

SUPREME COURT COPY

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

OFFICE OF THE STATE PUBLIC DEFENDER

1111 Broadway, 10th Floor
Oakland, California 94607-4139
Telephone: (510) 267-3300
Fax: (510) 452-8712



COPY

May 15, 2017

Jorge E. Navarrete
Clerk of the Court
Attention: April Boelk
Automatic Appeals Unit Supervisor
California Supreme Court
350 McAllister Street, 1st Floor
San Francisco, CA 94102-3600

SUPREME COURT
FILED

MAY 16 2017

Jorge Navarrete Clerk

Deputy

Re: People v. Randall Wall
Errata – Appellant’s Opening Brief
Case No. S044693

Dear Ms. Boelk:

Appellant Randall Wall submits the following corrections to errors made inadvertently in the first and second paragraphs of page 64 of Appellant’s Opening Brief (Argument II). Deletions are shown by interlineation and replacement language in boldface:

On August 4, 1994, by the end of the day six prospective jurors remained under submission on for cause challenges, including Virginia Garcia, who the defense had challenged as biased in favor of the death penalty, and Johnson. (13RT:3852) Garcia had strong views on the issue of penalty. She repeatedly stated she favored the death penalty for anyone convicted of murder and answered “Yes,” she would automatically vote for death if appellant were found guilty of murdering two elderly people in their home, guilty of robbery and burglary, and guilty of molesting a child. ~~(13RT:3834-3835.)~~ **(13RT:3702-3704.)** But she also stated that ~~while she “didn’t know” then how she would vote,~~ she was open to either penalty and would have to first hear the evidence. ~~(See, e.g., 13RT:3848-3849.)~~ **(See, e.g., 13RT:3707, 3708.)**

The trial court also suggested Garcia prospective juror Virginia Austin and Johnson were comparably “extreme” in their views, stating, comparable (13RT:3852), and later stated, “if I’m going to let fringe

DEATH PENALTY

people in, I'm going to let fringe people in on both sides. I'm not going to allow anybody who is at either extreme or cannot give me an answer." (13RT:3856.)

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrea Asaro". The signature is fluid and cursive, with a large, stylized initial 'A'.

ANDREA G. ASARO
Senior Deputy State Public Defender
Attorney for Appellant Randall Wall

cc: Teresa Torreblanca, Esq.
Deputy Attorney General

Miro Cizin, Esq.
Habeas Corpus Resource Center

DECLARATION OF SERVICE

Re: *People v. Randall Clark Wall*

Cal. Supreme Ct. No. S044693
San Diego Co. Sup. Ct. No. CR133745

I, Marcus A. Thomas, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, Suite 1000, Oakland, California 94607. On this day, I served a copy of the following document(s):

APPELLANT'S OPENING BRIEF ERRATA LETTER

by enclosing it in envelopes and

- / / **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid;
- / X / **placing** the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **May 15, 2017**, as follows:

Office of the Attorney General
Teresa Torreblanca
Deputy Attorney General
P.O. Box 85266
San Diego, CA 92186-5266

Miro Cizin, Esq.
Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

Randall Clark Wall, # J-49700
CSP-SQ
East Block, 4-EY-33
San Quentin, CA 94974

I declare under penalty of perjury that the foregoing is true and correct. Signed on **May 15, 2017**, at Oakland, California.



DECLARANT