

Certified Specialist-  
Criminal Law

**Russell S. Babcock**  
*Attorney at Law*



1901 First Avenue, First Floor  
San Diego, CA 92101

Telephone: (619) 531-0887

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April 28, 2020

Mr. Jorge E. Navarrete  
Clerk/Executive Officer of the Supreme Court of California  
350 McAllister Street, Room 1295  
San Francisco, CA 94102

Re: Automatic Appeal, *People v. Vargas* (S101247)  
Filed via True Filing

Dear Mr. Navarrete:

I am the attorney for appellant, Eduardo Vargas, in his automatic appeal, *People v. Vargas*, No. S101247. This case is calendared for video oral argument on May 5, 2020 at 1:30 p.m.

Appellant submits the following additional authorities :


*U.S. v. Calderon-Medina* ( 9th Cir. 1979) 591 F.2d 529

*People v. Rengel- Gonzalez* (9th Cir. 1980) 617 F.2d 519.

*People v. Leon* (2020) 8 Cal.5th 831 (See particularly con. opin. of Cuéllar, J. 855-859.)

*Torres v. State* 120 P.3d 1184 (Okla., Crim.App. 2005.)

All of these authorities pertain to the sole argument in Appellant's Supplemental Brief filed on or about March 12, 2013, in Appellant's Supplemental Reply Brief filed on June 1, 2013, and also briefed as Argument X in Appellant's Opening and Reply Briefs).



Very truly yours,  
/s/ Russell S. Babcock  
Russell S. Babcock  
Attorney for VARGAS

## **PROOF OF SERVICE BY MAIL**

(Cal. Rules of Court, rules 1.21, 8.50.)

(*People v. Vargas*, Court of Appeal No. S101247)

I, Russell Babcock, declare that: I am over the age of 18 years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California, where the mailing occurs; and my business address is 1901 First Avenue, First Floor San Diego, California 92101.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

I caused to be served the following document(s): Letter With Supplemental Authorities by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

Eduardo Vargas, Appellant  
PO Box 85266  
San Quentin State Prison  
San Quentin, CA 94694

California Appellate Project  
345 California Street, #1400  
San Francisco, CA 94104

Honorable Francisco Briseno  
Santa Ana Superior Court  
700 Civic Center Dr. West, 1<sup>st</sup> Floor  
Santa Ana, CA 92701

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service, this same day, at my business address shown above, following ordinary business practices.

**PROOF OF SERVICE BY ELECTRONIC SERVICE**  
(Cal. Rules of Court, rules 2.251(i)(1)(A)-(D) & 8.71(f)(1)(A)-(D).)  
(*People v. Vargas*, Supreme Court Case No. S101247)

Furthermore, I, Russell S. Babcock, declare I electronically served the following entities below in the True Filing system:

I electronically served the following entities in the TrueFiling system:

ATTORNEY GENERAL'S OFFICE; [mike.murphy@us.doj.ca.gov](mailto:mike.murphy@us.doj.ca.gov) ;

DISTRICT ATTORNEY'S OFFICE: [Appellate@da.oc.gov.com](mailto:Appellate@da.oc.gov.com)

TRIAL DEFENSE ATTORNEY: Rob.Harley@sbc.global.net

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

Executed on April 28, 2020.

Server signature

/s/ Russell Babcock  
Russell Babcock

**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **PEOPLE v. VARGAS (EDUARDO DAVID)**

Case Number: **S101247**

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: **russbab@gmail.com**
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Michael Murphy Office of the Attorney General 178384	mike.murphy@doj.ca.gov	e-Serve	4/28/2020 4:52:17 PM

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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.

4/28/2020

Date

/s/Russell Babcock

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Signature

Babcock, Russell (99130)

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Last Name, First Name (PNum)

Law Office of Russell Babcock

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Law Firm