

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 269-6000
Telephone: (213) 269-6162
Facsimile: (213) 897-6496
E-Mail: David.Voet@doj.ca.gov

August 13, 2018

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

RE: *People v. Ruben Perez Gomez (Death Penalty)*
Case No. S087773; Our File No. LA2001XS0008

Dear Mr. McGuire:

The Court has requested that counsel advise the Court and opposing counsel by letter of those issues on which counsel expects to focus at oral argument, calendared for September 5, 2018. As counsel for respondent, I intend to focus my argument on the issues identified in opposing counsel's focus letter. I have currently been advised that appellant will focus on: Argument VII, regarding the allegation the trial court erred by instructing the jurors they could consider appellant's refusal to come to court as evidence of a consciousness of guilt; and Argument XX, regarding the allegation the trial court erred during the penalty phase by permitting the prosecution to introduce evidence regarding the ethnic background of two sheriff's deputies appellant assaulted while in custody. In addition, I will be prepared to address any matter of interest to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "DAV", written over a horizontal line.

DAVID A. VOET
Deputy Attorney General

For XAVIER BECERRA
Attorney General

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

Case Name: **People v. Gomez**
No.: **S087773**

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 August 14, 2018, I electronically served the attached **Letter** 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 August 14, 2018, 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 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Laura M. Kelly
Millard, Holweger, Child & Marton
Counsel for Appellant
(E-service via TrueFiling)

Anthony C. Manzella, Jr.
Deputy District Attorney
Los Angeles County District Attorney's
Office
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

Roy L. Wallen
Deputy Alternate Public Defender
Los Angeles County Alternate Public
Defender's Office
320 West Temple Street
Los Angeles, CA 90012

Sonja Hardy
Death Penalty Appeals Clerk
Los Angeles County Superior Court
Criminal Appeals Unit
Clara Shortridge Foltz Criminal Justice
Center
210 West Temple Street, Room M-3
Los Angeles, CA 90012

The Honorable William R. Pounders
Assigned Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Criminal Justice
Center
210 West Temple Street
Los Angeles, CA 90012-3210

Maria Arvizo-Knight
Administrator I
Death Penalty Appeals Clerk
Criminal Appeals Unit
Clara Shortridge Foltz Building-CJC
210 West Temple Street, Room M-3
Los Angeles, CA 90012

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 August 14, 2018, at Los Angeles, California.

Lily Hood
Declarant



Signature

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: **david.voet@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	S087773LetterPeoplevGomez

Service Recipients:

Person Served	Email Address	Type	Date / Time
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	8/14/2018 11:16:26 AM
Laura Kelly Attorney at Law 234036	lkelly@lkellylaw.net	e-Service	8/14/2018 11:16:26 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.

8/14/2018

Date

/s/David Voet

Signature

Voet, David (182544)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm