

KAMALA D. HARRIS
Attorney General

SUPREME COURT COPY

State of California
DEPARTMENT OF JUSTICE



110 WEST A STREET, SUITE 1100
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 645-2001
Telephone: (619) 645-2332
Facsimile: (619) 645-2191
E-Mail: Ronald.Jakob@doj.ca.gov

April 23, 2015

Frank A. McGuire
Court Administrator and Clerk of the Supreme Court
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

SUPREME COURT
FILED

APR 24 2015

Frank A. McGuire Clerk

Deputy

RE: *People v. John Cunningham*
Supreme Court of the State of California Case No. S051342

Dear Mr. McGuire:

This case is scheduled for oral argument on Tuesday, May 5, 2015, at 1:30 p.m., in San Francisco. For the Court's consideration, the People cite the following additional authorities not contained in the briefs on file.

Argument I: *People v. Ervine* (2009) 47 Cal.4th 745, 774, citing *Rhodes v. State* (1994) 264 Ga. 123, 441 S.E.2d 748, 749 [technical shackling violation].

Argument VII: *People v. Lucas* (2014) 60 Cal.4th 153, 255-258 [reliance on general population data].

Respectfully submitted,

Handwritten signature of Ronald A. Jakob in cursive.

RONALD A. JAKOB
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

RAJ: lh
SD1996XS0001
71069897.doc

DEATH PENALTY

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. John Cunningham**

Case No.: **S051342**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

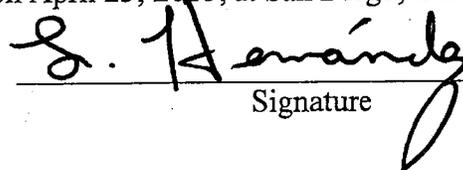
On April 23, 2015, I served the attached **Letter**, by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Mordecai Garelick
Staff Attorney
California Appellate Project (SF)
101 Second Street, Suite 600
San Francisco, CA 94105-3647
Counsel for Appellant John Cunningham

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 23, 2015, at San Diego, California.

L. Hernández

Declarant



Signature