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**State of California**  
**DEPARTMENT OF JUSTICE**

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October 21, 2021

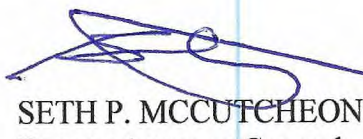
Jorge E. Navarrete, Clerk  
Supreme Court of California  
350 McAllister Street, Room 1295  
San Francisco, CA 94102-4797

RE: ***People v. Holmes, McClain & Newborn***  
**California Supreme Court Case No. S058734 (Capital Case)**

Dear Mr. Navarrete:

Oral argument in the above-captioned case is set for November 3, 2021, at 1:30 p.m. During oral argument, counsel for respondent may discuss the following authorities not cited in the briefs. These cases are relevant to appellant Holmes' Claim V, which he has indicated he intends to address at oral argument—whether the trial court erroneously failed to suppress Gabriel Pina's eyewitness testimony: *People v. Thomas* (2012) 54 Cal.4th 908; *People v. Avila* (2009) 46 Cal.4th 680.

Sincerely,

  
SETH P. MCCUTCHEON  
Deputy Attorney General

For ROB BONTA  
Attorney General

SPM:  
LA1997XS0004  
64625320.docx

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

Case Name: **People v. Karl Holmes, Herbert McClain and Lorenzo Newborn**  
No.: **S058734**

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 collecting and processing electronic and physical correspondence. 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. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On **October 21, 2021**, I electronically served the attached **ADDITIONAL AUTHORITIES LETTER** 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 **October 21, 2021**, I caused a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Michele Sussman  
Central Criminal & Capital Appeals  
Manager  
Los Angeles County Superior Court  
Foltz Criminal Justice Center  
210 West Temple Street Room M3  
Los Angeles, CA 90012

Mark Greenberg, Attorney at Law  
**Served Via:** True Filing

California Appellate Project (SF)  
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Debra S. Sabah Press  
Attorney at Law  
**Served Via:** True Filing  
Attorney for Herbert McClain

Eric S. Multhaupt, Attorney at Law  
**Served Via:** True Filing  
Attorney for Lorenzo Newborn

Karen Kelly Esq.  
**Served Via:** True Filing  
Attorney for Karl Holmes

Kathryn K. Andrews Esq.  
Attorney at Law  
**Served Via:** True Filing  
Attorney for Karl Holmes

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **October 21, 2021**, at Los Angeles, California.

J. Wu  
Declarant

*/s/ J. Wu*  
Signature

SPM: jw  
LA1997XS0004  
64630725.doc

STATE OF CALIFORNIA  
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA  
Supreme Court of CaliforniaCase Name: **PEOPLE v. HOLMES, McCLAIN & NEWBORN**Case Number: **S058734**

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

Title(s) of papers e-served:

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LETTER	S058734 People v. Holmes et al Respondent focus letter
LETTER	S058734 People v. Holmes et al Addtnl Auth letter

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Debra Sabah Press Attorney at Law 202053	d.sabah.press@gmail.com	e-Serve	10/21/2021 3:18:48 PM

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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.

10/21/2021

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Date

/s/Judy Wu

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Signature

McCutcheon, Seth (278234)

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Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

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Law Firm