

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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# SUPREME COURT COPY

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March 14, 2013

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

**SUPREME COURT  
FILED**

MAR 18 2013

**Frank A. McGuire Clerk**  

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**Deputy**

RE: People v. Juan Manuel Lopez (**Death Penalty**)  
No. S073597; Our File No. LA2001XS0006

Dear Mr. McGuire:

The Court has requested that counsel advise the Court and opposing counsel by letter of those issues on which counsel expects to focus at oral argument, calendared for April 3, 2013. I have been advised via telephone by Arnold Erickson, counsel for appellant, that his argument will focus on the claim of *Batson/Wheeler* error (Claim 2 of the AOB). See *Batson v. Kentucky* (1986) 476 U.S. 79; *People v. Wheeler* (1978) 22 Cal.3d 258. Accordingly, as counsel for respondent, I will also focus my argument on the *Batson/Wheeler* issue, in addition to any issues raised by appellant and the Court at oral argument.

Sincerely,

THERESA A. PATTERSON  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

TAP:tap

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# DEATH PENALTY

RECEIVED

MAR 18 2013

CLERK SUPREME COURT

**DECLARATION OF SERVICE**

Case Name: *People v. Juan Manuel Lopez (Death Penalty)*

No.: S073597

I declare:

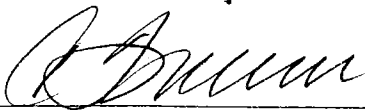
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General 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 March 14, 2013, I served the attached **LETTER TO THE COURT CLERK - RE: ORAL ARGUMENT** by placing a true copy thereof enclosed in a sealed envelope in the internal mail system of the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

**Michael J. Hersek  
State Public Defender  
Arnold Erickson  
Senior Deputy State Public Defender  
Office of the State Public Defender  
Oakland City Center  
1111 Broadway, 10th Floor  
Oakland, CA 94607**

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 March 14, 2013, at Los Angeles, California.

\_\_\_\_\_  
C. Damiani  
Declarant

\_\_\_\_\_  
  
Signature