

STATE OF CALIFORNIA

GAVIN NEWSOM, *Governor*

OFFICE OF THE STATE PUBLIC DEFENDER

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May 23, 2019

Mr. Jorge E. Navarrete
Clerk and Executive Officer
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-3600

Re: *People v. Capers* (No. S146939)

Dear Mr. Navarrete:

Oral argument in the above-referenced case has been calendared for 1:30 p.m. on Wednesday, June 5, 2019. At that hearing, I intend to focus my argument on the following issue, numbered as it appears in appellant's opening brief:

- II. APPELLANT WAS DENIED HIS DUE PROCESS RIGHT TO PRESENT THE TESTIMONY OF AMBER RENTERIA CONCERNING STATEMENTS SHE OVERHEARD MADE BY CARLOS LOOMIS IN WHICH HE HAD ADMITTED THAT HE AND RUBEN ROMERO HAD ROBBED AND BURNED DOWN A STORE ON MAIN STREET

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

Sincerely,

/s/ Peter R. Silten

PETER R. SILTEN
Supervising Deputy State Public Defender

Attorney for Appellant

DECLARATION OF SERVICE

Case Name: ***People v. Capers***
Case Number: **Supreme Court Case No. S146939**

I, **Sydney Goodhart**, declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, Suite 1000, Oakland, California 94607. I served a true copy of the following document:

FOCUS LETTER

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.

The envelopes were addressed and mailed on **May 23, 2019**, as follows:

Lee Samuel Capers, # K-01264 San Quentin State Prison San Quentin, CA 94974

The following were served the aforementioned document(s) electronically via TrueFiling on **May 23, 2019**:

Attorney General – San Diego Office Donald Ostertag, Deputy Attorney General P.O. Box 85266 San Diego, CA 92186-5266	California Appellate Project 101 Second St. San Francisco, CA 94105
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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. Signed on **May 23, 2019**, at Oakland, CA.

/s/ Sydney Goodhart

SYDNEY GOODHART

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. CAPERS (LEE
SAMUEL)**

Case Number: **S146939**

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

Title(s) of papers e-served:

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California Appellate Project CAP Department of Justice, Office of the Attorney General-San Diego	filing@capsf.org	e-Service	5/23/2019 11:10:39 AM
Donald Ostertag Department of Justice, Office of the Attorney General-San Diego 254151	donald.ostertag@doj.ca.gov	e-Service	5/23/2019 11:10:39 AM
OSPD Docketing Office of the State Public Defender 000000	docketing@ospd.ca.gov	e-Service	5/23/2019 11:10:39 AM

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.

5/23/2019

Date

/s/Peter Silten

Signature

Silten, Peter (62784)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm