 (same);

People v. Leon (2015) 61 Cal. 4th 569, 590-593 (same).

Thank you for your attention.

Very Truly Yours,
/s/
Timothy J. Foley
Senior Deputy

DECLARATION OF SERVICE

Case Name: ***People v. Silveria (Daniel Todd) & Travis (John Raymond)***
Case Number: **Supreme Court Case No. S062417
Santa Clara County Superior Court No. 155731**

I, **Joy Rapp**, declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county where the mailing took place. My business address is 770 L Street, Suite 1000, Sacramento, California 95814. I served a true copy of the following document:

**NOTICE OF
SUPPLEMENTAL AUTHORITIES**

by enclosing it in envelopes and 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.

The envelopes were addressed and mailed on **May 12, 2020**, as follows:

Daniel Silveria, #K57200 CSP-SQ NB 5G-25 San Quentin, CA 94974	
---	--

The aforementioned document(s) were served electronically (via TrueFiling) to the individuals listed below on **May 12, 2020**:

Arthur P. Beever Deputy Attorney General Office of the Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-3664 <i>E-mail: arthur.beever@doj.ca.gov</i>	California Appellate Project 345 California Street, Suite 1400 San Francisco, CA 94104 <i>E-mail: filing@capsf.org</i>
Mark E. Cutler Attorney at Law P.O. Box 172 Cool, CA 95614-0171 <i>E-mail: cutler@mac.com</i>	Dennis A. Fischer Law Offices of Dennis A. Fischer 825 Wilshire Boulevard, #717 Santa Monica, CA 90401 <i>E-mail: dennisafischer@gmail.com</i>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **May 12, 2020**, at Sacramento, California.

/s/

JOY RAPP

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. SILVERIA (DANIEL TODD) & TRAVIS (JOHN RAYMOND)**

Case Number: **S062417**

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: **tim.foley@ospd.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	20200512_Notic of Supp Authorities Silveria S062417_EFILE

Service Recipients:

Person Served	Email Address	Type	Date / Time
Mark Cutler Attorney at Law cutler@mac.com	cutler@mac.com	e-Serve	5/12/2020 11:28:31 AM
Arthur Beever Office of the Attorney General 242040	arthur.beever@doj.ca.gov	e-Serve	5/12/2020 11:28:31 AM
Attorney General San Francisco Office Attorney General San Francisco Office	SFAG.Docketing@doj.ca.gov	e-Serve	5/12/2020 11:28:31 AM
Dennis Fischer Law Offices of Dennis A. Fischer 037906	dennisafischer@gmail.com	e-Serve	5/12/2020 11:28:31 AM
Office Office Of The State Public Defender-Sac Timothy J. Foley, Sr. Deputy State Public Defender 000000	docketing@ospd.ca.gov	e-Serve	5/12/2020 11:28:31 AM
California Appellate Project	filing@capsf.org	e-Serve	5/12/2020 11:28:31 AM

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.

5/12/2020

Date

/s/Joy Rapp

Signature

Foley, Timothy (111558)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm