

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Public: (213) 269-6000
Telephone: (213) 269-6008
Facsimile: (916) 731-2122
E-Mail: Kenneth.Byrne@doj.ca.gov

August 19, 2019

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

RE: **People v. Rex Allan Krebs (Death Penalty)**
California Supreme Court Case No. S099439

Dear Mr. Navarrete:

The Court has requested that counsel advise the Court and opposing counsel of the issues which counsel intends to focus upon at oral argument, which is calendared for September 3, 2019, at 1:30 p.m., in San Francisco. 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 raised by the Court at oral argument.

I have been advised that counsel for appellant intends to focus on claim number two, regarding the admission of appellant's confession; claim number four, regarding the presentation of evidence and theories regarding volitional impairment that was allegedly inconsistent with those presented by the People in civil commitment cases; claim number five, regarding alleged prosecutorial misconduct when the prosecutor failed to correct false or misleading expert testimony; claim number six, regarding the exclusion of all evidence relating to Sexually Violent Predator proceedings; claim number seven, regarding the denial of cross-examination caused by the exclusion of such evidence; claim number eight, regarding alleged cruel and unusual punishment for defendants whose moral culpability is allegedly reduced by mental disorders which reduce their volitional control; and claim number nine, the alleged inability of the jury to consider the impairment of control due to mental disease or defect by virtue of the failure to properly instruct the jury in light of the People's expert testimony. In addition, I will be prepared to address any issue of interest to the Court.

Respectfully submitted,

KENNETH C. BYRNE
Supervising Deputy Attorney General

For **XAVIER BECERRA**
Attorney General

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. KREBS
(REX)**

Case Number: **S099439**

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: **kenneth.byrne@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	Letter_People v. Krebs

Service Recipients:

Person Served	Email Address	Type	Date / Time
Neil Quinn Neil B. Quinn	quinnlaw@sonic.net	e-Serve	8/19/2019 2:48:24 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.

8/19/2019

Date

/s/Lici Garcia

Signature

Byrne, Kenneth (117798)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm