

KAMALA D. HARRIS
Attorney General

SUPREME COURT COPY

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 897-2000
Telephone: (213) 897-2359
Facsimile: (213) 897-6496
E-Mail: David.Wildman@doj.ca.gov

March 27, 2014

Honorable Frank A. McGuire
Clerk of the Court
Supreme Court of California
300 McAllister Street, First Floor
San Francisco, California 94102-4797

**SUPREME COURT
FILED**

APR 01 2014

Frank A. McGuire Clerk

Deputy

RE: People v. Donald Ray Debose, Jr.
Supreme Court of the State of California, Supreme Court California S.F., Case No.
S080837

Dear Mr. McGuire,

This letter is to inform this Court of a case that Respondent may refer to at oral argument on April 2, 2014, on the issue of whether the trial court properly admitted Willard Lewis' testimony that he heard a co-defendant at the crime scene say, "Come on, Don." (See AOB 82-92; RB 62-73; Reply Brf. 23-34.) In *People v. Jurado* (2006) 38 Cal.4th 72, this Court explained that a command or request is not hearsay: "Because a request, by itself, does not assert the truth of any fact, it cannot be offered to prove the truth of the matter stated." (*Id.* at 117, citations omitted.)

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Wildman".

DAVID A. WILDMAN
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

LA1999XS0016
61233994.doc

DEATH PENALTY

DECLARATION OF SERVICE

Case Name: People v. Debose, Jr.

Case No.: S080837

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the Bar of this Court at which member's direction this service is made. I am 18 years of age or older and not a party to the within entitled cause; 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 that same day in the ordinary course of business.

On March 27, 2014, I placed two (2) copies of the attached

LETTER DATED MARCH 27, 2014 TO HON. FRANK A. MCGUIRE RE
PEOPLE V. DEBOSE, JR., S080837

in the internal mail collection system at the Office of the Attorney General, 300 S. Spring Street, Los Angeles, California, 90013, for deposit in the United States Postal Service that same day in the ordinary course of business, in a sealed envelope, postage thereon fully prepaid, addressed as follows:

Richard Siref
Attorney at Law
250 E. Main Street, 8th Floor
El Cajon, CA 92020

In addition, I placed one (1) copy in this Office's internal mail collection system, to be mailed to California Appellate Project (CAP) in San Francisco, addressed as follows:

California Appellate Project
Attention: Michael Millman
101 Second Street, Suite 600
San Francisco, CA 94105-3672

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on March 27, 2014, at Los Angeles, California.

L. Lyra

D. Lyra

Signature