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DEPARTMENT OF JUSTICE

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November 17, 2020

Jorge E. Navarrete
Clerk and Executive Officer
Supreme Court California
350 McAllister Street
San Francisco, CA 94102

RE: *The People of the State of California v. Byron Wilson*
Supreme Court of California, Case No. S087533

Dear Mr. Navarrete:

The Court has requested that counsel advise the Court and opposing counsel of those issues on which counsel expects to focus at oral argument, calendared for December 1, 2020, at 9:00 a.m., in San Francisco. As counsel for respondent, I intend to focus on those issues raised by appellant and the Court at oral argument. Specifically, I will respond to the following issues on which appellant intends to focus:

Argument 7 (AOB 235-264): Appellant's argument that Juror No. 9 committed prejudicial misconduct by intentionally concealing during trial her prior experience as a death penalty juror, though she remembered it during trial and had been asked to disclose it during voir dire;

Argument 13 (Supp. AOB 10-20): Appellant's argument that even if Juror No. 9 unintentionally concealed her prior experience as a death penalty juror, that concealment still amounted to misconduct, which created a presumption of prejudice that the prosecution failed to rebut; and

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Argument 14 (Supp. AOB 21-22): Appellant's argument that Juror No. 9's misconduct prejudiced appellant because it denied him the opportunity to use a peremptory challenge.

Sincerely,

s/ Douglas L. Wilson

DOUGLAS L. WILSON
Deputy Attorney General

For XAVIER BECERRA
Attorney General

DLW:JLF:ce

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DECLARATION OF SERVICE

Case Name: *The People of the State of California v. Byron Wilson*

Case No.: **Supreme Court No. S087533**
Los Angeles County Superior Court No. BA164899

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 November 17, 2020, I cause one electronic copy of the **ORAL ARGUMENT FOCUS LETTER** in this case to be submitted electronically to the California Supreme Court by using the Supreme Court's Electronic Document Submission -TrueFiling system.

On November 17, 2020, I served the attached **ORAL ARGUMENT FOCUS LETTER**, by transmitting a true copy via electronic mail as follows:

Habeas Corpus Resource Center
Shelley J. Sandusky
Ellise Nicholson
Lisa Ma
Staff Attorneys
E-mail: *ssandusky@hcrc.ca.gov*
docketing@hcrc.ca.gov

State Public Defender's Office
docketing@ospd.ca.gov

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 November 17, 2020, at Los Angeles, California.

C. Esparza

Declarant

s/ C. Esparza

Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. WILSON (BYRON)**

Case Number: **S087533**

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: **douglas.wilson@doj.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	Oral Argument Focus Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Marilee Marshall Attorney at Law 101046	marshall101046@gmail.com	e-Serve	11/17/2020 4:36:11 PM
Douglas Wilson Office of the Attorney General 162011	douglas.wilson@doj.ca.gov	e-Serve	11/17/2020 4:36:11 PM
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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.

11/17/2020

Date

/s/Consuelo Esparza

Signature

Wilson, Douglas (162011)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm