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January 27, 2020

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

Re: *People v. Alfred Flores* – S116307

Dear Mr. Navarrete:

I write to submit additional citations relevant to Mr. Flores's arguments in advance of oral argument, calendared for February 5, 2020.

Argument I:

People v. Armstrong (2019) 6 Cal.5th 735, 764

[holding a juror was not disqualified to sit on a capital case simply because he would not impose the death penalty in every factual scenario, and affirming that a juror is not necessarily substantially impaired unless he or she was unwilling or unable to follow the court's instructions in determining the appropriate penalty]

People v. Woodruff (2018) 5 Cal.5th 697, 743-745

[holding that where a juror was dismissed for cause based solely on answers to written questionnaire, the juror's statement that he or she did not believe in the death penalty was insufficient evidence to sustain a challenge for cause and required reversal of the penalty of death]

Argument III:

People v. Sanchez (2016) 63 Cal.4th 665

[holding police reports regarding defendant's prior police contacts were testimonial statements and the gang expert's testimony about the prior police contacts was inadmissible hearsay]

Argument VI:

People v. Thompson (2016) 1 Cal.5th 1043, 1120-1121

[discussing the scope of Evidence Code section 351.1, subd. (a) which prohibits reference to the offer to take, failure to take, or taking of a polygraph examination]

Argument IX:

People v. Case (2018) 5 Cal.5th 1, 16-22

[holding that where defendant arguably invoked *Miranda* only as to certain subject areas, police questioning of defendant outside those areas violated *Miranda*]

People v. Krebs (2019) 8 Cal.5th 265, 313-314

[holding that an defendant unambiguously invokes his right to remain silent by telling the police he does not want to talk, and a defendant need not say more than once that he has “nothing to say” in order to invoke right to remain silent; questioning must cease the first time defendant invokes his rights]

People v. Grimes (2016) 1 Cal.5th 698, 720-721

[noting but not deciding the question whether the Attorney General's failure to argue in the answer brief that an alleged error is harmless constitutes forfeiture of any harmless error argument regarding federal constitutional errors]

Re: People v. Flores, S116301
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Sincerely,

Robert Derham
Attorney at Law

cc: see attached proof of service

Certificate of Service

I, Robert Derham, am an attorney admitted to the State Bar of California; I am not a party to this action. My business address is 369-B Third Street # 364 San Rafael CA 94901. My electronic service address is rhderham@gmail.com. On January 23, 2020, I served the attached Letter upon the parties and persons listed below by depositing a true copy in a United States mailbox in San Rafael, a sealed envelope, postage prepaid, and addressed as follows:

Alfred Flores
P-12321
San Quentin State Prison
San Quentin, CA 94704

On January 23, 2020, I served a PDF version of this document by TrueFiling to the electronic mail addresses on file:

Heather Clark, Office of the Attorney General

California Appellate Project

I declare under the penalty of perjury that the foregoing is true and correct. Executed on January 23, 2020, in San Rafael, California.

/s/
Robert Derham

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. FLORES (ALFRED)**

Case Number: **S116307**

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.
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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.

1/27/2020

Date

/s/Robert Derham

Signature

Derham, Robert (99600)

Last Name, First Name (PNum)

Robert Derham, Attorney at Law

