

## Office of the State Public Defender

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May 20, 2021

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

Re: *People v. Don'te Lamont McDaniel* (No. S171393)

Dear Mr. Navarrete:

Oral argument in the above-referenced case has been calendared for June 2, 2021 at 9:00 a.m. At that hearing, I intend to focus my argument on the following claims:

Argument I [The Prosecutor Violated *Batson* and *Wheeler* In His Peremptory Challenge of Prospective Juror No. 28]; and the related argument presented in Claim XIII [This Court's Decision in *People v. Gutierrez* Mandates Reversal in this Case] contained in Appellant's Second Supplemental Opening Brief filed on October 6, 2017.

Argument IX [Penal Code Section 1042 and Article I., Section 16 of the State Constitution Require That A Sentence of Death and the Aggravating Factors Be Proven Beyond a Reasonable Doubt by a Unanimous Jury] and the related arguments laid out in Appellant's Third Supplemental Reply Brief, filed on September 11, 2020, and the Consolidated Answer to Briefs of Amicus Curiae, filed December 23, 2020.

Thank you for your attention to this matter.

Sincerely,

**/s/ Elias Batchelder**

Elias Batchelder  
Supervising Deputy State Public Defender

## DECLARATION OF SERVICE

Re: PEOPLE v. DON'TE McDANIEL

Supreme Court No. S171393  
(Superior Court No. TA074274)

I, Kecia Bailey, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, 10th Floor, Oakland, California 94607; I served a true copy of the attached:

### FOCUS LETTER

on each of the following, by placing same in an envelope with postage prepaid. The envelopes were addressed and mailed on **May 20, 2021** as follows:

Don'te Lamont McDaniel  
#G-53365  
CSP-SQ  
4-EB-19  
San Quentin, CA 94974

Superior Court of Los Angeles County  
Honorable Robert J. Perry  
c/o Capital Appeals Unit  
210 West Temple St., Rm. M-3  
Los Angeles, CA 90012

The following were served the aforementioned document(s) electronically via TrueFiling on **May 20, 2021**:

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San Francisco, CA 94105  
filing@capsf.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **May 20, 2021**, at Sacramento, California.

/s/ Kecia Bailey  
KECIA BAILEY

STATE OF CALIFORNIA  
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA  
Supreme Court of CaliforniaCase Name: **PEOPLE v. McDANIEL (DON'TE LAMONT)**Case Number: **S171393**

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: **elias.batchelder@ospd.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	2021_05_20_Focus Letter_FINAL

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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.

5/20/2021

Date

/s/Kecia Bailey

Signature

Batchelder, Elias (253386)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm