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May 22, 2020

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

RE: *People v. Scott Lee Peterson*
Supreme Court of the State of California, Case No. S132449

Dear Mr. Navarrete:

The aforementioned case is set for oral argument on the afternoon of June 2, 2020. I will be arguing on behalf of respondent.

Respondent wishes to bring to the attention of the Court its opinions in *People v. Armstrong* (2019) 6 Cal.5th 735, *People v. Buenrostro* (2018) 6 Cal.5th 367, *People v. Covarrubias* (2016) 1 Cal.5th 838, and *People v. Zaragoza* (2016) 1 Cal.5th 21, all of which address issues raised in Arguments I and III of appellant's opening brief in that the decisions either reaffirm the de novo standard of review in erroneous *Witherspoon-Witt* excusals where the excusal was based on a prospective juror's questionnaire alone, or automatic reversal principles where there is an erroneous excusal on *Witherspoon-Witt* grounds.¹ Also, *People v. Jackson* (2016) 1 Cal.5th 269, as the opinion addresses issues raised in Arguments VI, VII, and VIII of the opening brief concerning the proper admission of dog-trailing evidence and related instruction to the jury, as well as Argument X addressing admission of experimental evidence. All of these decisions post-date the filing of the briefs in this case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna M. Provenzano", written over a circular stamp or seal.

DONNA M. PROVENZANO
Supervising Deputy Attorney General

For XAVIER BECERRA
Attorney General

cc: Cliff Gardner, Counsel for Appellant

¹ To the extent our brief suggests otherwise, we wish to clarify our understanding that the standard of review in questionnaire-only excusals is de novo.

**DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S.
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Case Name: **People v. Scott Lee Peterson**
No.: **S132449**

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 May 22, 2020, I electronically served the attached **LETTER TO THE COURT** 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 May 22, 2020, 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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The Honorable Birgit Fladager
District Attorney
Stanislaus County District
Attorney's Office
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Modesto, CA 95354
Served by U.S. Mail

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 May 22, 2020, at San Francisco, California.

Nelly Guerrero
Declarant

/s/ Nelly Guerrero
Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. PETERSON (SCOTT LEE)**

Case Number: **S132449**

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.
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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.

5/22/2020

Date

/s/Nelly Guerrero

Signature

PROVENZANO, DONNA (215302)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm