

**ROB BONTA**  
**Attorney General**

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



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October 21, 2021

Jorge E. Navarrete, Clerk  
Supreme Court of California  
350 McAllister Street, Room 1295  
San Francisco, CA 94102-4797

RE: ***People v. Holmes, McClain & Newborn***  
**California Supreme Court Case No. S058734 (Capital Case)**

Dear Mr. Navarrete:

The Court has requested that counsel advise the Court and opposing counsel of the issues on which counsel expects to focus during oral argument, calendared for November 3, 2021, at 1:30 p.m. As counsel for respondent, I intend to focus on the issues raised by appellants in their statements of focus issues, as well as any issues addressed by the Court at oral argument.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Seth P. McCutcheon', with a long horizontal flourish extending to the right.

SETH P. MCCUTCHEON  
Deputy Attorney General

For **ROB BONTA**  
Attorney General

SPM:  
LA1997XS0004  
64628103.docx

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

Case Name: **People v. Karl Holmes, Herbert McClain and Lorenzo Newborn**  
No.: **S058734**

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 21, 2021**, 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 **October 21, 2021**, I caused 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:

Michele Sussman  
Central Criminal & Capital Appeals  
Manager  
Los Angeles County Superior Court  
Foltz Criminal Justice Center  
210 West Temple Street Room M3  
Los Angeles, CA 90012

Debra S. Sabah Press  
Attorney at Law  
**Served Via:** True Filing  
Attorney for Herbert McClain

Mark Greenberg, Attorney at Law  
**Served Via:** True Filing

Eric S. Multhaup, Attorney at Law  
**Served Via:** True Filing  
Attorney for Lorenzo Newborn

California Appellate Project (SF)  
**Served Via:** True Filing

Karen Kelly Esq.  
**Served Via:** True Filing  
Attorney for Karl Holmes

Kathryn K. Andrews Esq.  
Attorney at Law  
**Served Via:** True Filing  
Attorney for Karl Holmes

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **October 21, 2021**, at Los Angeles, California.

J. Wu  
Declarant

*/s/ J. Wu*  
Signature

SPM: jw  
LA1997XS0004  
64630522.doc

**STATE OF CALIFORNIA**  
Supreme Court of California

***PROOF OF SERVICE***

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **PEOPLE v. HOLMES, McCLAIN & NEWBORN**

Case Number: **S058734**

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

Title(s) of papers e-served:

<b>Filing Type</b>	<b>Document Title</b>
LETTER	S058734 People v. Holmes et al Respondent focus letter
LETTER	S058734 People v. Holmes et al Addtnl Auth letter

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Eric Multhaup Court Added 62217	mullew@comcast.net	e-Serve	10/21/2021 3:18:48 PM
Kathryn Andrews Attorney at Law 104183	kathrynandrews2@comcast.net	e-Serve	10/21/2021 3:18:48 PM
Karen Kelly Attorney at Law 118105	2kkellyesq@att.net	e-Serve	10/21/2021 3:18:48 PM
Mark Greenberg Attorney at Law 99726	markdgreen2@comcast.net	e-Serve	10/21/2021 3:18:48 PM
California California Appellate Project - Sf Joseph Schlesinger, Executive Director	docketing@capsf.org	e-Serve	10/21/2021 3:18:48 PM
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Debra Sabah Press Attorney at Law 202053	d.sabah.press@gmail.com	e-Serve	10/21/2021 3:18:48 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.

10/21/2021

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Date

/s/Judy Wu

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Signature

McCutcheon, Seth (278234)

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Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

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Law Firm