
OFFICE OF THE STATE PUBLIC DEFENDER

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August 23, 2018

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

Re: *People v. Joshua Martin Miracle*, Case No. S140894
Oral Argument Focus Letter

Dear Mr. Navarrete:

I am counsel assigned to represent Mr. Miracle in the above-referenced appeal, calendared for oral argument on September 5, 2018.

At oral argument I may rely on the following additional authority in support of the claim that Mr. Miracle's guilty plea must be vacated and the judgment reversed because the trial court accepted his plea in violation of Penal Code section 1018. (Argument I):

People v. Daniels (2017) 3 Cal.5th 961, 983-984 [that a trial, even where the defendant presents no defense, is fundamentally different from a guilty plea, in that at trial the prosecution is put to its burden of proof; citing *People v. Chadd* (1981) 28 Cal.3d 739, 750 for the proposition that the consent of counsel requirement of Penal Code section 1018 is a component in the overhaul of California's death penalty laws following *Furman v. Georgia* (1972) 408 U.S. 238, and *People v. Alfaro* (2007) 41 Cal.4th 1277, 1300, for the proposition that the consent of counsel requirement is rooted "in the state's strong interest in reducing the risk of mistaken judgments in capital cases and thereby maintaining the accuracy and fairness of its criminal proceedings."]

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

Very Truly Yours,

/s/ **ANDREA ASARO**

ANDREA G. ASARO
Senior Deputy State Public Defender

DECLARATION OF SERVICE

Case Name: *People v. Joshua Martin Miracle*
Case Number: **Cal. Supreme Court No. S140894**
Santa Barbara Co. Sup. Ct. No. 200303

I, Marcus A. Thomas, declare as follows: I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California, 94607. I served a true copy of the following document(s):

ORAL ARGUMENT FOCUS LETTER SUPPLEMENTAL AUTHORITY

by enclosing it in envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **August 23, 2018**, as follows:

Joshua Miracle, F-11475
CSP-SQ 1-AC-8
San Quentin, CA 94974

Habeas Corpus Resource Center
303 2nd St
San Francisco, CA 94107

The following were served the aforementioned document(s) electronically via TrueFiling on **August 23, 2018**:

Peggy Z. Huang
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
peggy.huang@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **August 23, 2018**, at Oakland, California.

/s/ MARCUS THOMAS

DECLARANT

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. MIRACLE (JOSHUA
MARTIN)**

Case Number: **S140894**

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: **andrea.asaro@ospd.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

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

8/23/2018

Date

/s/Andrea Asaro

Signature

Asaro, Andrea (107039)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm