Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
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Supreme Court of California
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March 18, 2024 **CAPITAL CASE**

Hon. Jorge Navarrete
Clerk and Court Administrator
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: *People v. Nadey (Giles, Albert, Jr.)* – S087560
Additional Authorities

Dear Mr. Navarrete:

This case is scheduled for oral argument on Wednesday, April 3, 2024, at 1:30 pm in Los Angeles. Appellant Nadey wishes to bring to the Court's attention the following additional authorities pertaining to his *Batson/Wheeler* claim (Argument I of Appellant's opening and reply briefs) on appeal.

STATE AUTHORITIES

CALIFORNIA SUPREME COURT DECISIONS

1. *People v. Melendez (2016)* 2 Cal 5th 1, 14-21.
2. *People v. Gutierrez (2017)* 2 Cal 5th 1150, 1154-1159, 1167-1175; conc. opn. of Liu, J., at 1175-1183.
3. *People v. Smith (2018)* 4 Cal 5th 1134, 1146-1162.
4. *People v. Hardy (2018)* 5 Cal 5th 56, 74-77; dis. opn. of Liu, J., at 107-125.
5. *People v. Johnson (2019)* 8 Cal 5th 475; dis. opn. of Liu, J., at 528-536; dis. opn. of Cueller, J., at 536-547.
6. *People v. Rhoades (2019)* 8 Cal 5th 393; dis. opn. of Liu, J., at 456-474.
7. *People v. Baker (2021)* 10 Cal 5th 1044, 1071, 1076-1079; conc. opn. of Liu, J., at 1114-1115.
8. *People v. McDaniel (2021)* 12 Cal 5th 97, 117-128.
9. *People v. Battle (2021)* 11 Cal 5th 749, 776 fn. 9; dis. opn. of Liu, J., at 806-817.
10. *People v. Holmes, McClain, and Newborn (2022)* 12 Cal 5th 719; dis. opn. of Liu, J., at 836-844

CALIFORNIA STATUTORY AUTHORITIES

California Code of Civil Procedures Section 231.7., subdivisions (c) (j). (See Assem. Bill No. 3070 (2019-2020 reg. sess.))

COLORADO SUPREME COURT DECISION

11. *People v. Madrid (Colo. S. Ct., 2023)* 526 P.3d 185, 192-197.

FEDERAL AUTHORITIES

UNITED STATES SUPREME COURT DECISIONS

12. *Foster v. Chatman*, 578 U.S. 488, 499-514 136 S. Ct. 1737 195 L. Ed. 2nd 1 (2016).
13. *Flowers v. Mississippi*, 588 U.S. – 139 S. Ct. 2228, 2238-2251 204 L. Ed. 2nd 638 (2019).

U.S. COURT OF APPEALS, 9TH CIRCUIT

14. *Hoyos v. Davis*, 51 F.4th 297, 306-308, 315 (9th Cir. 2022).
15. *Currie v. McDowell*, 825 F.3d 603, 609-614 (9th Cir. 2016).
16. *McDaniels v. Kirkland*, 813 F.3d 770, 778-782 (9th Cir. Dec. 24, 2015).

Thank you for your attention to this matter.

Sincerely,

Christopher Johns

Counsel for Appellant
Giles, Albert Nadey, Jr.

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CERTIFICATE OF SERVICE

People v. Giles Nadey
California Supreme Court Case No. S087560

I, Molly Zahner, declare as follows:

I am over the age of 18 years, employed in Alameda County, and not a party to the within action; my business address is 484 Weldon Avenue, Oakland, CA 94610. On March 18, 2024, I served a true and correct copy of the following document(s):

APPELLANT NADEY'S ADDITIONAL AUTHORITIES

on the parties, through their attorneys of record by placing true and correct copies thereof:

☒ **By USPS Mail.** I served the documents by enclosing them in a sealed envelope and depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.

Giles Albert Nadey, #P76535
CMF
Y-dorm
P.O. Box 2000
Vacaville, CA 95696-2500

and upon the parties named below by submitting an electronic copy via TrueFiling:

- Christen Somerville, via e-Serve: christen.somerville@doj.ca.gov
- Attorney General - San Francisco Office -e-Serve: sfagdocketing@doj.ca.gov

Courtesy Copy via email to:

- Kendall Goh: kgoh@capsf.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 18, 2024, at Oakland, CA.

Molly Zahner

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 3/18/2024 by Celia Wong, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. NADEY (GILES)**
Case Number: **S087560**
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: **cjohns@johnsandallyn.com**

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

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ADDITIONAL CITES FOR ORAL ARGUMENT	2024.03.18 Nadey Additional Authority Letter

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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.

3/18/2024
Date

/s/Christopher Johns
Signature

Johns, Christopher (90815)
Last Name, First Name (PNum)

Johns & Allyn, APC

Law Firm