

Office of the State Public Defender

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



August 23, 2018

Mr. Jorge E. Navarrete, Clerk
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-3600

Re: *People v. Dora Buenrostro*
Supreme Court of California Case No. S073823

Dear Mr. Navarrete:

Oral argument in the above-referenced case will be presented on September 5, 2018, on the 1:30 p.m. calendar. Appellant wishes to direct the Court's attention to new authorities bearing on the following arguments in appellant's opening brief:

Argument I, in which appellant argues that the statutory and parallel instructional definitions of competency applied at appellant's competency trial were unconstitutional.

Ryan v. Gonzales (2013) 568 U.S. 57, 66: [affirming that “[a] defendant may not be put to trial unless he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding . . . [and] a rational as well as factual understanding of the proceedings against him” (original brackets, citations and internal quotation marks omitted)].

Argument IX, in which appellant argues that the trial erroneously excluded prospective jurors based on their views regarding the death penalty.

People v. McKinnon (2011) 52 Cal.4th 610, 637 [an appellate challenge to a *Witherspoon/Witt* excusal is not forfeited by a failure to object at trial, or even by counsel's affirmative statement to the trial court that the matter is “submitted”].

People v. Woodruff (2018) 5 Cal.5th 697, 235 Cal.Rptr.3d 513, 556-557: [the erroneous excusal of prospective juror based solely on the person's written responses to questions about his views concerning the death penalty required *automatic* reversal of the penalty phase without any inquiry into prejudice].

People v. Zaragoza (2016) 1 Cal.5th 21, 37-38 : [reversal of the death judgment was required due to the erroneous exclusion of prospective juror based on questionnaire responses reflecting religious and moral convictions that would make it difficult for her to impose the death penalty].

Thank you for bringing this letter to the Court's attention.

Sincerely,

/s/ Nina Wilder

NINA WILDER
Supervising Deputy State Public Defender

DECLARATION OF SERVICE

Case Name: ***People v. Dora Buenrostro***
Case Number: **Cal. Supreme Court No. S073823**
Riverside Co. Sup. Ct. No. CR-59617

I, Tamara Reus, declare as follows: I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California, 94607. I served a true copy of the following document(s):

ADDITIONAL AUTHORITIES LETTER

by enclosing it in envelopes and 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 **August 23, 2018**, as follows:

Dora Buenrostro, #W-76165
CCWF
504-143-L
Chowchilla, CA 93610

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **August 23, 2018**, at Oakland, California.

/s/ TAMARA REUS

DECLARANT

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. BUENROSTRO (DORA)**

Case Number: **S073823**

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: **nina.wilder@ospd.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

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ADDITIONAL CITES FOR ORAL ARGUMENT	Additional Authorities Letter

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eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	8/23/2018 11:38:52 AM
Felicity Senoski Department of Justice, Office of the Attorney General-San Diego 195181	Felicity.Senoski@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM
Holly Wilkens Department of Justice, Office of the Attorney General-San Diego 88835	Holly.Wilkens@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM
Kimberly Wickenhagen Department of Justice, Office of the Attorney General-San Diego	Kimberly.Wickenhagen@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM
Michael Murphy Department of Justice, Office of the Attorney General-San Diego 178384	mike.murphy@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM
SDAG Docketing Department of Justice, Office of the Attorney General-San Diego	sdag.docketing@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM
Stephen McGee Department of Justice, Office of the Attorney General-San Diego	Stephen.McGee@doj.ca.gov	e-Service	8/23/2018 11:38:52 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/23/2018

Date

/s/Nina Wilder

Signature

Wilder, Nina (100474)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm