

Neil B. Quinn, Attorney at law
300 Douglas Street
Ojai, CA 93023

SBN 91010
805 646-5832; Mobile [REDACTED]

SUPREME COURT COPY

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

RE: People v Krebs (Automatic Appeal) S099439, Trial Court F283378
Argument set for September 3, 2019 at 1:30 p.m.

Dear Mr. Navarrete,

Please be advised that at the oral argument of this matter, Appellant may cite the case of *People v Smith* (2015) 61 Cal.4th 18, 56-61, as well as *Simmons v South Carolina* (1994) 512 U.S. 154, which is relied upon in *Smith*. Both cases are relevant to the arguments presented in Arguments VI and VII, holding that excluding evidence relevant to rebut evidence in aggravation, even if not otherwise admissible mitigating evidence, is a violation of basic due process principles.

Respectfully Submitted,

Neil B. Quinn
Attorney for Appellant Rex Alan Krebs

DEATH PENALTY

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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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/1/2019

Date

/s/Neil Quinn

Signature

Quinn, Neil (91010)

Last Name, First Name (PNum)

Neil B. Quinn

Law Firm