

Attention to New Authority  
*People v. Williams*, Case No. S030553

COPY

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SUPREME COURT  
FILED

January 23, 2013

JAN 23 2013

Frank A. McGuire  
Court Administrator and Clerk of the Supreme Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Frank A. McGuire Clerk  
Deputy

**Re: Attention to New Authority (Issued Since the Filing of Appellant's Reply Brief)**

*People v. George B. Williams*, Case No. S030553  
(Oral Argument set for February 5, 2013)

Dear Mr. McGuire:

Appellant wishes to direct the Court's attention to new authority bearing on Argument I in Appellant's Opening Brief (pp. 63-112) and Reply Brief (pp. 2-28), in which Appellant argued, *inter alia*, that appellant's conviction must be reversed because the trial court failed to properly evaluate under *Batson* whether the prosecutor's reliance on the jurors' demeanors was a race-neutral justification for striking those jurors as evidenced by the trial court's:

- (1) lack of first-hand observations or recollections of the jurors who were the subjects of the second and third *Batson/Wheeler* objections (AOB at pp. 100-106; ARB at pp. 3-4, 25); and,
- (2) predisposition to uncritically assent to the prosecutor's striking of black women in light of the trial court's statement that "black women are very reluctant to impose the death penalty . . . I have found it to be true." (AOB at pp. 65-67, ARB at pp. 2-5.)

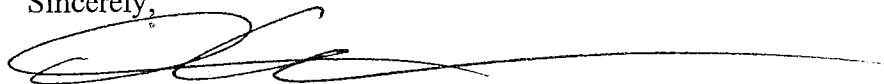
In *Snyder v. Louisiana* (2008) 552 U.S. 472, the Supreme Court held that in evaluating *Batson* claims where the prosecutor's rationale for the peremptory challenge rests on a claim that cannot be resolved on a cold record, such as the juror's demeanor, the trial court must evaluate not only whether the *prosecutor's* demeanor belies a discriminatory intent but also whether the juror's

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demeanor (or other excuse that cannot be verified by the record) can credibly be said to have exhibited the basis for the strike attributed to the juror by the prosecutor.

Pursuant to the holding in *Snyder*, Mr. Williams' conviction and sentence must be reversed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel N. Abrahamson', with a long horizontal flourish extending to the right.

Daniel N. Abrahamson  
Appointed counsel for George B. Williams