

**XAVIER BECERRA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



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October 16, 2017

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

RE: *People v. Joseph Perez*  
Supreme Court of the State of California, Case No. S104144

Dear Mr. Navarrete:

At oral argument of this matter, 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 his focus letter dated October 12, 2017, counsel for appellant states that he intends to argue:

Argument III: The trial judge erred by failing to disqualify himself because of prior comments that indicated he could not be impartial.

Argument VII: Appellant's rights were violated when the trial court removed a sworn and sitting juror during the guilt phase of trial.

Argument XVII: The trial court erred in allowing inadmissible hearsay testimony from a pathologist who had not been present at the autopsy of the victim.

Argument II: Lead defense counsel had a conflict of interest, as the trial judge had found him ineffective in a case pending in the Court of Appeal.

Thank you very much.

Supreme Court California S.F.  
October 16, 2017  
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Sincerely,

/s/ John H. Deist

JOHN H. DEIST  
Deputy Attorney General  
SBN: 136469

For XAVIER BECERRA  
Attorney General

JHD:sc

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## DECLARATION OF SERVICE

Case Name: *People v. Joseph Perez*

No.: **S104144**

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 October 16, 2017, I electronically served the attached **JORGE E. NAVARRETE, CLERK OF THE COURT/ADMINISTRATOR** 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 October 16, 2017, 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:

A. Richard Ellis  
Attorney at Law  
75 Margee Avenue  
Mill Valley, CA 94941  
***Email Address: a.r.ellis@att.net***  
**(Via TrueFiling)**

Scott Kaufman  
Attorney at Law  
California Appellate Project  
101 Second Street, Suite 600  
San Francisco, CA 94105  
***Email Address: filing@capsf.org***  
**(Via TrueFiling)**

Douglass MacMaster  
Acting District Attorney  
Contra Costa County District Attorney's  
P.O. Box 670  
Martinez, CA 94553  
***Email Address:***  
***appellate.pleading@conracostada.org***  
**(Via TrueFiling)**

Clerk of the Court  
Contra Costa County Superior Court  
Wakefield Taylor Courthouse  
725 Court Street  
Martinez, CA 94553-1233  
**(Via U.S. Mail)**

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 October 16, 2017, at San Francisco, California.

S. Chiang

Declarant

/s/ S. Chiang

Signature

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. PEREZ (JOSEPH ANDREW)**

Case Number: **S104144**

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: **john.deist@doj.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

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John Deist California Dept of Justice, Office of the Attorney General 136469	john.deist@doj.ca.gov	e-Service	10-16-2017 4:33:09 PM

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.

10-16-2017

Date

/s/John Deist

---

Signature

Deist, John (136469)

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Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

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Law Firm