

Office of the State Public Defender

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September 20, 2018

Mr. Jorge E. Navarrete, Clerk
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-3600

Re: *People v. Cedric Jerome Johnson*
Supreme Court of California Case No. S075727

Dear Mr. Navarrete:

This case is scheduled for oral argument on Wednesday, October 3, 2018, at 9 a.m., in San Francisco. For the Court's consideration, appellant cites the following additional authorities not contained in the briefs on file.

Argument 18 (Appellant's Supplemental Opening Brief):

People v. Ghobrial (2018) 5 Cal5th 250

People v. Johnson (2018) 21 Cal.App.5th 267 [affirming that "sole function" of trial court is to decide whether there is any evidence which raises a reasonable doubt about the defendant's competency (*id.* at p. 276), noting that the most glaring deficit in the case was the utter lack of any psychological evaluation of defendant (*id.* at p. 277), and reversing where trial court's decision that defendant was competent was based exclusively on its own observation of defendant's behavior, the observation of the guards, and the absence of any prior findings of incompetency or notations of disruptive behavior, and where defendant's behavior was not only disruptive, but out of control, self-destructive, and extremely odd (*id.* at pp. 277, 278, 280)].

People v. Galaviz (2018) 23 Cal.App.5th 491, 511 [prosecution failed to carry burden to show retrospective competency hearing was feasible].

Anderson v. Gipson (9th Cir. 2018) __ F.3d __, 2018 WL 4224432, *7 [California Court of Appeal's decision denying relief involved "unreasonable application" of clearly established federal law where court dismissed indicia of

incompetence, including erratic demeanor marked by intermittent withdrawal from proceedings and profane, emotional outbursts, and no mental evaluation was submitted].

Thank you for bringing this letter to the Court's attention.

Sincerely,

/s/ NINA WIDLER

NINA WILDER
Supervising Deputy State Public Defender

DECLARATION OF SERVICE

Case Name: ***People v. Cedric Jerome Johnson***
Case Number: **Cal. Supreme Court No. S075727**
Los Angeles Co. Sup. Ct. No. TA037977-01

I, Marcus A. Thomas, declare as follows: I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California, 94607. I served a true copy of the following document(s):

ADDITIONAL AUTHORITIES LETTER

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The envelopes were addressed and mailed on **September 20, 2018**, as follows:

Cedric Johnson #K-61104
CSP-SQ
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **September 20, 2018**, at Oakland, California.

/s/ MARCUS THOMAS

DECLARANT

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. JOHNSON (CEDRIC JEROME)**

Case Number: **S075727**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **nina.wilder@ospd.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/20/2018

Date

/s/Nina Wilder

Signature

Wilder, Nina (100474)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm