

JUN 17 2020

Jorge Navarrete Clerk

S171393

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Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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THE PEOPLE, Plaintiff and Respondent,

v.

DONTE LAMONT McDANIEL, Defendant and Appellant.

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The Attorney General is directed to submit a supplemental brief responding to the following question, as raised in pages 196–207 of appellant’s Opening Brief:

Do Penal Code section 1042 and article I, section 16 of the California Constitution require that the jury unanimously determine beyond a reasonable doubt factually disputed aggravating evidence and the ultimate penalty verdict? If so, was appellant prejudiced by the trial court’s failure to so instruct the jury?

The brief must be served and filed by July 8, 2020; appellant may serve and file a reply brief by July 20, 2020.

**CANTIL-SAKAUYE**

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*Chief Justice*