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State of California
DEPARTMENT OF JUSTICE



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May 28, 2019

The Honorable Jorge E. Navarrete
Court Administrator and Clerk of the Court
Supreme Court of California
350 McAllister Street, First Floor
San Francisco, California 94102-4797

RE: In re Jarvis Masters, On Habeas Corpus.
Supreme Court, Case No. S130495

Dear Mr. Navarrete:

This letter specifies the issues on which I expect to focus during oral argument in *In re Masters*, case no. S130495, scheduled for argument on June 4, 2019, in Los Angeles. As respondent's counsel, I intend to address any issues raised in appellant's argument. Additionally, I intend to focus on the admissibility of testimony by the forensic linguist, both generally and under the amendments to Penal Code Section 1473:

III. The referee erred in denying respondent's motion for a hearing under *People v. Kelly* (1976) 17 Cal.3d 24, to determine the admissibility of forensic linguistics evidence.

Supp. I. Dr. Leonard's testimony does not fall within the definition of new evidence under Penal Code section 1473.

In addition, I will be prepared to address any matter of interest to the Court.

Sincerely,

/s/ Alice B. Lustre

ALICE B. LUSTRE
Deputy Attorney General

For XAVIER BECERRA
Attorney General

AL:

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21471183.docx

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

Case Name: *In re Jarvis Masters, On Habeas Corpus*
Case No.: **S130495**

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 May 28, 2019, I electronically served the attached **FOCUS 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 May 28, 2019, 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:

County of Marin
Hall of Justice
Superior Court of California
P.O. Box 4988
San Rafael, CA 94913-4988

The Honorable Edward Berberian
District Attorney
Marin County District Attorney's Office
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

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 May 28, 2019, at San Francisco, California.

M. Mendiola
Declarant

/s/ M. Mendiola
Signature

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **MASTERS (JARVIS J.) ON H.C.**
 Case Number: **S130495**
 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: **alice.lustre@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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LETTER	Focus Letter

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Attorney General - San Francisco Office Alice Lustre, Deputy Attorney General SFG	alice.lustre@doj.ca.gov	e-Service	5/28/2019 2:07:01 PM
Alice Lustre California Dept of Justice, Office of the Attorney General 241994	alice.lustre@doj.ca.gov	e-Service	5/28/2019 2:07:01 PM
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Richard Targow Richard I. Targow, Attorney at Law 87045	rtargow@sonic.net	e-Service	5/28/2019 2:07:01 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.

5/28/2019

Date

/s/Alice Lustre

Signature

Lustre, Alice (241994)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm