

COPY

SUPREME COURT COPY

Member, Maine California,
New Jersey Bars

Fax: (207) 647-2322
gniemy@yahoo.com

GLEN NIEMY
ATTORNEY AT LAW
Professional Corporation
P.O. Box 764
Bridgton, ME 04009
(207) 647-2600
gniemy@yahoo.com

Mr. Frank A. McGuire
Clerk of the California Supreme Court
350 McAllister St.
San Francisco, CA 94102

May 5, 2014

SUPREME COURT
FILED

MAY 06 2014

Re: People v. Justin Merriman- S097363

Dear Mr. McGuire,

Frank A. McGuire Clerk

Deputy

In regards to your oral argument scheduling e-mail of May 1, 2014, please consider this my "focus letter," eight (8) copies, and proof of service.

There will be two major issues upon which I will focus. One is the juror misconduct issue raised in Argument I. It is my contention that Juror #1 was prejudicially biased against appellant, and the trial court's refusal to grant a mistrial as to the guilt phase was error.

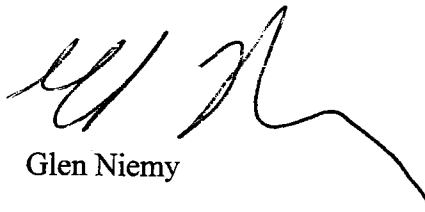
In addition, I will be arguing the "*Witherspoon/Witt*" issue as to prospective Juror Billic, as more fully discussed in Argument XI. It is appellant's position that this prospective juror made it clear that her personal beliefs would not "substantially impair" her from following the law in the penalty phase of the trial, and as such her excusal for cause was error that mandates vacating the death judgment.

Due to the factual complexity of the above mentioned issues, and the number of recent cases decided as to the *Witt* issue, I will need the full 45 minutes, with 10 minutes of this as rebuttal. It is likely I will be arguing the *Witt* issue first.

Thank you for your attention to this matter. I will be sending a New Authorities letter to you today regarding the *Witt* issue.

Enc Morey Garelick, Esq
Jamie Fuster, Attorney General
Justin Merriman
Susan Garvey, Esq HCRC

Respectfully submitted,



Glen Niemy

DEATH PENALTY

DECLARATION OF SERVICE BY MAIL

GLEN NIEMY
Attorney at Law
State Bar # 73646
P.O. Box 764
Bridgton, ME 04009
(207) 647-2600
fax 207 647-2322
gniemy@yahoo.com

S097363
(Ventura Co Superior Ct
CR 45651)

DECLARATION OF SERVICE

I, the undersigned, say: I am a citizen of the United States of America, over 18 years of age employed in Bridgton, ME, County of Cumberland, in which county the within-mentioned delivery occurred, and not a party to the subject cause. My business address is P.O. Box 764, 156 Main St, Bridgton, ME 04009. I served a copy of three separate documents, **Appellant's Focus Letter for Oral Argument**, **Appellant's New Authorities Letter for Oral Arguments**, and **Appellant's Appearance Sheet for Oral Argument**, of which a true and correct copy of the document filed in this cause is affixed, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each addressee respectfully as follows

Jamie Fuster, Esq
Attorney General's Office
300 S. Spring St
Los Angeles, CA 90013

Mordecai Garelick, Esq
CAP
101 2nd St, Ste 600
San Francisco, CA 94105

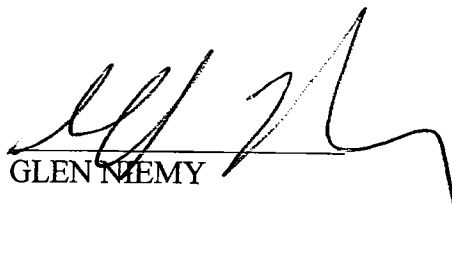
Justin Merriman
P.O. Box T-15293
San Quentin State Prison
San Quentin, CA 94974

Susan Garvey, Esq
Habeas Corpus Resource Center
303 2nd St, Ste 400
San Francisco, CA 94107

Each envelope was then sealed and with the postage thereon fully prepared deposited in the United States Mail by me at Bridgton, ME 04009 on May 5, 2014

I declare under the penalty of perjury and the laws of California and Maine is true and correct.

Executed May 5, 2014 at Bridgton, ME


GLEN NIEMY