

SUPREME COURT COPY

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STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

OFFICE OF THE STATE PUBLIC DEFENDER

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March 24, 2016

SUPREME COURT
FILED

MAR 25 2016

Frank A. McGuire Clerk

Deputy

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

Re: People v. Edgardo Sanchez - S045423

Dear Mr. McGuire:

Oral argument in the above-entitled case has been set for 1:30 p.m. on Wednesday, April 6, 2016, in Los Angeles. At the hearing, I may cite the following authorities, issued after appellant filed his last brief in this appeal, which support appellant's argument that the trial court improperly denied appellant's motions under *People v. Wheeler* (1978) 22 Cal.3d 258 and *Batson v. Kentucky* (1986) 476 U.S. 79 (Argument I of appellant's Opening and Reply Briefs):

People v. Scott (2015) 61 Cal.4th 363, 386, 390. An appellate court properly reviews the first-stage ruling where the trial court has determined that no prima facie case of discrimination exists, then invites the prosecutor to state reasons for excusing the juror, but refrains from ruling on the validity of those reasons. A reviewing court may not rely on a prosecutor's statement of reasons to support a trial court's finding that the defendant failed to make out a prima facie case of discrimination.

Shirley v. Yates (2015) 807 F.3d 1090, 1101. The rule enunciated in *People v. Box* (2000) 23 Cal.4th 1153, 1188 (when the record "suggests grounds upon which the prosecutor might reasonably have challenged the jurors in question," the reviewing court affirms the trial court's denial of a prima facie case), is contrary to clearly established federal law.

Thank you for bringing this letter to the Court's attention.

Respectfully submitted,



Sara Theiss
Senior Deputy State Public Defender

cc: Corey Robins
Habeas Corpus Resource Center

DEATH PENALTY

DECLARATION OF SERVICE BY MAIL

People v. Edgardo Sanchez

Supreme Court No. S045423
Superior Court Case. No. BA261252-01

I, the undersigned, declare as follows:

I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California, 94607. I served a copy of the following document(s):

SUPPLEMENTAL AUTHORITIES LETTER DATED MARCH 24, 2016

by enclosing it in envelopes and

/ / depositing the sealed envelope with the United States Postal Service with the postage fully prepaid;
/X/ placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

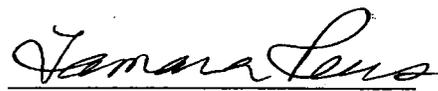
The envelopes were addressed and mailed on **March 24, 2016**, as follows:

Office of the Attorney General
Attn: Corey Robins, D.A.G.
300 S. Spring St. Suite 500
Los Angeles, CA 90012-1232

Paula Fog
Habeas Corpus Resource Center
303 Second St. Suite 400 South
San Francisco, CA 94107

Edgardo Sanchez-Fuentes, #J-54900
CSP-SQ
5-EB-100
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on March 24, 2016, at Oakland, California.


TAMARA REUS