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KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE

600 WEST BROADWAY, SUITE 1800  
SAN DIEGO, CA 92101  
P.O. BOX 85266  
SAN DIEGO, CA 92186-5266

Public: (619) 645-2001  
Telephone: (619) 645-2216  
Facsimile: (619) 645-2191  
E-Mail: Eric.Swenson@doj.ca.gov

May 13, 2016

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

SUPREME COURT  
FILED

MAY 16 2016

Frank A. McGuire Clerk

Deputy

RE: People v. Richard Nathan Simon  
Supreme Court of the State of California, Case No. S102166

Dear Mr. McGuire:

This case is scheduled for oral argument on Thursday, May 26, 2016, at 1:30 p.m., in San Francisco. For the Court's consideration, the People cite the following additional authority not contained in the briefs on file.

Argument I: *People v. Montes* (2014) 58 Cal.4th 809, 838-843 [use of stun belt at trial]; *People v. Jackson* (2014) 58 Cal.4th 724, 738-748 [same].

Argument III: *People v. Thomas* (2012) 53 Cal.4th 771, 799-801 [trial court properly denied motion to sever charges].

Argument IV: *People v. Duff* (2014) 58 Cal.4th 527, 561-562 [trial court properly declined to instruct the jury on second degree murder and voluntary manslaughter]; *People v. Souza* (2012) 54 Cal.4th 90, 116-117 [jury not forced into an "all or nothing" choice between murder and acquittal after the court refused to instruct on voluntary manslaughter].

Respectfully Submitted,

*Eric A. Swenson*

ERIC A. SWENSON  
Supervising Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

EAS:cp  
SD2001XS0008

DEATH PENALTY

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **People v. Richard N. Simon**  
No.: **S102166**

I declare:

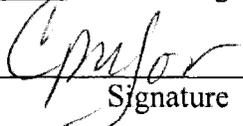
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General 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 May 13, 2016, I served the attached **Supplemental Authorities 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:

Kimberly J. Grove, Esq.  
P.O. Box 425  
Ligonier, PA 15658  
Attorney for  
Richard Nathan Simon (2 copies)  
[kimgrove@yahoo.com](mailto:kimgrove@yahoo.com)

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 May 13, 2016, at San Diego, California.

\_\_\_\_\_  
C. Pryor  
Declarant

  
\_\_\_\_\_  
Signature