

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

v.

MARCOS ESQUIVEL BARRERA,

Defendant and Appellant.

No. S103358

Los Angeles County
Superior Court
No. PA029724-01

CAPITAL CASE

Appeal from the Judgment of the Superior Court
of the State of California for the County of Los Angeles

The Honorable Ronald S. Coen

**AMICUS CURIAE BRIEF OF THE GOVERNMENT OF MEXICO
IN SUPPORT OF APPELLANT MARCOS ESQUIVEL BARRERA**

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STATEMENT OF INTEREST

The Government of the United Mexican States (“Mexico”) submits this *amicus curiae* brief in support of the claim of Mexican national Marcos Esquivel Barrera that he is entitled to relief under the California Racial Justice Act. California Penal Code § 745 (2022). Mexico has a vital interest in ensuring that its nationals abroad are afforded all of the rights to which they are entitled under international and domestic law.

Mexico’s sovereign obligations necessarily include protecting the right of its nationals within California to trial proceedings that do not discriminate on the basis of ethnicity, national origin or immigration status. Those vital interests are particularly engaged whenever Mexican citizens such as Mr. Barrera¹ face execution after a capital trial marred by repeated instances of defamatory and discriminatory references to his ethnicity or national origin, as the trial record set forth in Appellant’s Fourth Supplemental Opening Brief demonstrates.

Mexico respectfully presents this brief in an effort to broaden the perspective of the Court by addressing the potential implications of its

¹ Mexico will refer to Appellant throughout this brief as “Mr. Barrera,” for consistency with the version of his last name used in the appellate pleadings.

decision in this case for the nearly four million Mexican nationals reportedly residing in California.²

ARGUMENT

I. GRANTING THE RELIEF UNDER THE RACIAL JUSTICE ACT THAT APPELLANT REQUESTS WOULD MEET THE UNITED STATES’ BINDING TREATY COMMITMENTS

The global human rights treaty known as the International Convention for the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195 (1995) (“CERD”) is particularly informative on the issues presented in this case. The binding provisions expressly prohibit any form of discrimination within the criminal justice system and mandate effective remedies for any violation of equal treatment before the courts.

The United States Supreme Court has seen fit to consider international human rights law in its analyses of equal protection cases, as a reflection of the “values we share with a wider civilization”. *Lawrence v. Texas*, 539 U.S. 558, 576 (2003); *see also Grutter v. Bollinger*, 539 U.S. 306, 344 (2003) (Ginsburg, J., with Breyer, J., concurring) (citing CERD as instructive in determining merits of discrimination claim).

² According to data compiled by the Public Policy Institute of California (PPIC), an estimated 3.9 million Mexican-born immigrants currently reside in California. See *Immigrants in California*, at <https://www.ppic.org/publication/immigrants-in-california/>, at 2 (last visited June 9, 2023).

The provisions of CERD are binding on the United States, Mexico and 180 other countries.³ In relevant part, the Convention obligates member states to “prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, *or national or ethnic origin*, to equality before the law,” including the “right to equal treatment before the tribunals and all other organs administering justice.” CERD, Article 5(a) (emphasis added). The Committee on the Elimination of Racial Discrimination – the Convention’s adjudicative body– has made clear that the protections of the treaty reach criminal prosecutions, and that Article 5(a) “applies to all types of judicial proceedings, including trial by jury.”⁴

Furthermore, CERD defines racial discrimination broadly to include “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose *or effect* of nullifying or impairing the recognition, enjoyment or exercise, on an equal

³ The United Nations Treaty Index lists 182 parties to CERD as of June 9, 2023. The treaty was signed by the United States on September 28, 1966, and ratified on October 21, 1994. See: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=en (last visited June 9, 2023).

⁴ *Narrainen v. Norway*, Communication No 3/191, U.N. Doc. CERD/C/44/D/3/ 1991 (Mar. 15, 1994) at para. 9.2 (considering whether racist comment by juror in criminal case violated Article 5(a)).

footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” CERD, Article 1 (emphasis added). Likewise, CERD provides that parties “shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention.” CERD, Article 6.

Failure to promptly rectify the numerous instances of discriminatory references to Mr. Barrera’s national origin and immigration status throughout the proceedings that resulted in his death sentence would thus run afoul of binding international norms. At a minimum, this “express affirmation of certain fundamental rights by other nations and peoples” should serve to “underscore[] the centrality of those same rights within our own heritage of freedom.” *Roper v. Simmons*, 543 U.S. 551, 578 (2005). Furthermore, principles of international comity call for compliance by California courts with these binding treaty obligations.⁵

When the United States ratified the Convention for the Elimination of All Forms of Racial Discrimination, it made a promise to the

⁵ See, e.g., *Pierburg GmbH & Co. Kg. v. Superior Court (Dong Ky Hua)*, 137 Cal.App.3d 238, 246 (1982) (“California’s interest in avoiding violations of international treaties is clearly a rational basis” for requiring state evidentiary procedures that comply with treaty obligations).

international community that every person within its borders would receive equal treatment under law regardless of their ethnicity or national origin. The recently adopted provisions of the California Racial Justice Act afford this Court the authority to fulfill that solemn pledge through its decision in this case.

II. MEXICAN IMMIGRANTS FACING THE DEATH PENALTY IN THE UNITED STATES ARE FREQUENTLY SUBJECTED TO PERVASIVE AND HIGHLY PREJUDICIAL DISCRIMINATION.

In the experience of the Government of Mexico, the racial animus so plainly directed against Mr. Barrera during his trial proceedings is the norm rather than the exception when Mexican immigrants face capital charges. As Mexico informed the International Court of Justice (ICJ) in proceedings that included a review of the Esquivel Barrera case,

Mexico has documented numerous cases in which Mexican nationals have been subjected to discriminatory treatment. At times, authorities are overtly hostile to Mexican nationals, many of whom are poor laborers who have immigrated illegally to the United States in search of work. In some communities, Mexican nationals are described as “wetbacks,” “illegal aliens,” and other disparaging terms. . . . These attitudes, not surprisingly, can affect the authorities’ decisions to seek the death penalty against a Mexican national, as well as the jury’s willingness to impose it.⁶

⁶ Memorial of Mexico (Mex. v. U.S.), 2003 I.C.J. Pleadings (Avena and Other Mexican Nationals) (June 20, 2003), 40-41; see also *id.* 43-48 (describing specific cases). Available at: <https://www.icj-cij.org/sites/default/files/case-related/128/8272.pdf> (last

Many of the instances of discrimination presented to the ICJ have direct parallels to Mr. Barrera's case. For example, Mexico drew the International Court's attention to the case of a Mexican capital defendant in Arizona, noting that "[a]t the time of his arrest, numerous media reports highlighted his unlawful immigration status" and that Mexico had made submissions to the trial court arguing against a death sentence, based in part on "these disturbing facts."⁷

From the outset of this case, media coverage repeatedly referred to Mr. Barrera's nationality and immigration status. Just four days after his arrest, the Associated Press reported that Mr. Barrera "came to the United States from Mexico more than a year ago,"⁸ a fact that had no possible relevance to his culpability or to the circumstances of his alleged crime. The even more inflammatory statement that Mr. Barrera "immigrated to the United States from Mexico more than a year ago" appeared in newspapers across southern California, including several in the greater Los Angeles

visited June 9, 2023).

⁷ Id. 48 (discussing the case of Felipe Petrona Cabañas).

⁸ Associated Press, Man Allegedly Killed, Buried Son (March 5, 1998) at <https://apnews.com/article/83e4321198031488e147fb85f5a79775> (last visited June 9, 2023).

coverage area.⁹ Over the span of a single day in September 1998, at least five southern California newspapers featured lurid coverage of the case. The publicity included the highly prejudicial and entirely unnecessary statement about Mr. Barrera and his family: “According to court documents, the entire family entered the country illegally within the last two years.”¹⁰

The use of derogatory and demeaning terms to describe Mexican capital defendants is widespread. In an ongoing Ohio case, the detective who led the investigation concluded before any evidence was gathered that “the wetback from California” had committed the crime. *Loza v. Mitchell*, 766 F.3d 466, 494, n.9 (6th Cir. 2014). Discovery during federal post-conviction proceedings revealed that other detectives in the department

⁹ See Thousand Oaks Star, *Dad Charged with Murder in Boy’s Death* (March 5, 1998) at 25, (noting that Mr. Barrera “immigrated to the United States from Mexico more than a year ago”); Napa Valley Register, *Father, aunt charged in California boy’s murder* (March 5, 1998) at 1 (same); The Californian, *Father charged in death of son* (March 5, 1998), at 17 (same); San Bernardino County Sun, *Father, aunt are charged with murder of boy, 5* (March 5, 1998), at 3 (same). (All last visited May 9, 2023).

¹⁰ Santa Cruz Sentinel, *Tales of family abuse stun neighbors* (Sep 21, 1998) at 6; Daily Press (Victorville, California) *Grotesque tableau of abuse leaves neighbors, even prosecutor shocked* (Sep 21, 1998) at 5; The Napa Valley Register, *Prosecutor even shocked by this fatal abuse case* (Sep 21, 1998) at 7; The Modesto Bee, *Abuse shocks officials* (Sep 21, 1998) at 15; Santa Maria Times, *Grisly scene leaves neighbors shocked* (Sep 21, 1998) at 2. (All last visited May 9, 2023).

routinely used the same racial slur.¹¹ However, because the petitioner’s selective prosecution claim was rejected by the state courts on the merits (albeit without an evidentiary hearing), the federal circuit court held that it was powerless to consider his newly-presented evidence of discriminatory intent.¹²

Mexico’s submission to the ICJ also pointed to the case of a Mexican national who spent 15 years on death row in Texas before he was exonerated. In that case, prosecutors urged the jury to find that the defendant “posed a danger to society, because he had entered the United States without proper documentation.”¹³

In Mr. Barrera’s case, the harm caused by reference to his undocumented status was even more egregious: an expert witness called by the *defense* told the jury that being an “illegal” was a factor that predisposed

¹¹ The dictionary definition of “wetback” is “an insulting and contemptuous term for a Mexican who enters the U.S. illegally”. See Merriam-Webster.com Dictionary, at <https://www.merriam-webster.com/dictionary/wetback> (last viewed on June 9, 2023).

¹² See *Loza*, 766 F.3d at 494 & n.9 (acknowledging the detective’s admitted use of the racist language but finding that the selective prosecution claim “was adjudicated on the merits in state court and, therefore, *Pinholster* requires us to consider only the evidence that was before the state court” when reviewing the claim).

¹³ Memorial of Mexico, 46, n. 27 (discussing the Ricardo Aldape Guerra case).

Mr. Barrera to commit child abuse. 16RT 2147-2148. On cross examination, the prosecution asked if “being an illegal immigrant makes it more likely to beat your children,” to which the defense expert answered: “Yes.” 16RT 2164.

In another Texas case, “the prosecution emphasized [the defendant’s] status as an undocumented alien as one of the justifications for the imposition of a death sentence.”¹⁴ In Mr. Barrera’s case, the Mexican government raised an identical concern in its letter to the trial judge supporting the defense motion for a new trial:

Mexico is troubled by arguments made by the prosecution during the penalty phase that could be construed as appealing to the jurors’ biases against foreign nationals. . . . Mr. Barrera’s citizenship had nothing to do with the crimes for which he was convicted, and the prosecutor’s comments were both irrelevant and inflammatory. In Mexico’s view, these comments give rise to an argument that jurors were improperly urged to consider Mr. Barrera’s nationality in considering the appropriate punishment – a violation of his rights under international law and domestic norms of equal protection and due process. 23 CT 6328-6329; Appendix A.

The trial court did not respond to Mexico’s concerns—but now, more than twenty years later, California’s adoption of the Racial Justice Act provides the means to expunge the racist blemishes that so clearly disfigured Mr. Barrera’s trial proceedings.

¹⁴ Memorial of Mexico, at ¶46 (discussing the Hector García Torres case).

III. THE RACIST AND XENOPHOBIC LANGUAGE USED THROUGHOUT APPELLANT’S TRIAL REFLECTS A DEEPLY-ENTRENCHED CULTURAL BIAS AGAINST MEXICAN IMMIGRANTS.

Mexico is deeply concerned that the repeated references to Mr. Barrera’s nationality and immigration status throughout the trial proceedings were not merely isolated remarks, but were instead by-products of the widespread and entrenched bias against Mexican immigrants that has long permeated some sectors of California society.

Discrimination against Mexicans on the basis of their ethnicity and national origin has deep roots in California. According to the first comprehensive study of mob violence against Mexicans in the United States,

From the California Gold Rush to the last recorded instance of a Mexican lynched in public in 1928, vigilantes hanged, burned, and shot thousands of persons of Mexican descent in the United States. The scale of mob violence against Mexicans is staggering, far exceeding the violence exacted on any other immigrant group and comparable, at least on a per capita basis, to the mob violence suffered by African Americans.¹⁵

The same study identified 143 named victims in California, placing it second behind Texas as the U.S. state with the most extrajudicial killings of

¹⁵ William D. Carrigan and Clive Webb, *Forgotten Dead: Mob Violence Against Mexicans in the United States, 1848-1928*, Oxford University Press, 2013, at 2-3.

people of Mexican descent.¹⁶

Other less lethal but equally overt forms of discrimination against Mexicans emerged in California during the Great Depression. By one current estimate, “up to 2 million Mexicans and Mexican-Americans were deported or expelled from cities and towns across the U.S. and shipped to Mexico,” including one-third of the Mexican population of Los Angeles.¹⁷ According to the United States Holocaust Memorial Museum, the notorious La Placita raid of February 26, 1931 in Los Angeles “was probably the most significant single event underscoring the brutal terror of the 1930s repatriation deportations.”¹⁸

These prolonged episodes of lynchings and mass expulsions of Mexicans are not merely historical artifacts with no contemporary relevance. Instead, they form part of the cultural matrix within which the laws of California are enforced in the here and now. For example, a recent

¹⁶ Id. at Table 0.1, *Mob Violence Against Persons of Mexican Descent by State*, 1848-1928.

¹⁷ National Public Radio, Mass Deportation May Sound Unlikely, But It’s Happened Before (September 8, 2015), at <https://www.npr.org/sections/codeswitch/2015/09/08/437579834/mass-deportation-may-sound-unlikely-but-its-happened-before> (last visited June 9, 2023).

¹⁸ United States Holocaust Memorial Museum, “Repatriation” of Mexican Americans and Mexican nationals continues, (April 25, 1934) at <https://newspapers.ushmm.org/events/repatriation-of-mexican-americans-and-mexican-nationals-continues#> (last visited June 9, 2023).

study of homicide convictions and sentence outcomes in California revealed that “six of California’s special circumstances apply unevenly based on the defendant’s race or ethnicity. In so doing, the statute appears to codify rather than ameliorate the harmful racial stereotypes that are endemic to our criminal justice system.”¹⁹ The analysis of 1,900 representative California cases found that the “felony-murder special circumstance for robbery and burglary applies disproportionately in black and Latinx defendant cases,” while two of the statutory factors making cases death-eligible (gang membership and drive-by shootings) are applied “overwhelmingly more frequently” in cases of black and Latinx defendants. *Id.* at 1441-1442.

There is also abundant evidence that national origin bias against undocumented Mexican immigrants has not subsided—and that a possibly unconscious but nonetheless deep-seated antipathy to this group of defendants prevails among many potential jurors in California. To cite one telling example, in a 2015 study,²⁰ over 300 Euro-American venire persons

¹⁹ Catherine M. Grosso et. al., *Death by Stereotype: Race, Ethnicity, and California’s Failure to Implement Furman’s Narrowing Requirement*, 66 UCLA L. REV. 1394, 1397-1398 (2019). Available at: https://scholarship.law.columbia.edu/faculty_scholarship/2314/ (last visited June 9, 2023).

²⁰ Russ K.E. Espinoza et. al., *The Impact of Ethnicity, Immigration Status, and Socioeconomic Status on Juror Decision Making* (2015), University of Nebraska Faculty Publications, Department of Psychology, Paper 793, at: <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1793&context=>

called for jury duty at a Southern California courthouse acted as mock jurors. The volunteers were asked to make decisions regarding a hypothetical second-degree murder case, such as rendering a verdict and recommending a sentence, based on a trial transcript and information about the mock defendant that varied based solely on his economic status, appearance, ethnicity and immigration (a White Canadian or a Mexican who was undocumented or documented).

The results of the study demonstrated that a group of California venire persons presented with identical case facts were nearly twice as likely to find the defendant guilty if he was an impoverished and undocumented Mexican (76%) compared to an undocumented white Canadian of a higher socioeconomic status (40%). Low status and undocumented Mexican defendants were also given more severe sentences by the prospective jurors than any other category in the study. Based on these findings, the researchers concluded that “[b]iased notions of the undocumented Latino immigrant leave these individuals vulnerable” to becoming “victims of distorted attributions in legal decision making compared to their Canadian counterparts.” *Id.* at 9.

Mr. Barrera falls squarely within this vulnerable category: the jury

[psychfacpub](#) (last visited June 9, 2023).

heard extensive evidence of his low socioeconomic status, linked to repeated references to being an “illegal alien” from Mexico—including out of the lips of his own court-appointed defense attorney. See, e.g., 3RT 519, 521-522 (defense questioning of prospective jurors regarding their attitudes toward “illegal aliens” from Mexico). The prosecution went further still, referring to Mr. Barrera in closing argument as less than a human being and asserting that “the people of the State of California, we the citizens, we don’t torture and murder our children. . . . Do citizens of the world?” 13 RT 1903; 17 RT 2182-2183.

Significantly, language does not exist in isolation from culture: epithets such as “illegal alien” possess a uniquely toxic resonance. A 2010 study found that describing Mexican immigrants as “illegal aliens” rather than “undocumented workers” invoked greater prejudice against them, because the term “illegal aliens” is associated with “increased perceptions of threat.”²¹

This kind of coded but highly inflammatory and discriminatory language is precisely what California’s Racial Justice Act is intended to detect and remedy. The intent of the Legislature could not be clearer:

²¹ Matthew R. Pearson, How “undocumented workers” and “illegal aliens” affect prejudice toward Mexican immigrants, *Social Influence*, Vol. 5, Issue 2 (2010) at 128. Available at: <https://www.tandfonline.com/doi/full/10.1080/15534511003593679> (last visited June 9, 2023).

‘Racially discriminatory language’ means language that, to an objective observer, explicitly or implicitly appeals to racial bias, including, but not limited to, racially charged or racially coded language, language that compares the defendant to an animal, or language that references the defendant’s physical appearance, culture, ethnicity, or national origin. Evidence that particular words or images are used exclusively or disproportionately in cases where the defendant is of a specific race, ethnicity, or national origin is relevant to determining whether language is discriminatory. Penal Code, § 745, subd. (h)(4).

Unlike racial justice legislation adopted in North Carolina and Kentucky, the California law deliberately broke new ground by expanding its scope to include bias or animus based on ethnicity or national origin, whether that discrimination was purposeful or not. Mexican capital defendants such as Mr. Barrera are especially likely to bring well-founded claims on these grounds.

The inescapable reality that Mexican immigrants in California are subjected to racial, ethnic and national origin discrimination—both in word and in deed—provides the cultural context that explains the devastating effect of the language used to describe Mr. Barrera during his death penalty trial.

CONCLUSION

The Government of Mexico submits that the numerous instances of defamatory and discriminatory references to the Mr. Barrera’s national origin, immigration status and sub-humanity throughout the trial

proceedings fully warrant vacating his conviction and remanding his case for a new trial at which he will be ineligible for the death penalty.

For the foregoing reasons, the Court should grant the relief requested in Appellant's Fourth Supplemental Opening Brief.

Date: June 10, 2023

Respectfully submitted,



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CERTIFICATE OF WORD COUNT COMPLIANCE

Pursuant to the California Rules of Court, Rule 8.630(b)(2), I hereby certify that, according to my word processing software, this petition contains 3,374 words.

DATED: June 10, 2023



JAMES S. THOMSON

APPENDIX A

CONSULADO GENERAL DE MÉXICO

No.: 003023

Los Angeles, California, December 4, 2001.

The Honorable Ronald Coen
Superior Court of the State of California
for the County of Los Angeles
900 3rd Street
Department North Valley 'E'
San Fernando, CA 91340

Honorable Judge Coen:

The Government of Mexico submits this letter in support of the Motion to Reduce Death Sentence filed by Marcos Esquivel Barrera. Mexico respectfully urges the Court to grant Mr. Barrera's motion, and modify Mr. Barrera's death sentence to life in prison without the possibility of parole.

Due to its absolute opposition to capital punishment, Mexico has a strong interest in every case in which a Mexican national may be sentenced to death. Mexico's concern in this case is deepened by the fact that the victims – Mr. Barrera's children – are also Mexican nationals.

Mexico is troubled that the prosecution called the children as witnesses at the penalty phase, apparently without notifying the children's lawyers – and argued to the jury that the children "wanted him dead." See Tr. at 2186. By doing so, the state has placed the children squarely in the middle of the legal morass that will follow the imposition of a death sentence. If Mr. Barrera is sentenced to death, years upon years of appeals will follow, with assertive legal representation at every turn. The children will be forced to confront, again and again, the approaching inevitability of their father's execution, and their instrumental role in bringing about that outcome.

Thus, in Mexico's view, a death sentence would only exacerbate the suffering already endured by Mr. Barrera's children. Though California law authorizes the imposition of the death penalty in this case, it appears to Mexico that it would be a tremendous burden upon a child.

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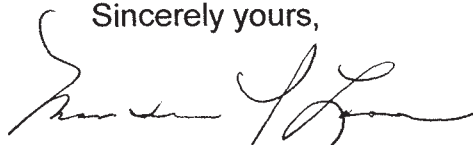
Mexico's views are informed by the experience of others. In the case of *Dobbert v. Strickland*, 718 F.2d 1518 (11th Cir. 1983), the defendant killed his daughter after years of abuse. During their investigation, the state learned Dobbert had also killed one of his sons under similar circumstances. The principal witness against him was a surviving son, John, who was also the victim of terrible abuse. Dobbert was later executed.

According to lawyers familiar with the case, John was horribly traumatized, not only by the abuse he endured, but by the continuing realization that his testimony would contribute to his father's execution. Although Mr. Barrera's execution could affect each of his children differently, psychologists and social workers alike have attested to the trauma suffered by children with parents on death row. Should you want more information on this topic, we would gladly provide it.

Finally, Mexico is troubled by arguments made by the prosecution during the penalty phase that could be construed as appealing to the jurors' biases against foreign nationals. In closing remarks, Ms. McNary stated: "We, the people of the staff [sic], we the citizens, we don't torture and murder our children. And we, the citizens of the United States, don't do that. Do citizens of the world?" Tr. at 2183. Mr. Barrera's citizenship had nothing to do with the crimes for which he was convicted, and the prosecutor's comments were both irrelevant and inflammatory. In Mexico's view, these comments give rise to an argument that jurors were improperly urged to consider Mr. Barrera's nationality in considering the appropriate punishment – a violation of his rights under international law and domestic norms of equal protection and due process.

On behalf of the Government of Mexico, I thank you in advance for your consideration of our request.

Sincerely yours,



Amb. Martha I. Lara
Consul General of Mexico

c.c.- Mr. Skip Braudrick, Defense Counsel.
Ms. Carolyn McNary, Prosecution.

DECLARATION OF SERVICE

Re: People v. Esquivel Barrera

Case No: S103358

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is 732 Addison Street, Suite A, Berkeley, CA 94710.

On June 10, 2023, I served the attached **AMICUS CURIAE BRIEF OF THE GOVERNMENT OF MEXICO IN SUPPORT OF APPELLANT MARCOS ESQUIVEL BARRERA** by TrueFiling electronic service, by e-mail to the email service addresses provided below, or by mailing a true copy thereof on:

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I declare under penalty of perjury that the foregoing is true and correct. Signed on June 10, 2023 in Berkeley, California.


AARON JONES

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. BARRERA (MARCOS ESQUIVEL)**

Case Number: **S103358**

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: **James@ycbtal.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
APPLICATION TO FILE AMICUS CURIAE BRIEF	Barrera - Application to File Amicus - FINAL - 6-10-23
AMICUS CURIAE BRIEF	Barrera - Amicus Brief - FINAL - 6-10-23

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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.

6/10/2023

Date

/s/James Thomson

Signature

Thomson, James (79658)

Last Name, First Name (PNum)

James Thomson, Attorney and Counselor at Law

Law Firm