

OFFICE OF THE STATE PUBLIC DEFENDER

1111 Broadway, 10th Floor
Oakland, California 94607-1189
Telephone: (510) 267-3300
Fax: (510) 452-8712

SUPREME COURT COPY COPY

May 22, 2013

**SUPREME COURT
FILED**

MAY 22 2013

Mr. Frank A. McGuire, Clerk
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-3600

Frank A. McGuire Clerk

Deputy

Re: *People v. Bryan Maurice Jones*, No. S042346

Dear Mr. McGuire:

Please forward a copy of this letter to each member of the Court. I have included sufficient copies for that purpose.

Oral argument in the above-referenced case has been calendared for 1:30 p.m. on Wednesday, May 29, 2013. In preparing for that hearing, I discovered that I cited a case, *People v. Soper* (2009) 45 Cal.4th 759, on page 49 of appellant's reply brief, for the proposition that under Evidence Code section 352, the probative value of the evidence in establishing intent would be outweighed by the possibility of prejudice because a jury would be tempted to employ the evidence for the improper purpose of establishing identity. (*Id.* at p. 777.) I attributed this proposition to the Court, when it was instead held by the Court of Appeal. Furthermore, this Court rejected the Court of Appeal's proposition later in the opinion. (*People v. Soper, supra*, 45 Cal.4th at p. 779, fn. 16.) Accordingly, I withdraw the paragraph that begins with "Finally" and ends with the citation to *Soper* on page 49 of the reply brief.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Chabot".

Joseph E. Chabot
Senior Deputy State Public Defender

Attorney for Appellant

DECLARATION OF SERVICE

Re: *People v. Bryan Maurice Jones*

No. S042346

I, Jon Nichols, declare that I am over 18 years of age, and not a party to the within cause; my business address is 1111 Broadway, 10th Floor, Oakland, California 94607; and on May 22, 2013, I served a true copy of the attached:

LETTER RE *SOPER* CITATION

on each of the following, by placing same in an envelope addressed respectively as follows:

Bryan Maurice Jones, #D-50899
CSP-SQ
4EB37
San Quentin, CA 94974

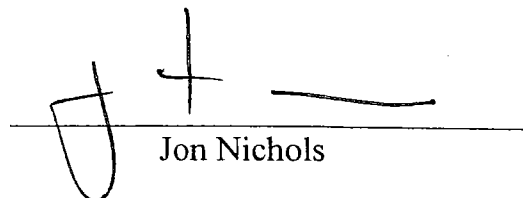
Clerk of the San Diego Superior Court
P.O. Box 120128
330 W. Broadway, Rm 225
San Diego, CA 92112-0128

Karl T. Terp (Via Mail and Fax)
Office of the Attorney General
P. O. Box 85266
110 W. "A" Street, Ste. 1100
San Diego, CA 92186-5266

Each envelope was then, on May 22, 2013, sealed and deposited in the United States mail at Oakland, California, the county in which I am employed, with the postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true.

Executed on May 22, 2013, at Oakland, California.



Jon Nichols