

COPY

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DEPARTMENT OF JUSTICE



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SUPREME COURT COPY

September 29, 2016

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

SEP 30 2016

Frank A. McGuire Clerk

Deputy

RE: *People v. Daniel Gary Landry*
Supreme Court of the State of California Case No. S100735

Dear Mr. McGuire:

This case is scheduled for oral argument on Wednesday, October 5, 2016, at 1:30 p.m., in San Francisco. For the Court's consideration, the People cite the following additional authorities not contained in the briefs on file.

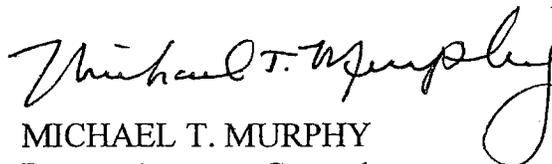
Argument III: *People v. Leon* (2015) 61 Cal.4th 569, 586 ["Where the court exercises its discretion to exclude certain questions from the questionnaire, we will affirm unless the voir dire was so inadequate that the resulting trial was fundamentally unfair"], 587 ["When a defendant does have the opportunity to inquire on the subject, however, refusal to include a particular question is not error"].

Argument V: *People v. Duff* (2014) 58 Cal.4th 527, 560 [conclusive proof of the length of future incapacitation due to illness not required before excusing a sick juror], 560-561 [incapacitation due to illness need not exceed some preset length; "in the right circumstances, an absence of a day or less may warrant excusal"].

DEATH PENALTY

Argument VI: *People v. Sattiewhite* (2012) 59 Cal.4th 446, 477-478 [reaffirming rule that “duress cannot reduce murder to manslaughter”].

Sincerely,

A handwritten signature in black ink that reads "Michael T. Murphy". The signature is written in a cursive style with a large, looping 'y' at the end.

MICHAEL T. MURPHY
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

MTM:kw

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Daniel Gary Landry*
No.: **S100735**

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.

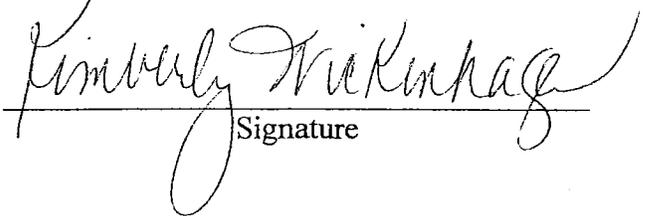
On September 29, 2016, I served the attached letter by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Donald R. Tickle
Attorney at Law
140 M Street NE, No. 1240
Washington D.C. 20002

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 September 29, 2016, at San Diego, California.

Kimberly Wickenhagen

Declarant



Signature