

COPY

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# SUPREME COURT COPY

May 22, 2015

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

SUPREME COURT  
FILED

MAY 26 2015

Frank A. McGuire Clerk  
Deputy

RE: People v. Lam Thanh Nguyen  
Supreme Court of the State of California Case No. S076340

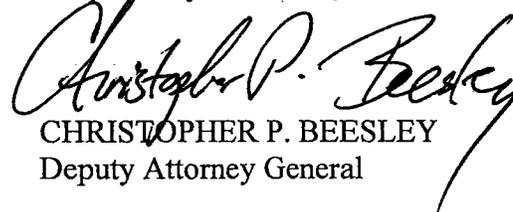
Dear Mr. McGuire:

This case is scheduled for oral argument on Thursday, May 28, 2015, at 9:00 a.m., in San Francisco. For the Court's consideration, the People cite the following additional authorities not contained in the briefs on file.

Argument VII: *People v. Valenzuela* (2011) 199 Cal.App.4th 1214, 1233-1234 [prior shooting a factor informing the mutual combat analysis for a later shooting]

Argument L: *People v. Smith* (2015) 61 Cal.4th 18, 57 [confirming general rule that evidence of prison conditions is inadmissible unless the prosecutor presents evidence of future dangerousness]

Respectfully submitted,

  
CHRISTOPHER P. BEESLEY  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

CPB: swm  
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DEATH PENALTY

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

Case Name: *People v. Nguyen*

Case No.: **S076340**

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 22, 2015, I served the attached **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:

**RICHARD C NEUHOFF  
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11 FRANKLIN SQ  
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*Attorney for Appellant  
Lam Thanh Nguyen  
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SANTA BARBARA CA 93130-0520**

*Amicus Curiae*

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 22, 2015, at San Diego, California.

\_\_\_\_\_  
L. HERNANDEZ  
Declarant

\_\_\_\_\_  
*L. Hernandez*  
Signature