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DEPARTMENT OF JUSTICE



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August 27, 2019

The Honorable Jorge E. Navarrete
Court Administrator and Clerk of the Court
Supreme Court of California
350 McAllister Street, First Floor
San Francisco, California 94102-4797

RE: *People v. James Beck and Gerald Cruz*
Supreme Court Case No. S029843

Dear Mr. Navarrete:

Oral argument for this matter is scheduled for September 4, 2019. This letter is to notify the court and parties that respondent intends to rely on *People v. Aledamat* (Aug. 26, 2019) ___ Cal.5th ___ [2019 WL 4009139] in its harmless error argument concerning errors alleged in the instruction on conspiracy. That claim is discussed in Cruz's Arguments VII and Supplemental Argument VII; Beck's Argument XII-A; and respondent's Arguments VII and Supplemental Argument I.

Sincerely,

/s/ David M. Baskind

DAVID M. BASKIND
Deputy Attorney General

For XAVIER BECERRA
Attorney General

DMB:er

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DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: *People v. Beck and Cruz* (CAPITAL CASE)

No.: **S029843**

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 August 27, 2019, I electronically served the attached **LETTER TO COURT WITH ADDITIONAL CITATION** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on August 27, 2019, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

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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 August 27, 2019, at San Francisco, California.

E. Rios
Declarant

/s/ E. Rios
Signature

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **PEOPLE v. BECK (JAMES) & CRUZ
 (GERALD)**

Case Number: **S029843**

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: **David.Baskind@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL CITES FOR ORAL ARGUMENT	S029843_LTR_Beck_Cruz

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Timothy J. Foley, Sr. Deputy State Public Defender

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

8/27/2019

Date

/s/Elizabeth Rios

Signature

Baskind, David M. (208883)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm