

**SUPREME COURT MINUTES
FRIDAY, SEPTEMBER 9, 2022
SAN FRANCISCO, CALIFORNIA**

S257631 C085998 Third Appellate District

**PEOPLE v. BROWN
(HEATHER ROSE)**

Supplemental briefing ordered

The court directs the parties to serve and file supplemental briefs addressing the following questions:

1. Did the instructions in this case fail to convey to the jury that, to prove first degree poison murder, the prosecution had to show that defendant acted with malice in administering the poison; that is, that she must have either poisoned with intent to kill or “deliberately administered the poison” with “full knowledge that [her] conduct endangered the life of decedent,” and with “conscious disregard for that life”? (*People v. Mattison* (1971) 4 Cal.3d 177, 183-184.)
2. Is there “a reasonable likelihood that the jury misunderstood or misapplied the instruction[s]” in a manner that allowed a conviction of first degree poison murder based on a finding that defendant acted with malice in her conduct other than feeding the victim her breastmilk, along with a finding that poisoned breastmilk was a substantial factor in causing the victim’s death; in other words, without finding that defendant acted with malice when she fed the victim her breastmilk? (*People v. Covarrubias* (2016) 1 Cal.5th 838, 906.)
3. If the first degree murder conviction were reversed based on error in the poison murder instruction, may the prosecution accept a reduction to second degree murder in lieu of retrying the first degree murder charge? (*People v. Chiu* (2014) 59 Cal.4th 155, 168.)

The parties shall file simultaneous supplemental letter briefs by October 12, 2022. Response briefs, if any, shall be filed within 10 days after the initial supplemental brief is filed under this or any subsequent order of this court. No extensions of time are contemplated.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1584)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)