

In the Supreme Court of the State of California

**THE PEOPLE OF THE STATE OF
CALIFORNIA,**

Plaintiff and Respondent,

v.

**NOEL JESSE PLATA & RONALD TRI
TRAN,**

Defendants and Appellants.

CAPITAL CASE

Case No. S165998

Orange County Superior Court Case No. 01HF0193
Hon. William R. Froeberg, Judge

RESPONDENT'S SUPPLEMENTAL BRIEF

XAVIER BECERRA
Attorney General of California
RONALD S. MATTHIAS
Senior Assistant Attorney General
HOLLY D. WILKENS
Supervising Deputy Attorney General
CHRISTINE Y. FRIEDMAN
Deputy Attorney General
State Bar No. 186560
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9050
Fax: (619) 645-2012
Email: Christine.Friedman@doj.ca.gov
Attorneys for Respondent

In his Supplemental Opening Brief, appellant Ronald Tri Tran joins in the following arguments raised by appellant Noel Jesse Plata in his Supplemental Opening Brief: (1) there was insufficient evidence to support a finding that the robbery and murder of Linda Park were committed for the benefit of, at the direction of, or in association with a criminal street gang; and (2) the imposition of the death penalty for crimes committed by 20-year-old offenders violates the Eighth Amendment's prohibition against cruel and unusual punishment.

In response to Tran's Supplemental Opening Brief, respondent incorporates by reference Argument VII in Respondent's Brief (RB 121-128) and Arguments XV and XVI in Respondent's Supplemental Brief filed on August 31, 2018 (RSB 5-21).

Dated: July 15, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
RONALD S. MATTHIAS
Senior Assistant Attorney General
HOLLY D. WILKENS
Supervising Deputy Attorney General

/S/ Christine Y. Friedman

CHRISTINE Y. FRIEDMAN
Deputy Attorney General
Attorneys for Respondent

CYF:ms
SD2008700742
71900655.docx

CERTIFICATE OF COMPLIANCE

I certify that the attached **RESPONDENT'S SUPPLEMENTAL BRIEF** uses a 13 point Times New Roman font and contains 118 words.

Dated: July 15, 2019

XAVIER BECERRA
Attorney General of California

/S/ Christine Y. Friedman

CHRISTINE Y. FRIEDMAN
Deputy Attorney General
Attorneys for Respondent

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **People v. Plata &Tran**
Case No.: **S165998**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On July 17, 2019, I electronically served the attached **RESPONDENT'S SUPPLEMENTAL BRIEF** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on July 17, 2019, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

The Honorable William R. Froeberg
Orange County Superior Court
Central Justice Center
700 Civic Center Drive West
Department C40
Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 17, 2019, at San Diego, California.

M. Soria
Declarant

/s/ M. Soria

Signature

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **PEOPLE v. PLATA (NOEL) & TRAN
 (RONALD)**

Case Number: **S165998**

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: **Christine.Friedman@doj.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
SUPPLEMENTAL BRIEF	Respondents Supplemental Brief

Service Recipients:

Person Served	Email Address	Type	Date / Time
Office Of The State Public Defender-Sac Jolie Lipsig, Supervising Deputy State Public Defender SPD	docketing@ospd.ca.gov	e-Service	7/17/2019 3:57:39 PM
Attorney General - San Diego Office Christine Y. Friedman, Deputy Attorney General SDG	christine.friedman@doj.ca.gov	e-Service	7/17/2019 3:57:39 PM
Catherine White Law Office of Catherine White, APC 193690	white193690@gmail.com	e-Service	7/17/2019 3:57:39 PM
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	7/17/2019 3:57:39 PM
Holly Wilkens Department of Justice, Office of the Attorney General-San Diego 88835	Holly.Wilkens@doj.ca.gov	e-Service	7/17/2019 3:57:39 PM
Jolie Lipsig Office of the State Public Defender 104644	jolie.lipsig@ospd.ca.gov	e-Service	7/17/2019 3:57:39 PM
Maria Soria Department of Justice, Office of the Attorney General-San Diego	maria.soria@doj.ca.gov	e-Service	7/17/2019 3:57:39 PM
Orange County District Attorney Department of Justice, Office of the Attorney General-San Diego	appellate@da.ocgov.com	e-Service	7/17/2019 3:57:39 PM
OSPD Docketing Office of the State Public Defender 000000	docketing@ospd.ca.gov	e-Service	7/17/2019 3:57:39 PM

SDAG Docketing Department of Justice, Office of the Attorney General-San Diego	sdag.docketing@doj.ca.gov	e-Service	7/17/2019 3:57:39 PM
Wesley Van Winkle Attorney at Law 129907	tacitus@pacbell.net	e-Service	7/17/2019 3:57:39 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.

7/17/2019

Date

/s/Christine Friedman

Signature

Friedman, Christine (186560)

Last Name, First Name (PNum)

Department of Justice, Office of the Attorney General-San Diego

Law Firm