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ATTORNEY AT LAW

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**SUPREME COURT COPY**

SUPREME COURT  
**FILED**

May 15, 2013

MAY 17 2013

California Supreme Court  
Attn: Frank A. McGuire Court Administrator  
350 McAllister Street  
San Francisco, CA 94102

Frank A. McGuire Clerk  

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Deputy

Re: People v. Luis P. Maciel, S070536: Oral Argument June 5, 2013  
Corrected Designation of Focus for Oral Argument.

Dear Mr. McGuire:

Oral argument has been scheduled in the Maciel case for June 5, 2013, in San Francisco. In my letter dated May 14, 2013, I previously enclosed Appearance Sheet, which the Court has requested be returned no later than May 22, 2013. I, alone, will be arguing Mr. Maciel's case.

I am requesting 45 minutes of oral argument in this very complicated death penalty case. Both the record on appeal and the parties' briefs are quite long. Although I will attempt to be as concise as possible, I am requesting that 45 minutes be allowed for argument to insure adequate time to cover key issues and to present any necessary rebuttal.

The focus of my oral argument will be on the sufficiency of evidence to support the convictions of five first-degree murders, and the jury's findings in support of the special circumstance of multiple-murder that Mr. Maciel intended to cause the death of four of the five victims. (AOB Argument I (A)-(G).) Additionally, I will focus on the trial court's erroneous denial of Mr. Maciel's pretrial motion to discharge his retained attorney, Edward Esqueda, and have counsel appointed (AOB, Argument II (A)-(C).)

RECEIVED

MAY 17 2013

DEATH PENALTY

CLERK SUPREME COURT

To the extent it becomes relevant to my discussion of the insufficiency of the evidence, I may also address the following admissibility issues: (1) the erroneous receipt of evidence of a videotape of a Mexican Mafia meeting in which Raymond Shyrock made statements implicating Mr. Maciel in vague and unspecified acts of gang violence (AOB, Argument VII); (2) the erroneous receipt of hearsay statements by Tito Aguirre to a neighbor, asserting his belief that the Mafia was coming (AOB, Argument IX); and (3) the erroneous receipt of the pre- and post-offense hearsay statements of Raymond Shyrock to witness #15, to prove Shyrock's "intentions toward Mr. Aguirre." (Argument XI).

The only change in this letter on the focus of oral argument is the correction of a typographical error appearing in my letter of May 14, 2013, which incorrectly referred to AOB, Argument VIII, as the argument addressing admission of the videotape of the Mexican Mafia meeting at which Raymond Shyrock made statements implicating Mr. Maciel in other crimes. The correct argument number is VII.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Melissa Hill".

Melissa Hill  
Appointed counsel for Luis P. Maciel

Melissa Hill  
State Bar No. 71218  
PO Box 2758  
Corrales, NM 87048  
(505) 898-2977

**Proof of Service**  
*People v. Luis Maciel*  
Supreme Court No. S070536

I, the undersigned, declare that I am over 18 years of age, residing or employed in the County of Sandoval, Corrales, New Mexico, and not a party to the instant action. My business address is listed above. I served the attached corrected Letter to the California Supreme Court re focus of oral argument by sending a true copy in a sealed envelope, with the correct postage, and depositing them in the United States Postal Service, to each of the following persons at the following addresses on May 15, 2013.


Mel Greenlee  
California Appellate Project  
101 Second Street, Suite 600  
San Francisco, CA 94105

Luis Maciel #K97700  
San Quentin State Prison  
San Quentin, CA 94974

Paul Roadarmel  
Deputy Attorney General  
300 South Spring Street, Ste. 500  
Los Angeles, CA 90013

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Corrales, New Mexico, this 15th day of May, 2013.

  
Melissa Hill

MELISSA HILL  
ATTORNEY AT LAW

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May 14, 2013

California Supreme Court  
Attn: Frank A. McGuire Court Administrator  
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