

Office of the State Public Defender

1111 Broadway, 10th Floor
Oakland, California 94607-4139
Telephone: (510) 267-3300
Fax: (510) 452-8712



March 16, 2018

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

RE: *People v. Michael Augustine Lopez*, No. S099549

Dear Mr. Navarrete:

Oral argument in the above-referenced case has been calendared for 9:00 a.m. on Wednesday, April 4, 2018. At that time, I intend to focus my argument on the following issues (numbered as they appear in appellant's opening brief):

- I. APPELLANT WAS DEPRIVED OF HIS STATE AND FEDERAL CONSTITUTIONAL RIGHTS TO DUE PROCESS AND A RELIABLE GUILT AND PENALTY DETERMINATION UNDER THE FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS BY THE ADMISSION OF UNRELIABLE STATEMENTS AND TESTIMONY BY THE PROSECUTION'S TWO CHILD WITNESSES

- IX. THE TRIAL COURT IMPROPERLY COERCED A DEATH VERDICT BY REFUSING TO ADDRESS MULTIPLE ASSERTIONS OF DEADLOCK AND FAILING TO DISMISS A JUROR WHO COULD NO LONGER FUNCTION PROPERLY AND IMPARTIALLY

- X. THE TRIAL COURT'S RESPONSE TO THE DELIBERATING JURORS' QUESTION ABOUT EVIDENCE OF ACTS OF VIOLENCE COUPLED WITH THE PROSECUTOR'S ARGUMENT ALLOWED THE JURORS TO CONSIDER IN THEIR PENALTY DETERMINATION EVIDENCE THAT WAS NOT ADMISSIBLE AS AGGRAVATION AND WHICH THEY WERE NOT REQUIRED TO FIND TRUE BEYOND A REASONABLE DOUBT IN VIOLATION OF APPELLANT'S STATE AND FEDERAL RIGHTS

Thank you for bringing this letter to the Court's attention.

Sincerely,

/s/ Evan Young

EVAN YOUNG
Supervising Deputy State Public Defender

Attorney for Appellant

DECLARATION OF SERVICE

Re: People v. Michael Augustine Lopez

Alameda County Sup. Ct.
No. H-28492A

Cal. Sup. No. S099549

I, Kecia Bailey, declare that I am over 18 years of age, and not a party to the within cause; my business address is 1111 Broadway, 10th Floor, Oakland, California 94607; that I served a copy of the attached:

APPELLANT’S FOCUS LETTER

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

Michael A. Lopez, # T-24622
CSP-SQ
4-EB-98
San Quentin, CA 94974

Each said envelope was then, on March 16, 2018, sealed and deposited in the United States mail at Oakland, California, the county in which I am employed, with the postage thereon fully prepaid.

ELECTRONIC SERVICE

Habeas Corpus Resource Center
303 2nd Street, 400 South
San Francisco, CA 94107
**via TrueFiling @
mhersek@hcrca.gov on
3/16/18**

Alice B. Lustre
Deputy Attorney General
Office of the Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102
**via TrueFiling @ alicelustre@doj.ca.gov
on 3/16/18**

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

Executed on March 16, 2018, at Oakland, California.

/s/ **Kecia Bailey**

DECLARANT _____

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. LOPEZ (MICHAEL AUGUSTINE)**

Case Number: **S099549**

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: **evan.young@ospd.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	Appellants Focus Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney General - San Francisco Office Alice B. Lustre, Deputy Attorney General SFG	alice.lustre@doj.ca.gov	e-Service	3/16/2018 10:56:37 AM
Habeas Corpus Resource Center Michael J. Hersek, Executive Director HRC	mhersek@hrcr.ca.gov	e-Service	3/16/2018 10:56:37 AM

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.

--

Date

/s/Evan Young

Signature

Young, Evan (112201)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm