

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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May 17, 2013

Honorable Frank A. McGuire, Clerk
Court Administrator
Supreme Court of California
350 McAllister Street, First Floor
San Francisco, California 94102-4797

SUPREME COURT COPY SUPREME COURT
FILED

MAY 20 2013

RE: *People v. Luis Maciel*
Supreme Court of the State of California, Case No. S070536
Focus Issue and Time Request Letter for June 5, 2013, Oral Argument

Frank A. McGuire Clerk
Deputy

Dear Mr. McGuire:

The Court has requested a "focus" letter for the above-referenced case set for oral argument on June 5, 2013. As counsel for respondent, I intend to focus on the issues designated by appellant in his focus letter dated May 14, 2013, and on those issues raised by the Court at oral argument. Based on appellant's focus letter, I understand appellant will address:

(1) 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 (Arg. I(A)-(G) of the briefs); and

(2) the trial court's denial of appellant's motion to discharge retained counsel and have new counsel appointed (Arg. II(A)-(C) of the briefs).

Respondent also understands appellant may address the following issues regarding the admissibility of certain evidence:

(1) the admissibility of statements made by Raymond Shyrock during a videotaped Mexican Mafia meeting that occurred on April 2, 1995 (Arg. VII of the briefs);

(2) the admissibility of statements made by Gustavo Aguirre to a neighbor, asserting his belief that the "Mafia was coming" (Arg. IX of the briefs); and

(3) the admissibility of pre- and post-offense statements made by Raymond Shyrock to Witness No. 15 regarding Gustavo Aguirre (Arg. XI).

Hon. Frank A. McGuire, Clerk

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In addition, based on appellant's focus letter requesting 45 minutes for oral argument time, I likewise request 45 minutes.

Respectfully submitted,

KAMALA D. HARRIS

Attorney General of California

DANE R. GILLETTE

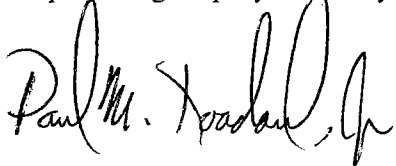
Chief Assistant Attorney General

LANCE E. WINTERS

Senior Assistant Attorney General

KEITH H. BORJON

Supervising Deputy Attorney General

A handwritten signature in black ink, appearing to read "Paul M. Roadarmel, Jr.", written in a cursive style.

PAUL M. ROADARMEL, JR.

Supervising Deputy Attorney General

Attorneys for Respondent

PMR:ez

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Luis Maciel* (Capital Case)

Case No.: S070536

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **May 17, 2013**, I served the attached **LETTER TO HONORABLE FRANK A. MCGUIRE, CLERK DATED MAY 17, 2013 RE: FOCUS ISSUE AND TIME REQUEST LETTER FOR JUNE 5, 2013, ORAL ARGUMENT** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Melissa Hill
Attorney at Law
P.O. Box 2758
Corrales, NM 87048-2758

Anthony C. Manzella, Jr./
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Los Angeles County District Attorney's Office
320 West Temple Street, Room 1180
Los Angeles, CA 90012

Michael G. Millman
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101 Second Street, Suite 600
San Francisco, CA 94105-3647

The Honorable Charles E. Horan, Judge
Los Angeles County Superior Court
400 Civic Center Plaza
Pomona, CA 91766

Death Penalty Appeals Clerk
Los Angeles County Superior Court
210 West Temple Street, Room M-3
Los Angeles, CA 90012

Governor's Office
Attn: Legal Affairs Secretary
State Capitol, First Floor
Sacramento, CA 95814

On **May 17, 2013**, I caused eight (8) copies of the **Letter to Hon. FRANK A. MCGUIRE, CLERK DATED MAY 17, 2013 RE: FOCUS ISSUE AND TIME REQUEST LETTER FOR JUNE 5, 2013, ORAL ARGUMENT** in this case to be delivered to the California Supreme Court at 350 McAllister Street, San Francisco, CA 94102 by Federal Express.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **May 17, 2013**, at Los Angeles, California.

Erlinda Zulueta

Declarant

Erlinda D. Zulueta

Signature

PMR:ez
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