

SUPREME COURT COPY

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DEPARTMENT OF JUSTICE



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October 23, 2012

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

**SUPREME COURT
FILED**

OCT 26 2012

RE: People v. Paul Sodoa Watkins
Supreme Court of the State of California Case No. S026634

Frank A. McGuire Clerk

Deputy

Dear Mr. McGuire:

Respondent respectfully submits this letter to alert this Court and opposing counsel that, at oral argument in the above case, counsel for respondent may cite to *People v. Letner* (2010) 50 Cal.4th 99 in support of respondent's position that *Kennedy v. Louisiana* (2008) 554 U.S. 407 [128 S.Ct. 2641, 171 L.Ed.2d 525] did not overturn precedent such as *Tison v. Arizona* (1987) 481 U.S. 137, 150 [107 S.Ct. 1676, 95 L.Ed.2d 127], which supports the conclusion that it is constitutional to impose the death penalty on the felony murderer who actually kills.

In *Letner*, a case decided after respondent filed the supplemental respondent's brief, this Court held that *Kennedy v. Louisiana* did not overrule *Tison v. Arizona*. (*People v. Letner*, *supra*, 50 Cal.4th at p. 197.) This Court further stated that "the single citation to *Tison* in the court's opinion in *Kennedy* simply describes *Tison*'s holding." (*Ibid.*) Thus, *Letner* establishes that *Tison* is still relevant precedent.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Miyoshi".

STEPHANIE A. MIYOSHI
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

SAM:

LA1992XS0011

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OCT 26 2012

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Paul Sodoa Watkins*
No.: **S026634**

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 October 23, 2012, I served the attached **LETTER RE: SUPPLEMENTAL AUTHORITY** 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:

Nina Rivkind
Supervising Deputy State Public Defender
Office of the State Public Defender
Oakland City Center
1111 Broadway, 10th Floor
Oakland, CA 94607

Gary B. Wells
Attorney at Law
6737 N. Milburn Ave., Ste. 160
PMB 227
Fresno, CA 93722-2143

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 October 23, 2012, at Los Angeles, California.

Bernard M. Santos
Declarant


Signature