

COPY ORIGINAL



KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE

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

# SUPREME COURT COPY

Public: (213) 897-2000  
Telephone: (213) 897-2058  
Facsimile: (213) 897-6496  
E-Mail: Allison.Chung@doj.ca.gov

May 15, 2014

Supreme Court of the State of California  
Attn: Frank A. McGuire  
Court Administrator and Clerk of the Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

SUPREME COURT  
FILED

MAY 16 2014

RE: *People v. Kelvyn Rondell Banks*  
California Supreme Court Case No. S080477

Frank A. McGuire Clerk  
Deputy

Dear Mr. McGuire:

The Court has requested a "focus" letter for the above case set for oral argument on June 3, 2014. As counsel for respondent, I intend to focus on the issues designated by appellant in his focus letter and those issues raised by the Court at oral argument. I am currently advised that counsel for appellant intends to focus on five issues: (1) the guilt phase *Batson/Wheeler* issue (AOB 53-75, Arg. I); (2) the trial court's ruling removing appellant during the penalty phase retrial (AOB 194-224, Arg. XV); (3) the trial court's ruling excluding evidence of "institutional failure" at the penalty phase retrial (AOB 225-236, Arg. XVI); (4) the trial court's questioning of Dr. Carl Osborne that elicited evidence suggesting future dangerousness (AOB 237-247, Arg. XVII); and (5) the trial court's order allowing the prosecution to conduct a psychiatric examination of appellant (AOB 259-269, Arg. XIX).

Respondent requests 45 minutes for oral argument. This request is also reflected on the appearance sheet being returned to the Court.

Sincerely,

ALLISON H. CHUNG  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

AHC:  
LA1999XS0017/51515691.doc

# DEATH PENALTY

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **People v. Kelvyn Rondell Banks**  
No.: **S080477**

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 15, 2014, I served the attached Respondent's **FOCUS LETTER** 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:

**Stephen M. Lathrop**  
**Attorney at Law**  
**904 Silver Spur Road, #430**  
**Rolling Hills Estates, CA 90274**

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 15, 2014, at Los Angeles, California.

\_\_\_\_\_  
J. Villegas  
Declarant

\_\_\_\_\_  
  
Signature