

SUPREME COURT COPY
CALIFORNIA APPELLATE PROJECT

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March 21, 2018

California Supreme Court
c/o Jorge Navarrete, Clerk
The Hon. Tani Cantil-Sakauye, Chief Justice
Hon. Associate Justices
350 McAllister St.
San Francisco, CA. 94102-4797

**SUPREME COURT
FILED**

MAR 22 2018

Jorge Navarrete Clerk

Re: People v. Farwell, Supreme Court Case No. S231009


To the Honorable Chief Justice and Associate Justices:

This letter is written to apprise the court and counsel of two cases, not cited before, which counsel expects to refer to in oral argument.

In *In re Resendiz* (2001) 25 Cal.4th 230, 246, fn. 9, this court held that, under *Boykin v. Alabama* (1969) 395 U.S. 238, (22 L.Ed. 244) and *In re Tahl* (1969) 1 Cal.3d 122, 131-132, due process requires the voluntary and intelligent waiver of all three constitutional rights at issue for a guilty plea to be valid.

In *Danberry v. Pfister* (7th Cir., 2015) 801 F.2d 863, 868-869, cert. denied, 2/29/16, 194 L.Ed.2d 182, 136 S. Ct. 1198, the court held that, under *Boykin, supra*, "[T]he correct standard on direct appeal of a constitutional claim [from a state court conviction] is the *Chapman* standard: whether the error was "harmless beyond a reasonable doubt." *Johnson v. Acevedo* 572 F.3d 398, 403 (2009) (citing *Chapman v. California*, 386 U.S. 18, 23, 17 L.Ed.2d 705, 87 S. Ct. 824 (1967))."

Respectfully submitted,



Jonathan B. Steiner
Executive Director
California Appellate Project/Los Angeles
Attorney for Defendant Farwell

RECEIVED

MAR 22 2018

CLERK SUPREME COURT

PROOF OF SERVICE

I am a citizen of the United States, over the age of 18 years, employed in the County of Los Angeles, and not a party to the within action; my business address is 520 S. Grand Avenue, 4th Floor, Los Angeles, California 90071. I am employed by a member of the bar of this court.

On March 21, 2018, I served the within

LETTER

in said action, by emailing a true copy and e-filing through True-Filing thereof to:

Xavier Becerra, Attorney General
docketingLAawt@doj.ca.gov

and by placing a true copy thereof enclosed in a sealed envelope, addressed as follows, and deposited the same in the United States Mail at Los Angeles, California.:

Court of Appeal
Division Five
300 S. Spring Street
2nd Floor, North Tower
Los Angeles, CA 90013
(213) 830-7000
(e-filed)

Clerk of the court
for delivery to:
The Honorable Paul Bacigalupo, Judge
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I declare under penalty of perjury that the foregoing is true and correct.

Executed March 21, 2018, at Los Angeles, California.


Jackie Gomez