

JAN 11 2013

S030553

Frank A. McGuire Clerk

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

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THE PEOPLE, Respondent,

v.

GEORGE BRETT WILLIAMS, Appellant.

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The parties are requested to submit letter briefs addressing the following: According to the record (15 RT 1214,1232), the subject of defendant's third motion pursuant to *Batson/Wheeler* (*Batson v. Kentucky* (1986) 476 U.S. 79; *People v. Wheeler* (1978) 22 Cal.3d 258) and the fifth of the five African-American women prospective jurors involved in the *Batson/Wheeler* motions, was named Ruth Jordan. However, later, at the hearing on the new trial motion, according to the record (54 RT 4165,4167), the prosecutor described this prospective juror as Denise Jordan, a different African-American woman prospective juror with the same last name. Did the prosecutor mistake Ruth Jordan with Denise Jordan as to the subject of his peremptory challenge, and, if so, what effect does this mistake have concerning defendant's *Batson/Wheeler* claims? (See *People v. Williams* (1997) 16 Cal.4th 153, 188; *People v. Phillips* (2007) 147 Cal.App.4th 810, 814.) Appellant and Respondent are requested to serve and file simultaneous letter briefs no later than January 23, 2013.

CANTIL-SAKAUYE

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Chief Justice