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SUPREME COURT
FILED

MAR 20 2013

March 14, 2013

Frank A. McGuire Clerk

Deputy

Frank McGuire
Clerk/Administrator
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-4873

Re: *People v. Daniel Nunez and William Tupua Satele* (S091915; LASC NA039358)
Oral Argument; Focus Issues

Dear Mr. McGuire:

By appointment of this Court, I serve as counsel to Daniel Nunez, the appellant in the above-referenced automatic appeal. The court has scheduled oral argument in this matter for April 4, 2013. Please inform the court of the focus issues listed below. The Appearance Page and an Application to Divide Oral Argument Time with David Goodwin, counsel for coappellant Mr. Satele, are attached.

I would be pleased to respond to questions from the Court regarding any of the issues raised in the appeal, but I anticipate focusing my argument primarily upon the following issues, referenced here by the roman numeral used in the opening brief:

I. The court incorrectly instructed the jury on the personal firearm use enhancement (Pen. Code, § 12022.53(d)(e)(1)) when it failed to define essential elements of the enhancement.

IV. The court incorrectly instructed the jury on the gang enhancement (Pen. Code, § 186.22, subd. (b)) when it failed to define essential elements of the enhancement.

V. The court incorrectly instructed the jury on the mental state required for accomplice liability when a special circumstance is charged (CALJIC 8.80.1), which allowed the jury to return a true finding based on a legally incorrect theory.

XX. The court incorrectly instructed that a person who aids and abets is "equally guilty" of a murder committed by the actual killer (CALJIC No. 3.00).

Frank McGuire
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California Supreme Court
People v. Daniel Nunez and William Satele (S091915)
March 14, 2013

I am also notifying counsel for codefendant William Satele and respondent Attorney General's Office of these focus issues via U.S. Postal Service today.

Thank you for your assistance in this matter. Please let me know if there is further information needed.

Very truly yours,


JANICE KEIKO IMATA BLAIR

Frank McGuire
Clerk/Administrator
California Supreme Court
People v. Daniel Nunez and William Satele (S091915)
March 14, 2013

PROOF OF SERVICE

I declare that I am over the age of eighteen years and not a party to the within entitled action and that my business address is 321 Richmond Street, Suite A, El Segundo, California 90245. On **March 20, 2013**, I served the **Focus Issues Letter on behalf of Appellant Daniel Nunez in People v. Daniel Nunez and William Tupua Satele (S091915; LASC NA039358)** on the interested parties in said action by placing true copies thereof, enclosed in sealed envelope(s) addressed as stated below with postage fully prepaid, at El Segundo, California, with United States Postal Service.

1. Carl Henry, Esq., DAG
Attorney General's Office
300 South Spring Street
Fifth Floor
Los Angeles, CA 90013
2. Valerie Hriciga, Esq.
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101 Second Street, Suite 600
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3. David H. Goodwin, Esq. Counsel for Coappellant
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5. Mr. Daniel Flores Nunez P93225
CSP-San Quentin
2-AC-52
San Quentin, CA 94974

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 20, 2013, at El Segundo, California.



JANICE K. BLAIR