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DEPARTMENT OF JUSTICE



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August 29, 2019

Jorge E. Navarrete, Clerk of the Supreme Court
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

RE: *People v. Rex Allan Krebs* (**Death Penalty**)
San Luis Obispo Superior Court, Case No. F283378
California Supreme Court Case No. S099439

Dear Mr. Navarrete:

At oral argument on September 3, 2019, respondent may discuss the following decision, which is relevant to appellant's claim of error regarding the admission of his confession (Argument II of AOB). In *People v. Bradford* (1997) 14 Cal.4th 1005, 1040, this Court stated that it could not conclude that a violation of *Edwards v. Arizona* (1981) 451 U.S. 477, "unaccompanied by any actual coercion or other circumstances calculated to undermine the suspect's ability to exercise his free will, so taints the investigatory process that a subsequent voluntary and informed waiver is ineffective for some indeterminate period." (Citing *Oregon v. Elstad* (1985) 470 U.S. 298, 309.) Rather, this Court held, if the statement made after an *Edwards* violation is voluntary, "the admissibility of any subsequent statement should turn in these circumstances solely on whether it is knowingly and voluntarily made." (*Ibid.*)

Respectfully Submitted,

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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. KREBS**
(REX)

Case Number: **S099439**

Lower Court Case Number:

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8/29/2019

Date

/s/Lici Garcia

Signature

Byrne, Kenneth (117798)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm