

# SUPREME COURT COPY

## In the Supreme Court of the State of California

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

ANGELO MICHAEL MELENDEZ,

Defendant and Appellant.

CAPITAL CASE

Case No. S118384

DECLARATION OF  
A. KAY  
LAUTERBACH

SUPREME COURT  
FILED

SEP 19 2016

Frank A. McGuire Clerk

Deputy

Declarant, A. KAY LAUTERBACH, provides the following information under penalty of perjury.

1. That I am a Deputy Attorney General of the State of California assigned to represent respondent in this matter.
2. Oral argument for this case is scheduled for October 5, 2016.
3. In preparation for oral argument, declarant discovered that a page of the statement of facts, page 12, was omitted from the respondent's brief.
4. This omission was an unintentional error.
5. Respondent has included the omitted page as an attachment to the letter submitted with this declaration.
6. Today I contacted Saor Stetler counsel for appellant and inquired whether his copy was also missing page 12. Mr. Stetler replied that he did in fact have page 12 because, in addition to the hard copies I mailed to him, I had also sent him an electronic version of the document which contained the missing page.

DEATH PENALTY

7. Respondent respectfully requests that page 12 be included in the respondent's brief and considered by the Court in this case, if it is indeed missing from the original and the copies filed with the Court.

WHEREFORE, I respectfully request that I be allowed to file the missing page which is attached to the letter filed with this declaration and be permitted to rely on its content at oral argument and have the Court considered in the ultimate resolution of the case.

Dated: September 16, 2016      Respectfully submitted,

A handwritten signature in cursive script that reads "A. Kay Lauterbach".

A. KAY LAUTERBACH  
Deputy Attorney General  
*Attorneys for Respondent*

grew up, to continue with their education. (17 RT 4425-4427.) Appellant is her “best friend.” (17 RT 4427.)

On cross-examination, Gwen Taylor admitted that she and appellant lived together in the beginning of their relationship, but denied that this was when she was 14 years old, because, according to her, appellant was dating women his own age and she was a minor. (17 RT 4427-4428.) She could not recall when or how long she lived with appellant. (17 RT 4428.) She also re-characterized her living situation as “living in his mother’s house,” but she admitted that she was “in a relationship” with appellant at the time. (17 RT 4429.) After saying this, she clarified that when she was 14 years old they were just friends, though *she* considered it dating. (17 RT 4430.) According to her, when she turned 20 years old, the relationship became “romantic.” (17 RT 4430.)

A psychiatrist, Sammunkan Surulinathan, PhD, who saw appellant once, several days before he murdered Wilson and shot Richardson, also testified during the penalty phase and offered his diagnosis of appellant. (17 RT 4449.) Dr. Surulinathan diagnosed appellant as suffering from depression and an anti-social personality. (17 RT 4451-4453, 4459.) Appellant reported to Dr. Surulinathan that he has visual hallucinations and hears voices. (17 RT 4452, 4454.) Dr. Surulinathan confirmed appellant’s left eye blindness. (17 RT 4452.)

#### **THE PROSECUTION’S REBUTTAL EVIDENCE**

The prosecutor offered a portion of appellant’s 969(b) package to rebut Gwen Taylor’s testimony that she did not have a sexual relationship with appellant when he was an adult and she was as a minor. (17 RT 4466-4467.) The prison record showed that appellant was incarcerated steadily from 1981 through 1991. (17 RT 4467-4468.) Thus, Gwen Taylor’s relationship with him occurred between 1977 to 1981 when she was 14 to 17 years old.

