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Jorge Navarrete,
Clerk of the Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

August 19, 2019

Re: AUTOMATIC APPEAL People v Rex Allan Krebs Case No S099439
Oral Argument set September 3, 2019

Dear Mr. Navarrete,

Please inform the Court that Appellant intends to focus during the 30 minutes requested on the following penalty phase claims of error which are related in that each relates to the jury being improperly misled concerning mental disorders and volitional impairment :

IV The People committed prejudicial error by presenting evidence and theories regarding volitional impairment inconsistent with those presented by the People in civil commitment cases in violation of the Due Process Clause.

V The prosecutor committed prejudicial misconduct by failing to correct testimony which it should have known was false or misleading and exploited the false impression left by the testimony of Dr. Park Dietz in violation of Due Process.

VI The court improperly excluded all evidence regarding SVP proceedings, thereby excluding relevant mitigating evidence of volitional impairment and institutional failure, in violation of the Eighth Amendment.

VII The exclusion of all reference to SVP cases violated the appellant's right to full and fair cross-examination under the Sixth Amendment.

VIII The death penalty is excessive under the Eighth Amendment for persons like Krebs whose moral culpability is reduced by the existence of a mental disorder which reduces their volitional control to the degree that they are subject to lawful civil

preventative detention

IX The jury was prevented from considering the impairment of control due to mental disease or defect under section 190.3 (h) by the failure to give proper instruction in light of the State's expert testimony, requiring reversal

In addition, Appellant will focus on the following guilt phase issue:

II Krebs' videotaped confessions should have been excluded because Hobson failed to scrupulously honor Krebs' invocation of rights and deliberately used "question first," warn later, and other techniques inconsistent with a free and voluntary waiver of his Miranda rights

Sincerely.

Neil B. Quinn

Attorney for Appellant Rex A. Krebs

CC by email to Kenneth.Byrne@doj.ca.gov
 skauffman@capsf.org

DECLARATION OF SERVICE

People v Rex Allan Krebs San Luis Obispo Superior Court
No. F 283378
Supreme Court Case No. **S099439**

I am over the age of 18 years and not a party to the within action or proceeding. I am counsel for the defendant. My business address is 300 Douglas Street, Ojai California, 93023-1953

On the date indicated below, I served and filed the document named below pertaining to the above entitled action by depositing the sealed envelopes with the United States Postal Service with postage fully prepaid.

Title of Document: Appellant's Issue Letter

Date of Service: August 19, 2019

The envelopes were addressed and mailed as follows:

Supreme Court of California
Clerk of the Court, Automatic Appeals
350 Mc Allister St., First Floor
San Francisco, CA, 94102

Rex A. Krebs
D-69844 3EB-64
C.S.P. San Quentin
San Quentin, CA 94974

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 the date appearing next to my signature.

Date: August 19, 2019

By

Neil B. Quinn

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: **quinnlaw@sonic.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
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Kenneth Byrne CA Attorney General's Office - Los Angeles	kenneth.byrne@doj.ca.gov	e-Serve	8/19/2019 3:34:09 PM
Attorney General - Los Angeles Stacy S. Schwartz, Deputy Attorney General	docketinglaawt@doj.ca.gov	e-Serve	8/19/2019 3:34:09 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/Neil Quinn

Signature

Quinn, Neil (91010)

Last Name, First Name (PNum)

Neil B. Quinn

Law Firm