



ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE

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May 21, 2021

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

RE: *People v. Don'te Lamont McDaniel*, Case No. S171393

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 June 2, 2021, at 9:00 a.m. As counsel for respondent, I intend to focus on the issues raised by appellant in his statement of focus issues, as well as any issues addressed by the Court at oral argument.

Sincerely,

/s/ Dana Muhammad Ali
DANA MUHAMMAD ALI
Supervising Deputy Attorney General

For **ROB BONTA**
Attorney General

DMA:

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

Case Name: **People v. Don'te Lamont McDaniel**
No.: **S171393**

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 21, 2021, I electronically served the attached **Respondent's Focus Letter** by transmitting a true copy via this Court's TrueFiling system to:

**Elias Batchelder, elias.batchelder@ospd.ca.gov
Senior Deputy State Public Defender
(State Public Defender's Office – Oakland)**

**Elisabeth Semel, esemel@law.berkeley.edu
U.C. Berkeley School of Law
Death Penalty Clinic
(Counsel for Amicus Curiae: The Honorable Gavin Newsom)**

**Christopher J. Cox, chris.cox@hoganlovells.com
Hogan Lovells US LLP
(Counsel for Amicus Curiae: Hoeffel & Little et al.)**

**Steven L. Mayer, steven.mayer@arnoldporter.com
Steven L. Mayer, steven.mayer@aporter.com
Arnold & Porter Kaye Scholer LLP
(Counsel for Amicus Curiae: Becton, Boudin, Garcetti et al.)**

**John Mills, j.mills@phillipsblack.org
Attorney At Law
Phillips Black, Inc.
(Counsel for Amicus Curiae: Aviram & Uelman, California
Constitutional Scholars)**

**Steven A. Hirsch, shirsch@keker.com
Jo Golub, jgolub@keker.com
Keker, Van Nest & Peters LLP
(Counsel for Amicus Curiae: Benevides, Figueroa & Lopez)**

**Kent S. Scheidegger, kent.scheidegger@cjlf.org
(Counsel for Amicus Curiae: Criminal Justice Legal Foundation)**

**Shilpi Agarwal, sagarwal@aclunc.org
American Civil Liberties Union Foundation of Northern California
(Counsel for Amicus Curiae: ACLU Foundation)**

**Robert P. Brown, RBrown@sbcda.org
(Counsel for Amicus Curiae: California District Attorneys
Association)**

**Michael Ogul, msogul@comcast.net
Counsel for Amicus Curiae: California Public Defenders Association
& Santa Clara County Public Defender)**

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 21, 2021, 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:

**The Honorable Robert J. Perry, Judge
Los Angeles County Superior Court
Clara Shortridge Foltz Justice Center
210 West Temple Street, Dept. 10
Los Angeles, CA 90012-3210**

**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**

On May 21, 2021, I served the attached **Respondent's Focus Letter** by transmitting a true copy via electronic mail using my email address marissa.legaspi@doj.ca.gov to:

**David Barkhurst
Deputy District Attorney**

California Appellate Project/S.F, filing@capsf.org

**Kelli Evans, kelli.evans@gov.ca.gov
Chief Deputy Legal
Affairs Secretary, Governor's Office**

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 May 21, 2021, at Los Angeles, California.

M. O. Legaspi
Declarant

/s/ Marissa O. Legaspi
Signature

DMA:mol
LA2009505912

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case 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: **dana.ali@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	S171393_LB_People.PDF

Service Recipients:

Person Served	Email Address	Type	Date / Time
Steven Hirsch Keker, Van Nest & Peters LLP 171825	shirsch@keker.com	e-Serve	5/21/2021 12:22:24 PM
John Mills Phillips Black, Inc. 257853	j.mills@phillipsblack.org	e-Serve	5/21/2021 12:22:24 PM
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Elisabeth Semel UC/Death Penalty Law Clinic 67484	esemel@law.berkeley.edu	e-Serve	5/21/2021 12:22:24 PM
Michael Ogul Attorney at Law 95812	msogul@comcast.net	e-Serve	5/21/2021 12:22:24 PM
Robert Brown Chief District Attorney San Bernardino County 30188	RBrown@sbcda.org	e-Serve	5/21/2021 12:22:24 PM
Kent Scheidegger Criminal Justice Legal Foundation 105178	kent.scheidegger@cjlif.org	e-Serve	5/21/2021 12:22:24 PM
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Steven Mayer	steven.mayer@arnoldporter.com	e-	5/21/2021

Arnold & Porter Kaye Scholer LLP		Serve	12:22:24 PM
Steven Mayer Arnold & Porter LLP 62030	steven.mayer@aporter.com	e-Serve	5/21/2021 12:22:24 PM
Elias Batchelder Office of the State Public Defender 253386	elias.batchelder@ospd.ca.gov	e-Serve	5/21/2021 12:22:24 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.

5/21/2021

Date

/s/Marissa Legaspi

Signature

Ali, Dana (247037)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm