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Sanger Swysen & Dunkle | Attorneys at Law

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*
California Supreme Court
Case Number S117235
Notice of New Authority

Dear Mr. Navarrete:

Petitioner Robert Lewis, Jr. respectfully submits this letter to provide a significant new authority which was not available in time to inform the Court in the previously filed briefing. The authority is *Moore v. Texas* (2017) 137 S.Ct. 1039. The opinion relates to the first question from the reference hearing: 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.

Sincerely,

SANGER SWYSEN & DUNKLE

Robert M. Sanger

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 125 E. De La Guerra Street, Suite 102, Santa Barbara, California, 93101.

On February 23, 2018, I served the foregoing document entitled: **NOTICE OF NEW AUTHORITY** on the interested parties in this action by depositing a true copy thereof as follows:

Robert Lewis, Jr.
B-45344-IEB-63
San Quentin State Prison
San Quentin, California 94967

BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at

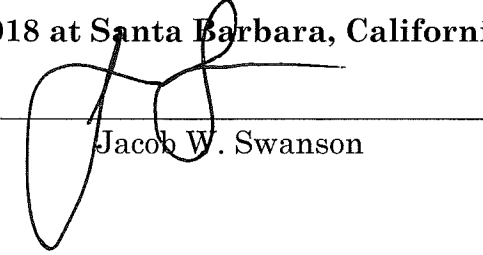
BY ELECTRONIC MAIL. I caused the document to delivered by electronic mail to the interested party at the email address indicated above.

BY HAND - I caused the document to be hand delivered in a sealed envelope to the interested parties at the address above.

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

FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed this February 23, 2018 at Santa Barbara, California.



Jacob W. Swanson

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:

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: **rsanger@sangerswysen.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
ADDITIONAL CITES FOR ORAL ARGUMENT	Notice of New Authority

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney General - Los Angeles Office Margaret E. Maxwell, Deputy Attorney General LAG	margaret.maxwell@doj.ca.gov	e-Service	2/23/2018 3:07:14 PM
Brian Kelberg Court Added	bkelberg@da.lacounty.gov	e-Service	2/23/2018 3:07:14 PM
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	2/23/2018 3:07:14 PM
Robert Sanger Sanger & Swysen 58214	rsanger@sangerswysen.com	e-Service	2/23/2018 3:07:14 PM
Robert Sanger SANGER SWYSEN & DUNKLE 058214	rsanger@sangerswysen.com	e-Service	2/23/2018 3:07:14 PM

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/Robert Sanger

Signature

Sanger, Robert (058214)

Last Name, First Name (PNum)

SANGER SWYSEN & DUNKLE

Law Firm