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DEPARTMENT OF JUSTICE



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May 16, 2022

The Honorable Tani G. Cantil-Sakauye, Chief Justice
and the Associate Justices of the Supreme Court of the State of California
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: *People v. Strong*, Case No. S266606
Pre-Argument List of Additional Authorities

Dear Chief Justice Cantil-Sakauye and the Associate Justices of the Supreme Court of the State of California:

Pursuant to California Rules of Court, rule 8.520(d), respondent hereby brings to the Court's attention new authority that issued after respondent's Answer Brief on the Merits was filed on August 13, 2021, that are relevant to the issue in this case. (See also Cal. Rules of Court, rule 8.254 [new authority letter is proper to notify the Court of Appeal of recent case law].) The authorities listed below do not include authority which has already been brought to this Court's attention and discussed in respondent's Answer to Briefs of Amici Curiae, filed on December 9, 2021.

- Senate Bill No. 775 (Stats. 2021, ch. 551): This bill amended Penal Code section 1170.95 in several aspects.
- *People v. Mejorado* (2022) 73 Cal.App.5th 562: A pre *Banks/Clark* special circumstance finding does not support a prima facie denial of resentencing.
- *People v. Price* (2021) 71 Cal.App.5th 1128: A determination that a pre-*Banks/Clark* special circumstance is supported by substantial evidence renders a petitioner ineligible for resentencing under Penal Code section 1170.95. Petitioners are not entitled to re-litigate the factual findings underlying the special circumstance at an evidentiary hearing.

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- *People v. Farfan* (2021) 71 Cal.App.5th 792: A post-*Banks/Clark* special circumstance finding renders a petitioner ineligible for resentencing as a matter of law. The special circumstance finding rendered petitioner ineligible despite the fact the jury was not instructed on the *Banks/Clark* factors.

Sincerely,

/s/ Eric L. Christoffersen

ERIC L. CHRISTOFFERSEN
Supervising Deputy Attorney General

For ROB BONTA
 Attorney General

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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. STRONG**
Case Number: **S266606**
Lower Court Case Number: **C091162**

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5/16/2022
Date

/s/Diane Boggess

Signature

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