

SUPREME COURT COPY

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December 15, 2013

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

Re: Appeal in *People v. Montes*, Case No. S059912

Dear Mr. McGuire,

I will be presenting argument in this case on behalf of appellant in San Francisco on the afternoon calendar of Tuesday, January 7, 2014. I expect to focus my argument on the following issues:

- 1) Argument No. IX - Denial of appellant's *Batson/Wheeler* motions, especially jurors D.M.; L.W.; D.Q; L.C.; D.L.; G.H.; and C.P.
- 2) Argument VII - Restraint of appellant with a shock belt during trial.
- 3) Argument XXXIV - Prosecutor's non-disclosure of letter used during cross-examination of defense penalty phase witness Diane Montes.
- 4) Argument XL - Refusal to give defense penalty instruction P-T -- a supplement to CALJIC No. 8.85 which would have informed the jurors that they could only consider the listed statutory factors in aggravation.

In addition, I am requesting forty-five (45) minutes for argument.

Sincerely,

SHARON FLEMING
Attorney for Appellant
Joseph Montes

DEATH PENALTY

SUPREME COURT
FILED

DEC 16 2013

Frank A. McGuire Clerk
Deputy

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the county of Santa Cruz, California.

I am over the age of eighteen years and not a party to the within cause;
my business address is P.O. Box 157 Ben Lomond, California 95060. On
December 16, 2013, I served the within Appellant's Focus letter on the
interested parties in said cause, by placing a true copy thereof enclosed in a
sealed envelope with postage thereon fully prepaid, in the United States mail at
Santa Cruz addressed as follows:

Bradley Weinreb, Deputy Attorney General
Office of the Attorney General
110 West A Street #1100
San Diego, CA. 92186

CAP
101 Second Street, Ste. 600
S.F., CA. 94105

Mr. Joseph Manuel Montes
P.O. Box K-45001
San Quentin, CA. 94974

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct, and that this declaration was
executed on December 16, 2013, at Santa Cruz, California.


SHARON FLEMING