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The Hon. Jorge Navarrete, Clerk  
California Supreme Court  
350 McAllister St.  
San Francisco, CA 94102-7421

Re: People v. Ruben Gomez (S087773)

August 28, 2018

Dear Mr. Navarrete:

I am writing to provide additional citations relevant to Mr. Gomez's arguments in advance of oral argument, calendared for September 5, 2018.

**Argument VII:**

*People v. Henriquez* (2018) 4 Cal.5th 1, 29-30, 32-34  
[appellate court may, under Penal Code section 1259, review consciousness of guilt instruction].

*United States v. Sanchez-Gomez* (9th Cir. 2017) 859 F.3d 649, 659-661 [“[S]hackles visible to the jury are considered ‘inherently prejudicial.’ [Citation.]”; “A presumptively innocent defendant has the right to be treated with respect and dignity in a public courtroom, not like a bear on a chain. [Citation.]”]  
[reversed on mootness grounds, 138 S.Ct. 1532, 1542].

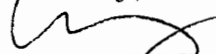
**Argument XX:**

*People v. Powell* (Aug. 13, 2018, S137730) 2018 WL 3827222, at \*21-24 [evidence of a defendant's racist beliefs is

inadmissible at a capital penalty phase if it is not relevant to an issue in the case].

Note: Implicit Racial Biases in Prosecutorial Summations: Proposing an Integrated Response (2018) 86 Fordham L. Rev. 3091, 3101 [“Researchers have found that even the ‘simplest of racial cues’ can automatically evoke racial stereotypes and affect the way jurors evaluate evidence.”]; *id.* at 3105 [“Animal imagery can both depend on and perpetuate the negative effects of implicit racial biases.”].

Sincerely,



Laura S. Kelly

Counsel for Ruben Gomez

**Declaration of Service**

Re: People v. Ruben Perez Gomez, S087773  
On August 28, 2018, I served the within

**Second new authorities letter**

on each of the following, by placing true copies thereof in envelopes addressed respectively as follows, and depositing them in the United States mail at Irvine, California:

Clerk Los Angeles Co. Superior Court Capital Appeals Unit 210 W. Temple St. Room M-3 Los Angeles, CA 90012	Mr. Ruben Perez Gomez E99658 San Quentin State Prison San Quentin, CA 94974
Los Angeles District Attorney's Office 210 West Temple St. Los Angeles, CA 90012 Attn.: Anthony Manzella	

I have served the Attorney General and CAP-SF as reflected in the proof of service generated by TrueFiling.

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

Executed on August 28, 2018, at Irvine, California

  
\_\_\_\_\_  
Laura S. Kelly

**STATE OF CALIFORNIA**  
 Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
 Supreme Court of California

Case Name: **PEOPLE v. GOMEZ (RUBEN PEREZ)**

Case Number: **S087773**

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: **lkelly@lkellylaw.net**
3. I served by email a copy of the following document(s) indicated below:

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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.

8/28/2018

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Date

/s/Laura Kelly

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Signature

Kelly, Laura (234036)

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Last Name, First Name (PNum)

Laura Kelly, Attorney at Law

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Law Firm