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DEPARTMENT OF JUSTICE



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September 21, 2018

Jorge E. Navarrete
Clerk of the Supreme Court
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

RE: *People v. Cedric Jerome Johnson* (**Death Penalty**)
Supreme Court of the State of California, Case No. S075727

Dear Mr. Navarrete:

At oral argument on October 3, 2018, respondent may discuss the following decisions, which were issued after the respondent's brief was filed in this case.

The following cases are relevant to appellant's claim that he was denied the right to testify at the penalty phase. (Argument 3 of AOB.) In *People v. Banks* (2014) 59 Cal.4th 1113, abrogated on other grounds by *People v. Scott* (2015) 61 Cal.4th 363, 386-387, this Court concluded that the trial court acted within its discretion in excluding the defendant from the penalty phase, and rejected claims that the trial court should have chosen a less restrictive measure such as shackling, or inquired into whether the defendant wished to be readmitted to court. (*Id.* at pp. 1180-1181.) This Court also rejected a claim of judicial bias. (*Id.* at pp. 1204-1206.)

In *State v. Anthony* (Wis. 2015) 860 N.W.2d 10, the Wisconsin Supreme Court concluded that the trial court acted within its discretion in determining that the defendant had forfeited his right to testify by engaging in misconduct. (*Id.* at pp. 24-25.) *Anthony* held that the trial court's action served the purposes of ensuring the fairness and reliability of the criminal trial proceeding, and preserving the dignity, order, and decorum of the courtroom. (*Id.* at pp. 26-27.)

The following case is relevant to appellant's claim that the trial court should have initiated competency proceedings. (Argument 18 of the supplemental opening brief.)

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In *People v. Woodruff* (2018) 5 Cal.5th 697, this Court rejected a claim that the trial court should have declared a doubt as to the defendant's competency. (*Id.* at pp. 721-723.)

Respectfully submitted,

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Case Name: *People v. Cedric Jerome Johnson* No.: **S075727 (CAPITAL CASE)**

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South Central District
Compton Courthouse
200 West Compton Boulevard
Department D
Compton, CA 90220

Governor's Office
Attn: Legal Affairs Secretary
State Capitol, First Floor
Sacramento, CA 95814

Maria Elena Arvizo-Knight
Death Penalty Appeals Clerk
Los Angeles County Superior Court
210 West Temple Street, Room M-3
Los Angeles, CA 90012

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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 21, 2018**, at Los Angeles, California.

Sylvia Farr
Declarant

s/ Sylvia Farr

Signature

MAK:sf
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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

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Supreme Court of California

Case Name: **PEOPLE v. JOHNSON (CEDRIC JEROME)**

Case Number: **S075727**

Lower Court Case Number:

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Date

/s/marc kohm

Signature

kohm, marc (208821)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm