

SUPREME COURT COPY

COPY

THE LAW OFFICE OF JOHN L. STALEY
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December 22, 2016

Clerk's Office
California Supreme Court
350 McAllister St.
San Francisco, CA 94102-4798

SUPREME COURT
FILED

DEC 27 2016

Jorge Navarrete Clerk

Deputy

RE: People v. Brooks, Case No. S099274;
Scheduled for Oral Argument on January 4, 2017

To the Court:

In accordance with this Court's notice of counsel regarding oral argument, appellant hereby cites the following additional authorities for this Court's consideration:

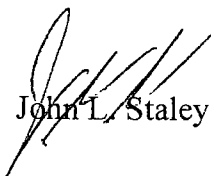
1. Whether the trial court coerced a penalty phase verdict. (Issue XIX); *People v. Nelson* (2016) 1 Cal.4th 513, 560-573;
2. Whether the judgment of death must be reversed because the jury considered appellant's failure to testify during its penalty phase deliberations. (Issue XXI); *People v. Lavender* (2014) 60 Cal.4th 679; 667-693;
3. Whether the trial court erred by refusing the defense request to instruct the jury that a single factor in mitigation was sufficient to impose a life sentence after the jury had sent a note expressing confusion about the weighing process for imposing a sentence. (Issue XXII); *People v. Cage* (2015) 62 Cal.4th 256.

Counsel does not have any additional authority to cite for the jury instruction issue pertaining to asportation (Issue II) or the sufficiency of the evidence for the kidnaping-murder special circumstance finding. (Issue XIII.) Counsel has not included the hearsay issue (Issue VIII) in the list of issues to be argued at oral argument. Counsel directs this Court to *People v. Sanchez* (2016) 63 Cal.4th 665, for consideration in addressing the hearsay issue.

Sincerely,

DEATH PENALTY

cc: See Attached Proof of Service


John L. Staley

PROOF OF SERVICE
STATE OF CALIFORNIA
(People v. Brooks, Superior Court Case No. S099274)

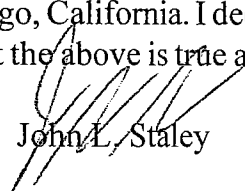
I reside in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 16935 West Bernardo Drive, Suite 260, San Diego, CA 92127. On December 22, 2016, I serve the foregoing document described as APPELLANT'S MOTION TO CITE ADDITIONAL AUTHORITY on all parties to this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

CLERK'S OFFICE
CALIFORNIA SUPREME COURT
350 McAllister St.
San Francisco, CA 94102-3600

Docketing
California Appellate Project
101 Second St.
Sixth Floor
San Francisco, CA 94105

Allison Chung, Esq.
Office of the Attorney General
300 S. Spring St.
Los Angeles, CA 90013
(Also sent electronically as a PDF to Allison.Chung@doj.ca.gov).

I caused such envelope with postage prepaid to be placed in the United States mail in San Diego, California. Executed on December 22, 2016, in San Diego, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


John L. Staley