

SUPREME COURT COPY

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DEPARTMENT OF JUSTICE



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December 20, 2016

**SUPREME COURT
FILED**

DEC 22 2016

Jorge Navarrete Clerk

Deputy

Supreme Court of the State of California
Attn: Jorge E. Navarrete
Court Administrator and Clerk of the Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

RE: *People v. Donald L. Brooks* (Capital Case)
California Supreme Court, Case No. S099274

Dear Mr. Navarrete:

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 the instructional error on the asportation element of simple kidnapping was harmless beyond a reasonable doubt (AOB 58-81, Arg. II): *People v. Gonzalez* (2012) 54 Cal.4th 643, 665-666.
- (2) Whether the trial court coerced the jury's penalty verdict (AOB 290-313, Arg. XIX): *People v. Bryant* (2014) 60 Cal.4th 335, 458-463; *People v. Lucas* (2014) 60 Cal.4th 153, 326-328.
- (3) Whether appellant was prejudiced by the jury's request to "hear from [him]" (AOB 323-335, Arg. XXI): *People v. Manibusan* (2013) 58 Cal.4th 40, 58-60.

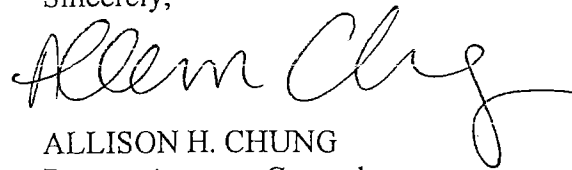
DEATH PENALTY

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(4) Whether the trial court's response to the jury's question regarding a single mitigating factor was proper (AOB 336-353, Arg. XXII): *People v. Cage* (2015) 62 Cal.4th 256, 290-292; *People v. Jones* (2012) 54 Cal.4th 1, 79-80.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Chung". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

ALLISON H. CHUNG
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

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DECLARATION OF SERVICE

Case Name: People v. Brooks

No.: S099274

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the Bar of this Court at which member's direction this service is made. I am 18 years of age or older and not a party to the within entitled cause; 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 that same day in the ordinary course of business.

On December 20, 2016, I placed the attached

SUPPLEMENTAL AUTHORITIES LETTER

in the internal mail collection system at the Office of the Attorney General, 300 S. Spring Street, Los Angeles, California 90013, for deposit in the United States Postal Service that same day in the ordinary course of business, in a sealed envelope, postage thereon fully prepaid, addressed as follows:

John L. Staley
Attorney at Law
16935 West Bernardo Drive #260
San Diego, CA 92127

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on December 20, 2016, at Los Angeles, California.

L. Luna


Signature

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