

# SUPREME COURT COPY

In the Supreme Court of the State of California

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent,

v.

PAUL WESLEY BAKER,

Appellant.

CAPITAL CASE

Case No. S170280

SUPREME COURT  
FILED

SEP 16 2015

Los Angeles County Superior Court Case No. LA045977  
The Honorable Susan M. Speer, Judge

Frank A. McGuire Clerk  
Deputy

## SUPPLEMENTAL RESPONDENT'S BRIEF

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# DEATH PENALTY

Appellant contends that the abstract of judgment contains a clerical error regarding his convictions in counts 7, 10, and 16, and that this Court should correct those errors on its own motion. (Supp. AOB at 1-2.) It appears that appellant is correct.


At trial, appellant was charged and convicted in counts 7, 10, and 16, with Penal Code section 286, subdivision (c)(2), sodomy by force, violence, duress, menace, and fear of immediate and unlawful bodily injury. (See Supp. III CT 99, 101, 106; 6CT 1403-04, 1406.) However, the abstract of judgment incorrectly reflects that appellant was convicted in each of these counts with Penal Code section 286, subdivision (c), sodomy with a person under the age of 14. (See 36CT 9483-9484.)

A court has inherent power to correct clerical errors in its records so as to make these records reflect the true facts. (*In re Candelario* (1970) 3 Cal.3d 702, 705; *People v. Mitchell* (2001) 26 Cal.4th 181, 185.)

Accordingly, Respondent respectfully requests that the abstract of judgment be amended to reflect the correct convictions in counts 7, 10, and 16, under Penal Code section 286, subdivision (c)(2).

Dated: September 15, 2015      Respectfully submitted,

KAMALA D. HARRIS  
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## CERTIFICATE OF COMPLIANCE

I certify that the attached Supplemental Respondent's Brief uses a 13 point Times New Roman font and contains 188 words.

Dated: September 15, 2015

KAMALA D. HARRIS  
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**DECLARATION OF SERVICE**

Case Name: **The People of the State of California v. Paul Wesley Baker**

No.: **S170280**

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 **September 15, 2015**, I electronically submitted the attached **SUPPLEMENTAL RESPONDENT'S BRIEF** with the California Supreme Court using the Online Form provided by the California Supreme Court.

On **September 15, 2015**, I served the attached **SUPPLEMENTAL RESPONDENT'S BRIEF** by placing a true copy thereof enclosed in a sealed envelope in the internal mail system of the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

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Department V  
14400 Erwin Street Mall  
Van Nuys, CA 91401

Governor's Office, Legal Affairs Secretary  
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Sacramento, CA 95814

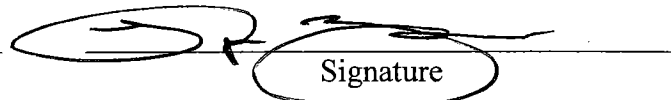
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On **September 15, 2015**, I caused 9 copies of the **SUPPLEMENTAL RESPONDENT'S BRIEF** in this case to be delivered to the California Supreme Court at 350 McAllister Street, First Floor, San Francisco, CA 94102-4797 by FedEx Messenger Service; **TRACKING NUMBER 8020 0946 7460**.

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 **September 15, 2015**, at Los Angeles, California.

Lupe Zavala  
Declarant

  
Signature