

SUPREME COURT COPY COPY

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DEPARTMENT OF JUSTICE



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September 30, 2015

Frank A. McGuire
Court Administrator and Clerk of the Supreme Court
Office of the Clerk
Supreme Court of California
350 McAllister Street • Room 1295
San Francisco, California 94102-4797

SUPREME COURT
FILED

OCT - 1 2015

Frank A. McGuire Clerk
Deputy

RE: *People v. Ramon Sandoval, Jr.*
California Supreme Court Case Number S115872

AMENDED SUPPLEMENTAL AUTHORITIES LETTER

Dear Mr. McGuire:

At oral argument on October 7, 2015, respondent may discuss the following decisions, all of which were issued after the respondent's brief was filed in this case.

The following cases are relevant to appellant's claim that potential juror D.M. was improperly excluded for cause (see AOB, Argument XIII). In *People v. Whalen* (2013) 56 Cal.4th 1, 25-26, this Court reaffirmed that a trial court's ruling as to a juror's bias is reviewed for abuse of discretion and that deference must be given to the trial court's evaluation of a juror's actual state of mind when the juror supplies conflicting or equivocal responses. Similarly, in *People v. McKinzie* (2012) 54 Cal.4th 1302, 1331-1336, abrogated on other grounds by *People v. Scott* (2015) 61 Cal.4th 363, 391, fn. 3, this Court deferred to the trial court's dismissal for cause of prospective jurors who were equivocal about their ability to impose the death penalty in single-murder cases.

The following cases are relevant to appellant's claim that the trial court improperly precluded defense counsel from arguing that "a sentence of life without the possibility of parole (LWOP) would result in [appellant] never getting out of prison," and instructing the jury that it was "to assume that's what it means" (see AOB, Argument XIX). In *People v. Tully* (2012) 54 Cal.4th 952, this Court recognized that in California, the jury is expressly informed of the defendant's ineligibility for parole by the instruction requiring

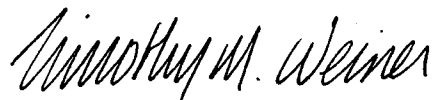
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it to choose between imposing a sentence of either death or “confinement in the state prison for life without the possibility of parole,” and held that “an instruction that such a sentence ‘will inexorably be carried out’ would be incorrect.” (*Id.* at p. 1057, citing *People v. Smithey* (1999) 20 Cal.4th 936, 1009.) In *People v. Duenas* (2012) 55 Cal.4th 1, 28, this Court rejected a virtually identical claim and found that the defendant had offered “no persuasive reason to reconsider” this Court’s prior holdings.

Sincerely,



TIMOTHY M. WEINER
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General of the State of California

DECLARATION OF SERVICE

Case Name: *The People of the State of California v. Ramon Sandoval, Jr.*

No.: S115872

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 collection and processing of correspondence for mailing with the United States Postal Service. 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.

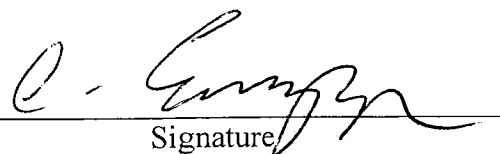
On September 30, 2015, I served the attached **AMENDED SUPPLEMENTAL AUTHORITIES LETTER**, by placing a true copy thereof enclosed in a sealed envelope in the internal mail system of the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Victor S. Haltom
Attorney at Law
428 J Street, Suite 350
Sacramento, CA 95814

On September 30, 2015, I caused an original and a copy of the **AMENDED SUPPLEMENTAL AUTHORITIES LETTER**, in this case to be delivered to the California Supreme Court at 350 McAllister Street, First Floor, San Francisco, CA 94102-4797 by **ONTRAC MESSENGER SERVICE, Tracking # B10313641703**.

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 September 30, 2015, at Los Angeles, California.

C. Esparza
Declarant


Signature