

SUPREME COURT COPY

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DEPARTMENT OF JUSTICE

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May 22, 2014

Supreme Court of the State of California
Attn: Frank A. McGuire
Court Administrator and Clerk of the Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

SUPREME COURT
FILED

MAY 23 2014

Frank A. McGuire Clerk

Deputy

RE: *People v. Kelvyn Rondell Banks*
California Supreme Court, Case No. S080477

Dear Mr. McGuire:

Pursuant to this Court's Notice to Counsel Appearing for Oral Argument, counsel for respondent may refer to the following additional authorities during oral argument in response to issues raised by appellant or the Court as described below:

- (1) Whether appellant's *Batson/Wheeler* motion was properly denied (AOB 53-75, Arg. I): *People v. Chism* (May 5, 2014, S101984) ___ Cal.4th ___ [2014 WL 1759581 at pp. *24-35].
- (2) Whether appellant forfeited the claim that a defect in the indictment requires reversal of his conviction, in count 2, of attempted willful, deliberate, and premeditated murder (AOB 76-81, Arg. II): *People v. Houston* (2012) 54 Cal.4th 1186, 1226-1229.
- (3) Whether the admission of DNA evidence violated appellant's right to confrontation (AOB 137-152, Arg. IX): *People v. Lopez* (2012) 55 Cal.4th 569, 574, 582-85; *People v. Dungo* (2012) 55 Cal.4th 608, 613-621; and *People v. Rutterschmidt* (2012) 55 Cal.4th 650, 652, 659-661.

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(4) Whether the trial court's order allowing the prosecution to conduct a psychiatric examination of appellant and admitting expert testimony that was based on an interview with appellant was improper and/or prejudicial (AOB 259-269, Arg. XIX): *People v. Clark* (2011) 52 Cal.4th 856, 937-942.

Sincerely,



ALLISON H. CHUNG
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

AHC:

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Kelvyn Rondell Banks**
No.: **S080477**

I declare:

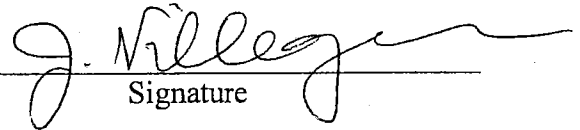
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General 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 22, 2014, I served the attached Respondent's **ADDITIONAL AUTHORITIES LETTER** 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:

Stephen M. Lathrop
Attorney at Law
904 Silver Spur Road, #430
Rolling Hills Estates, CA 90274

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, 2014, at Los Angeles, California.

J. Villegas
Declarant


Signature