

XAVIER BECERRA
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State of California
DEPARTMENT OF JUSTICE



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January 28, 2019

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

RE: *People v. Kerry Lyn Dalton*
Supreme Court of California, Case No. S046848
San Diego Superior Court, Case No. CR135002

Dear Mr. Navarrete:

At oral argument for this matter on February 5, 2019, I do not intend to raise any issues on my own. Instead, I will respond to the questions from the Court and the arguments of opposing counsel. In her focus letter dated January 25, 2019, counsel for appellant stated that she intends to argue the following issues:

Argument XX: The prosecutor committed error in closing argument;

Argument XXI: Dalton's conspiracy to commit murder conviction was time-barred by the statute of limitations.

Sincerely,

/s/ Christen Somerville
CHRISTEN SOMERVILLE
Deputy Attorney General
State Bar No. 299690

For XAVIER BECERRA
Attorney General

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **People v. Kerry Lyn Dalton**
No.: **S046848**

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 collecting and processing electronic and physical correspondence. 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. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On January 28, 2019, I electronically served the attached **Letter Re Oral Argument** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on January 28, 2019, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Denise Anton
State Public Defender
denise.anton@ospd.ca.gov

California Appellate Project
filing@capsf.org

Office of the State Public Defender
docketing@osdp.ca.gov

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 January 28, 2019, at San Francisco, California.

N. Bui
Declarant

/s/ N. Bui
Signature

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **PEOPLE v. DALTON (KERRY LYN)**

Case Number: **S046848**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **Christen.Somerville@doj.ca.gov**
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San Diego District Attorney Department of Justice, Office of the Attorney General-San Diego	da.appellate@sdca.org	e-Service	1/28/2019 11:35:48 AM
San Diego Superior Court Department of Justice, Office of the Attorney General-San Diego	Appeals.Central@SDCourt.ca.gov	e-Service	1/28/2019 11:35:48 AM
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Stephen McGee Department of Justice, Office of the Attorney General-San Diego	Stephen.McGee@doj.ca.gov	e-Service	1/28/2019 11:35:48 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

1/28/2019

Date

/s/Christen Somerville

Signature

Somerville, Christen (299690)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm