

KAMALA D. HARRIS  
Attorney General

# SUPREME COURT COPY

State of California  
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702  
LOS ANGELES, CA 90013  
Public: (213) 897-2000  
Telephone: (213) 897-2396  
Facsimile: (213) 897-6496  
E-Mail: Paul.Roadarmel@doj.ca.gov

May 17, 2013

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, First Floor  
San Francisco, California 94102-4797

SUPREME COURT  
FILED

MAY 20 2013

Frank A. McGuire Clerk

Deputy

RE: *People v. Luis Maciel*, Case No. S070536  
Pre-Argument List Of Additional Authorities

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

Please consider the following authorities, which were decided after the Respondent's  
Brief was filed on November 5, 2007, in connection with the resolution of the above-entitled  
automatic appeal:

*People v. Valdez* (2012) 55 Cal.4th 82, 105-118 (nondisclosure order – Argument IV),  
135-139 (limiting instruction regarding witnesses' fear in testifying – Argument XIV), 139-144  
(admissibility of Raymond Shyrock's January 1995 videotaped statements – Argument VIII),  
145- 149 (instructions on accomplices and unjoined perpetrators – Argument XII), 155-156  
(judicial misconduct – Argument XVI), 179-181 (constitutionality of California's death penalty  
scheme – Argument XXI); *People v. Enraca* (2012) 53 Cal.4th 735, 756-758 (consular  
notification – Argument III); *Garcia v. Texas* (2011) \_\_\_ U.S. \_\_\_ [131 S.Ct. 2866, 2867-2868,  
180 L.Ed.2d 872] (same); *People v. Verdugo* (2010) 50 Cal.4th 263, 309-311 (discharge of  
retained counsel – Argument II); *In re Martinez* (2009) 46 Cal.4th 945, 949-950 (consular

The Honorable Tani G. Cantil-Sakauye, Chief Justice

May 17, 2013

Page 2

notification – Argument III); *Medellin v. Texas* (2008) 552 U.S. 491, 498-499, 508-514, 517-518, 522-532 [128 S.Ct. 1346, 170 L.Ed.2d 190] (same); and *People v. Mendoza* (2007) 42 Cal.4th 686, 711 (same).

Respectfully submitted

KAMALA D. HARRIS

Attorney General of California

DANE R. GILLETTE

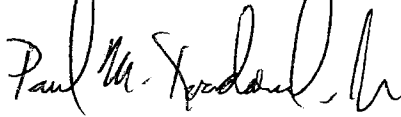
Chief Assistant Attorney General

LANCE E. WINTERS

Senior Assistant Attorney General

KEITH H. BORJON

Supervising Deputy Attorney General



PAUL M. ROADARMEL, JR.

Supervising Deputy Attorney General

*Attorneys for Respondent*

PMR:ez

LA1999XS0006

51295426.doc

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: ***People v. Luis Maciel (Capital Case)***

Case No.: **S070536**

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 collection and processing of correspondence for mailing with the United States Postal Service. 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.

On **May 17, 2013**, I served the attached **LETTER TO HONORABLE TANI G. CANTIL-SAKAUYE, CHIEF JUSTICE DATED MAY 17, 2013 RE: MACIEL\_PRE-ARGUMENT LIST OF ADDITIONAL AUTHORITIES** by placing 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:

**Melissa Hill**  
Attorney at Law  
P.O. Box 2758  
Corrales, NM 87048-2758

**Anthony C. Manzella, Jr./**  
Deputy District Attorney  
Los Angeles County District Attorney's Office  
320 West Temple Street, Room 1180  
Los Angeles, CA 90012

**Michael Millman**  
California Appellate Project (SF)  
101 Second Street, Suite 600  
San Francisco, CA 94105-3647

**The Honorable Charles E. Horan, Judge**  
Los Angeles County Superior Court  
400 Civic Center Plaza  
Pomona, CA 91766

**Death Penalty Appeals Clerk**  
Los Angeles County Superior Court  
210 West Temple Street, Room M-3  
Los Angeles, CA 90012

**Governor's Office**  
Attn: Legal Affairs Secretary  
State Capitol, First Floor  
Sacramento, CA 95814

On **May 17, 2013**, I caused eight (8) copies of the **Letter to Hon. Tani G. Cantil-Sakauye, Chief Justice Dated May 17, 2013 re: Maciel\_Pre-Argument List Of Additional Authorities** in this case to be delivered to the California Supreme Court at 350 McAllister Street, San Francisco, CA 94102 by Federal Express.

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 17, 2013**, at Los Angeles, California.

Erlinda Zulueta  
\_\_\_\_\_  
Declarant

*Erlinda G. Zulueta*  
\_\_\_\_\_  
Signature

PMR:ez  
LA1999XS0006  
51297079.doc