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DEPARTMENT OF JUSTICE



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February 23, 2018

Jorge E. Navarrete
Clerk and Executive Officer
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-7303

RE: *In re Robert Lewis, Jr. On Habeas Corpus*
Case No. S117235 (Capital Case)
Notice of Supplemental Authority

Dear Mr. Navarrete:

At oral argument on March 7, 2018, counsel for respondent may discuss the following decision that was filed after the last briefing in this case, which is relevant to Question 1 of the Order to Show Cause (whether petitioner is intellectually disabled within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304 and *In re Hawthorne* (2005) 35 Cal.4th 40):

In *Moore v. Texas* (2017) 137 S.Ct. 1039, the United States Supreme Court held that the Texas Court of Criminal Appeals erred by disregarding current medical consensus (specifically by not accounting for the standard error of measurement) in evaluating the defendant's IQ scores and by applying the seven factors set forth in *Ex Parte Briseno* (Tex. Crim. App. 2004) 135 S.W.3d 1 in assessing adaptive deficits

Sincerely,

MARGARET E. MAXWELL
Supervising Deputy Attorney General

For XAVIER BECERRA
Attorney General

MEM:
LA2003XH0016
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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **LEWIS (ROBERT) ON
H.C.**

Case Number: **S117235**

Lower Court Case Number:

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

--

Date

/s/Margaret Maxwell

Signature

Maxwell, Margaret (169830)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm