

LAURA S. KELLY
ATTORNEY AT LAW

4521 CAMPUS DRIVE #175
IRVINE, CA 92612

(949) 737-2042
LKELLY@LKELLYLAW.NET

The Hon. Jorge Navarrete, Clerk
California Supreme Court
350 McAllister St.
San Francisco, CA 94102-7421

Re: People v. Ruben Gomez S087773

August 10, 2018

Dear Mr. Navarrete:

I am writing to identify the issues on which I expect to focus oral argument, calendared for September 5, 2018:


Argument VII: The trial court erroneously required the presentation of evidence regarding Mr. Gomez's refusal to come to court one morning, erroneously instructed the jurors that they could consider the refusal to come to court as evidence of a consciousness of guilt, and failed to perform the role of neutral arbiter; these errors violated Mr. Gomez's rights under California law and the state and federal constitutions.

In addition to appellant's opening and reply briefs, this issue is addressed in appellant's supplemental opening brief, filed April 6, 2015, and appellant's supplemental reply brief, filed June 5, 2015.

Argument XX: The prosecutor's elicitation, and the trial court's admission, over objection, of evidence regarding the ethnic background of two jail guards Mr. Gomez was charged with assaulting, evidence which the prosecutor then employed in arguing for death, requires reversal.

In addition to appellant's opening and reply briefs, this issue is addressed in appellant's second supplemental opening brief, filed May 16, 2017, and appellant's second supplemental reply brief, filed August 29, 2017.

Sincerely,


Laura S. Kelly
Counsel for Ruben Gomez

Declaration of Service

Re: People v. Ruben Perez Gomez, S087773

On August 10, 2018, I served the within

Letter

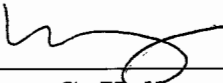
on each of the following, by placing true copies thereof in envelopes addressed respectively as follows, and depositing them in the United States mail at Irvine, California:

Clerk Los Angeles Co. Superior Court Capital Appeals Unit 210 W. Temple St. Room M-3 Los Angeles, CA 90012	Mr. Ruben Perez Gomez E99658 San Quentin State Prison San Quentin, CA 94974
Los Angeles District Attorney's Office 210 West Temple St. Los Angeles, CA 90012 Attn.: Anthony Manzella	

I have served the Attorney General and CAP-SF as reflected in the proof of service generated by TrueFiling.

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

Executed on August 10, 2018, at Irvine, California



Laura S. Kelly

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. GOMEZ (RUBEN PEREZ)**

Case Number: **S087773**

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: **lkelly@lkellylaw.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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David Voet CA Attorney General's Office - Los Angeles 182544	david.voet@doj.ca.gov	e-Service	8/10/2018 11:56:48 AM
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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.

8/10/2018

Date

/s/Laura Kelly

Signature

Kelly, Laura (234036)

Last Name, First Name (PNum)

Laura Kelly, Attorney at Law

Law Firm