

SUPREME COURT COPY

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SUPREME COURT
FILED

APR 15 2013

April 11, 2013

Frank A. McGuire Clerk

Deputy

Clerk of the Court
California Supreme Court
350 McAllister Street
San Francisco, CA 94102-3600

RE: *People v. Rogers*, S080840

Dear Clerk:

Oral argument in the above-referenced case has been calendared for May 9, 2013. At that hearing I intend to focus my argument on the following claims (numbered as they appear in the Opening Brief):

- I. THE TRIAL COURT VIOLATED STATE LAW AND APPELLANT'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS TO A FAIR AND RELIABLE PENALTY VERDICT BY ADMITTING HIGHLY INFLAMMATORY EVIDENCE ABOUT UNCHARGED MURDERS HE ALLEGEDLY COMMITTED AFTER THE CHARGED CRIMES

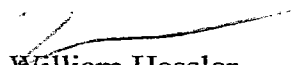
- III. THE JUDGMENT MUST BE REVERSED BECAUSE THE TRIAL COURT ERRONEOUSLY INSTRUCTED THE JURY THAT IT COULD INFER APPELLANT'S CONSCIOUSNESS OF GUILT AS TO THE CHARGED CRIMES BASED ON HIS FLIGHT FROM THE POLICE AFTER BOTH THE CHARGED CRIMES AND TWO UNCHARGED MURDERS, IN VIOLATION OF APPELLANT'S RIGHTS TO DUE PROCESS, EQUAL PROTECTION, AND FAIR AND RELIABLE DETERMINATIONS ON GUILT AND PENALTY

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IV. REVERSAL IS REQUIRED BECAUSE THE PROVISION OF CALJIC NO. 2.15 CREATED AN UNCONSTITUTIONAL PERMISSIVE INFERENCE WHICH LIGHTENED THE STATE'S BURDEN OF PROOF AND PROVIDED THE JURY WITH AN INCORRECT LEGAL THEORY OF GUILT, BY TELLING THE JURY IT COULD FIND APPELLANT GUILTY OF MURDER OR ARSON BASED SOLELY ON HIS POSSESSION OF STOLEN PROPERTY PROVIDED THERE WAS SOME "SLIGHT" CORROBORATING EVIDENCE

Thank you for your attention to this matter. Please contact me if the Court requires further information or wishes to hear argument on any other issue.

Very truly yours,


William Hassler
Attorney for Appellant

cc: William H. Shinn
Deputy Attorney General

Aundre Herron
California Appellate Project

DECLARATION OF SERVICE

Re: *People v. Glen Rogers*

No. S080840

I, William Hassler, declare that I am over 18 years of age, and not a party to the within cause; my business address is P.O. Box 2807, McKinleyville, CA 95519. I served a true copy of the attached:

APPELLANT'S FOCUS LETTER

on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90012-1230
Attn: KEITH BORJON

Glen Rogers
No. 124400 U.C.I.
7819 N.W. 228th Street
Raiford, Florida 32026

Aundre Herron
California Appellate Project
101 Second Street, Suite 600
San Francisco, CA94015

Each said envelope was then, on April 17, 2013, sealed and deposited in the United States Mail at San Francisco, California, the county in which I am employed, with the postage thereon fully prepaid.

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

Executed on April 17, 2013, at San Francisco, California.



DECLARANT

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Frank A. McGuire Clerk
Deputy

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APR 19 2013

CLERK SUPREME COURT