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January 29, 2018

Jorge E. Navarrete
Clerk of the Supreme Court
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: People v. Ennis Reed (Death Penalty)
Case No. S082776

Dear Mr. Navarrete:

Appellant may refer to the following additional authorities during oral argument:

(1) Whether the trial court improperly denied appellant's *Wheeler/Batson* motion during the guilt phase jury selection for failure to establish a *prima facie* case of group bias (AOB 133-161, Arg. IV): *People v. Gutierrez* (June 1, 2017, Nos. S224724, S240419) ___ Cal.5th ___ [2017 Cal. Lexis 3975, 9-10].

(2) Whether the trial court erred in denying appellant's request to instruct the penalty phase jury on lingering doubt (AOB 170-214; Arg. VII): *Hurst v. Florida* (2016) __ U.S. __, 136 S.Ct. 616, 619.

Yours very truly,



GAIL HARPER

GH/gh

**PROOF OF ELECTRONIC SERVICE
AND SERVICE BY MAIL**

I am employed in the county of San Francisco, California; I am over the age of eighteen years and not a party of the within entitled cause; my business address is P. O. Box 330057, San Francisco, CA 94133.

Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On January 29, 2018, I electronically served the attached ADDITIONAL AUTHORITIES LETTER RE: ORAL ARGUMENT in *People v. Reed* (S082776) by transmitting a true copy via this Court's TrueFiling system to:

William H. Shin
Deputy Attorney General
William.Shin@doj.ca.gov

Scott Kauffman, Esq.
CAP SF
SKauffman@capsf.org

On January 29, 2018, I served the same document by mail on:

Ennis Reed H55273
San Quentin State Prison
San Quentin, CA 94974

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 January 29, 2018, at San Francisco, California.



GAIL HARPER

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. REED
(ENNIS)**

Case Number: **S082776**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **crimlaw5@gmail.com**
3. I served by email a copy of the following document(s) indicated below:

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

--

Date

/s/Gail Harper

Signature

Harper, Gail (104510)

Last Name, First Name (PNum)

Gail Harper, Attorney at Law

Law Firm