

SUPREME COURT COPY

PETER HENSLEY

315 Meigs Road, Suite A- 382, Santa Barbara, CA 93109 • (805) 403-8460

March 26, 2013

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

SUPREME COURT
FILED

MAR 29 2013

Frank A. McGuire Clerk

Deputy

**Re: *People v. Rountree*, S048543
Oral Argument April 4, 2013
Additional Authorities**

Dear Mr. McGuire:

Appellant Charles F. Rountree submits this letter to alert this Court and opposing counsel to relevant authority issued after the filing of his reply brief.

***People v. Pearson* (2012) 53 Cal.4th 306**

In *Pearson*, this Court held that it was error to excuse for cause a prospective juror who did not have strong views on capital punishment, but who unequivocally said she could vote for it, stating that “the role of a capital case juror is not to ‘stand behind’ either penalty but to assess the evidence, weigh the aggravating and mitigating circumstances, deliberate with the other jurors, and choose the appropriate penalty. [Citation.] On her ability to perform this duty, C.O.’s responses were clear and unequivocal.” (*Id.* at 332.)

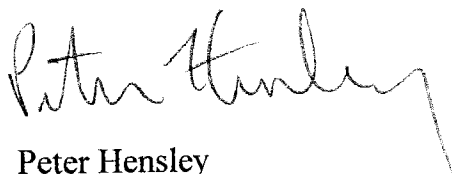
Pearson supports appellant’s claim that the trial court erred in dismissing prospective juror James H. for cause based upon a finding that serving on the case might cause him to violate his religious beliefs. (AOB pp. 71-82; ARB 17-24.) The trial court made this ruling despite the fact that James H. did not feel the death penalty was wrong for any reason, including religious, moral, or ethical reasons, and stated that he would have no trouble voting to impose the death penalty in an appropriate case. James H. also made repeated, clear and unequivocal statements that he would follow his oath and the court’s instructions and impose the death penalty if it was warranted. In fact, the trial court found that James H. *would* follow the court’s instructions before dismissing him for cause. (*Ibid.*)

DEATH PENALTY

Additional Authorities Letter
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Thus here, as in *Pearson*, the error denied appellant the impartial jury to which he was entitled under the Sixth and Fourteenth Amendments to the United States Constitution and compels automatic reversal of the death sentence. (*Pearson, supra*, 53 Cal.4th at 333.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Hensley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Peter Hensley
Attorney for Appellant
CHARLES F. ROUNTREE

DECLARATION OF SERVICE BY MAIL

Re: *People v. Rountree*

No. S048543
(Kern Sup. Ct. No. 57167-A)

I, Peter Hensley, declare that I am over 18 years of age, and not a party to the within cause; my business address is 315 Meigs Road, Suite A-382, Santa Barbara, CA 93109. A true copy of the attached:

ADDITIONAL AUTHORITIES LETTER

was served on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

Charles F. Rountree
P.O. Box J-74200
San Quentin State Prison
San Quentin, CA 94974

Sarah J. Jacobs, Esq.
Office of the Attorney General
2550 Mariposa Mall, Room 5090
Fresno, CA 93721

California Appellate Project
Attn: Linda Robertson, Esq.
101 Second Street, Suite 600
San Francisco, CA 94105

Each envelope was then, on March 26, 2013, sealed and deposited in the United States Mail at Santa Barbara, California, with the postage thereon fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 26, 2013 at Santa Barbara, California.

Peter Hensley