
Office of the State Public Defender

1111 Broadway, 10th Floor
Oakland, California 94607-4139
Telephone: (510) 267-3300
Fax: (510) 452-8712



May 13, 2022

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

Re: *People v. Valdamir Fred Morelos*
Supreme Court of California Case No. S051968
CAPITAL CASE

Dear Mr. Navarrete:

This case is scheduled for oral argument on May 24, 2022 at 1:30 p.m. For the Court's consideration, appellant cites the following additional authorities not contained in the briefs on file:

Argument I from Appellant's Supplemental Opening Brief, filed March 14, 2018, "The Record Fails to Establish a Valid Waiver of Appellant's Right to a Jury Trial at the Guilt, Special Circumstance, and Penalty Phases of His Trial":

People v. Jones (2018) 26 Cal.App.5th 420 (holding that defendant did not knowingly and intelligently waive her right to a jury trial in a case in which a represented defendant entered a waiver of her right to jury trial after discussion with her attorney and after being informed by the court that, as a result of the waiver, "the trial judge 'sitting alone' would decide the case" because the record nonetheless did not "affirmatively show[] that [the waiver] is voluntary and intelligent under the totality of the circumstances," quoting *People v. Daniels* (2017) 3 Cal.5th 961, 991 (lead opn. of Cuéllar, J.) and *id.* at p. 1018 (conc. & dis. opn. of Corrigan, J.);

Ramos v. Louisiana (2020) 140 S.Ct. 1390 (holding that the Sixth Amendment right to jury trial, as incorporated against the states by way of the Fourteenth Amendment, requires a unanimous verdict to convict a defendant of a serious offense, observing that if the term "trial by an impartial jury" included in the Sixth Amendment "carrie[s] any meaning at

all, it surely include[s] a requirement as long and widely accepted as unanimity”).

Argument I from Appellant’s Second Supplemental Opening Brief, filed March 2, 2020, “Appellant Was Denied His Fundamental Right to Choose the Objectives of His Defense in Violation of the Sixth Amendment to the United States Constitution”:

People v. Bloom (2022) 2022 WL1181563 (holding that counsel’s decision to concede, over defendant’s objections, that defendant killed his mother and step-sister violated defendant’s Sixth Amendment right to autonomy over his defense under *McCoy v. Louisiana* (2018) 584 U.S. ---, 138 S.Ct. 1500, and reversing defendant’s convictions on those counts).

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

Sincerely,

/s/

CAROLINE P. CINCOTTA
Deputy State Public Defender

DECLARATION OF SERVICE

Case Name: *People v. Valdamir Fred Morelos*
Case Number: **Supreme Court Case No. S051968**
Santa Clara County Superior Court No. SC169362

I, **Esmeralda Manzo**, declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county where the mailing took place. My business address is 770 L Street, Suite 1000, Sacramento, CA 95814. I served a true copy of the following document:

APPELLANT'S ADDITIONAL AUTHORITIES LETTER

by enclosing it in envelopes and placing the envelopes for collection and mailing with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **May 13, 2022**, as follows:

Mr. Valdamair F. Morelos No. J97900, 2-EB-105 CSP-SQ San Quentin, CA 94974	Clerk of the Court Santa Clara County Superior Court 191 N. First Street San Jose, CA 95113
---	--

The aforementioned document(s) were served electronically (via TrueFiling) to the individuals listed below on **May 13, 2022**:

Attorney General – San Francisco Catherine Rivlin, D.A.G. 455 Golden Gate Ave., Suite 11000 San Francisco, CA 94102-3664 Catherine.Rivlin@doj.ca.gov	California Appellate Project 345 California St., Suite 1400 San Francisco, CA 94104 filing@capsf.org
--	---

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **May 13, 2022**, at San Joaquin County, CA.

Esmeralda Manzo Digitally signed by Esmeralda Manzo
Date: 2022.05.13 15:34:30 -07'00'

ESMERALDA MANZO

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. MORELOS (VALDAMIR FRED)**

Case Number: **S051968**

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: **caroline.cincotta@ospd.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	2022_05_13_Amended_Morelos_Focus_Letter_Final
ADDITIONAL CITES FOR ORAL ARGUMENT	2022_05_13_Additional_Authorities_Letter_Final
APPLICATION	2022_05_13_Application_for_45_Minutes_Final

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney Attorney General - San Francisco Office Court Added	sfagdocketing@doj.ca.gov	e-Serve	5/13/2022 3:39:50 PM
Catherine Rivlin Office of the Attorney General 115210	Catherine.Rivlin@doj.ca.gov	e-Serve	5/13/2022 3:39:50 PM
Office Office Of The State Public Defender-Sac Timothy Foley, Sr. Deputy State Public Defender 000000	docketing@ospd.ca.gov	e-Serve	5/13/2022 3:39:50 PM
California Appellate Project	filing@capsf.org	e-Serve	5/13/2022 3:39:50 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

5/13/2022

Date

/s/Esmeralda Manzo

Signature

Cincotta, Caroline (261056)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm