



CHARLES M. BONNEAU, Jr.

SUPREME COURT COPY

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December 11, 2015

HON. FRANK A. McGUIRE, Clerk
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: People v. Rangel
S076785

SUPREME COURT
FILED
DEC 15 2015
Frank A. McGuire Clerk
Deputy

Dear Mr. McGuire:

Appellant submits the following case citations in reference to appellant's oral argument, to be delivered January 5, 2016, at 1:30 p.m. in San Francisco.

Argument I [Racial imbalance due to non-random process of calling all prospective jurors from the first two initial panels].

Berghuis v. Smith (2010) 559 U.S. 314, 327 (Cited as pending in Appellant's Reply Brief.) [Court takes no position on whether an absolute disparity or a comparative disparity is legally significant underrepresentation.]

People v. Cunningham (2015) 61 Cal.4th 609, 652 [Absolute disparity numbers insignificant].

Argument VI [Adoptive admissions as violations of confrontation].

People v. Jennings (2010) 50 Cal.4th 616, 662 [Introduction of adoptive admission does not violate the principles enunciated in *Crawford* or in *Aranda* and *Bruton*.]

Argument XI [Decision to instruct on lesser related offenses is within judicial discretion as a matter of separation of powers.]

DEATH PENALTY

People v. Solis (2015) 232 Cal.App.4th 1108, 1119 [“The decision in *Birks* did not hold that instruction on lesser related offenses alone led to inaccurate results; it instead observed that a defendant’s unilateral right under *Geiger* to demand instruction on lesser related offenses was unfair to the prosecution. This is why the court left open the possibility, as we have noted, for instructions on lesser related offenses when both parties agree to them....”].

Argument XIV [Prosecution argument that one accomplice could corroborate another.]

People v. Romero (2015) 62 Cal.4th 1, 31-37 [Insufficient corroboration of accomplice testimony leading to reversal of robbery conviction].

Argument XV [Exclusion of evidence of drug dealing at the Durbin house, in rebuttal to penalty phase victim impact evidence.]

Gill v. State (Mo. 2009) 300 S.W.3d 225 [Death penalty set aside for failure to offer evidence of bad moral character of victim, contradicting victim impact testimony].

People v. Rogers (2013) 57 Cal.4th 296, 345-348 [No abuse of discretion in excluding cumulative negative victim impact evidence].

People v. Duff (2014) 58 Cal.4th 527, 564-566 [No misleading portrayal of the victim to which the defendant’s proffered negative impact evidence might offer relevant rebuttal].

Argument XVI [Introduction of evidence in aggravation of the sentence of the death of one child and the autism of another.]

People v. Carrington (2009) 47 Cal.4th 145, 197 [Proper to admit evidence of death of victim’s parents, to explain why they weren’t called as witnesses; improper to comment on possible effect of victim’s death on her mother’s health].

Argument XIX (A) [Requested instruction that mitigating factors need not be proven beyond a reasonable doubt].

Kansas v. Carr, U.S.S.C. No. 14-449, certiorari granted March 30, 2014, oral argument heard and taken under submission October 7, 2015. Question presented:

1. Whether the Eighth Amendment requires that a capital-sentencing jury be *affirmatively instructed* that mitigating circumstances “need not be proven beyond a reasonable doubt,” as the Kansas Supreme Court held here, or instead whether the Eighth Amendment is satisfied by instructions that, in context, make clear that each juror must individually assess and weigh any mitigating circumstances?

Respectfully submitted,



CHARLES M. BONNEAU, Jr.
Attorney for Appellant

CASE NAME: PEOPLE v. RANGEL
CASE NO.: S183606
COURT: SUPREME COURT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

I declare that I am employed in the County of Sacramento, California. I am over the age of eighteen years and not a party to the within cause; my business address is 331 J Street, Suite 200, Sacramento, CA 95814.

On the dated below I served the SUPPLEMENTAL AUTHORITIES and FOCUS LETTER on the parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as follows:

NEOMA KENWOOD
California Appellate Project
101 Second Street Ste. 600
San Francisco, CA 94105

Dep. Atty. Gen. MICHAEL DOLIDA
P.O. Box 944255
Sacramento, California 94244-2550
[Attorney for Respondent]

PEDRO RANGEL, Jr. P-28501
S.Q.S.P. 4-E-46
San Quentin, CA 94974

There is delivery by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on Dec 14, 2015, at Sacramento, California.

