

**N. K. SHALER**

PROFESSIONAL LAW CORPORATION

991 Lomas Santa Fe Drive, Suite C, #112  
Solana Beach, California, 92075  
Telephone (858) 259-6737 ♦ Facsimile (858) 345-1666

February 26, 2018

Jorge E. Navarrete  
Clerk of the Supreme Court  
350 McAllister St.  
San Francisco, CA 94102

**RE: People v. Hardy; Appeal No. S113421; Superior Court No. NA039436-02**

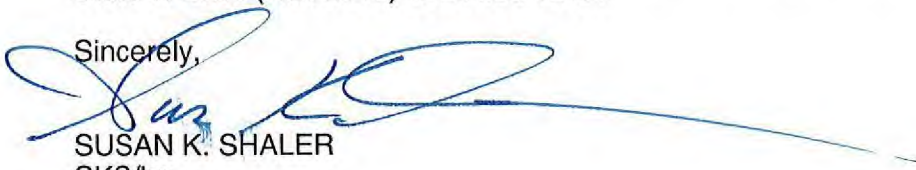
Dear Mr. Navarrete:

I submit the following additional authorities not contained in the briefs in advance of oral argument, which is set for 9:00 a.m. on March 8, 2018:

1. Whether there was *Batson/Wheeler* error based on the prosecutor's peremptory challenges to three prospective jurors. (Argument III): *People v. Gutierrez* (2017) 2 Cal.5th 1150, 1158-1183.
2. Whether the verdict form and instructions permitted a guilty verdict on count 1 based on an improper legal theory or failed to reflect the required findings of fact for first degree murder (Argument X): *People v. Johnson* (2015) 61 Cal.4th 734, 784; *People v. Mack* (Ill.1995) 167 Ill.2d 525, 528-538 [658 N.E.2d 437]; *People v. Smith* (Ill. 2009) 233 Ill.2d 1, 21-26 [906 N.E.2d 529]; and *Jared v. State* (Ga. 1992) 261 Ga. 880, 883 [413 S.E.2d 710].

Additionally, appellant's issue focus letter did not identify Argument V, that is, whether it was error to admit testimonial hearsay when a deputy coroner testified about procedures performed by someone else. That position remains unchanged. However, I invite the court's attention to *People v. Sanchez* (2016) 63 Cal.4th 665, *Rosario v. State* (Fla.App. 2015) 175 So.3d 843, and *State v. Bass* (N.J. 2016) 132 A.3d 1207.

Sincerely,



SUSAN K. SHALER  
SKS/bc

Enclosure (proof of service)

ATTORNEY'S CERTIFICATE OF ELECTRONIC SERVICE  
AND SERVICE BY MAIL

(Code Civ. Proc., § 1013a, subd. (2); Cal. Rules of Court, rules 8.71(f) and 8.77)

I, Susan K. Shaler, certify: I am an active member of the State Bar of California and am not a party to this cause. My electronic service address is shalerlawcorp@gmail.com and my business address is 991 Lomas Santa Fe Dr., Ste C #112, Solana Beach, CA. On February 26, 2018, I served the persons and/or entities listed below by the method checked. For those marked "Served Electronically," I transmitted a PDF version of Appellant's Letter re Additional Authorities by TrueFiling electronic service or by e-mail to the e-mail service address(es) provided below. For those marked "Served by Mail," I deposited in a Mailbox regularly maintained by the United States Postal Service at Solana Beach, California, a copy of the above document in a sealed envelope with postage fully prepaid, addressed as provided below on February 27, 2018.

**APPELLANT'S LETTER RE ADDITIONAL AUTHORITIES**

on all parties to this action by placing a true copy thereof enclosed in a sealed envelope or box addressed as follows:

Clerk, California Supreme Court  
350 McAllister St.  
San Francisco, CA 94102  
[Served Electronically]

Xavier Becerra  
Attorney General  
300 S. Spring St.  
North Tower, Ste 5001  
Los Angeles, CA 90013  
[Served Electronically]

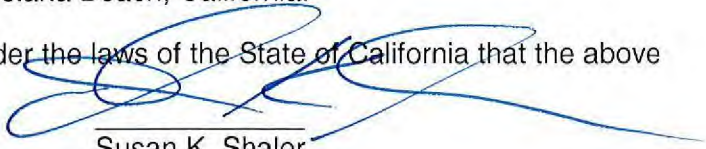
California Appellate Project  
Attn: Ms. Aundre Herron  
101 Second Street, 6th Floor  
San Francisco, CA 94105  
[Served by Mail]

Mr. Warren J. Hardy  
T80906  
San Quentin State Prison  
San Quentin, CA 94974  
[Served by Mail]

I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Solana Beach, California.

Executed on February 26, 2018, at Solana Beach, California.

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

  
Susan K. Shaler

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. HARDY (WARREN JUSTIN)**

Case Number: **S113421**

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: **shalerlawcorp@gmail.com**

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	Appellants Additional Authorities Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	2/26/2018 11:49:57 AM
michael wise CA Attorney General's Office - Los Angeles 185026	michael.wise@doj.ca.gov	e-Service	2/26/2018 11:49:57 AM
michael wise CA Attorney General's Office - Los Angeles 185026	michael.wise@doj.ca.gov	e-Service	2/26/2018 11:49:57 AM
Susan Shaler Attorney at Law 115762	lawqueen@earthlink.net	e-Service	2/26/2018 11:49:57 AM
Susan Shaler Attorney at Law 115762	law.queen@icloud.com	e-Service	2/26/2018 11:49:57 AM
Susan K. Shaler Susan K. Shaler Professional Law Corporation 115762	shalerlawcorp@gmail.com	e-Service	2/26/2018 11:49:57 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.

--

Date

/s/Susan K. Shaler

Signature

Shaler, Susan K. (115762)

---

Last Name, First Name (PNum)

Susan K. Shaler Professional Law Corporation

---

Law Firm