

August 27, 2021

Jorge Navarrete,
Clerk and Chief Executive Officer
Supreme Court of California
350 McAllister St
San Francisco, CA 94102

Re: *People v. Frank Christopher Gonzalez* (No. S163643)
Amended Focus Letter

Dear Mr. Navarrete

Oral argument in the above-referenced case has been calendared for September 9, 2021 at 1:00 p.m. On August 20, 2021, I submitted my focus letter to this Court, identifying four claims to argue; Arguments I, III, VII and VIII. On August 25, 2021, I received correspondence from this Court, requesting that I address Arguments V and VI.

In light of the Court's correspondence and with permission by this Court, I wish to amend my focus letter to focus my argument on the following claims:

Argument III: Appellant's Statements as to His Involvement in the Shooting of Ms. Rosa Were Obtained in Violation of Appellant's Right to Counsel, Due Process of Law and a Fair Determination of Guilt, Death Eligibility, and Penalty Under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution as Well as California Law. Please note that that I will be referencing the relatively new case of *People v. Fayed* (2020) 9 Cal.5th 147.)

Argument V: Appellant's Was Denied His Constitutional Rights Under the Confrontation Clause of the Sixth and Fourteenth Amendments to the United States Constitution Pursuant to the United States Supreme Court's decision in *Crawford v. Washington*.

Argument VI: By Denying Appellant's Motion to Suppress the Evidence Obtained Pursuant to the Illegally Issued Wiretap Order, the Trial Court denied Appellant's Rights Against Illegal Search and Seizure Under the Fourth and Fourteenth Amendments to the United States Constitution.

If time permits, I would also like to touch upon Argument VII: The Trial Court's Error in Allowing and Participating in Coercion of Two Critical Witnesses Violated Appellant's Right to Due Process of Law, Confrontation of Witnesses, and a Full and Fair Determination of Guilt and Penalty Under the Fifth, Sixth and Fourteenth Amendments.

Thank you for your attention to this matter.

Respectfully submitted,

(s)

Glen Niemy

Attorney for Appellant

Certificate of Service

I swear under the penalty of perjury and laws of the State of California that on this 27th day of August, 2021, I did serve this letter upon the Office of the Attorney General and the California Appellate Project using the truefiling 3 system mandated by Court rule. On the self same date, I did mail, vis the United States Mail a copy of this letter to appellant, Frank Gonzalez, P.O. Box F 28991, San Quentin State Prison, San Quentin, CA 94974

Sworn at Salem MA August 27, 2021
_____(s)_____ Glen Niemy

STATE OF CALIFORNIA
Supreme Court of California**PROOF OF SERVICE**STATE OF CALIFORNIA
Supreme Court of CaliforniaCase Name: **PEOPLE v. GONZALEZ (FRANK
CHRISTOPHER)**Case Number: **S163643**

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: **gniemy@yahoo.com**
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	GONZFOCUS

Service Recipients:

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California California Appellate Project - Sf Joseph Schlesinger/Mordecai Garelick	filing@capsf.org	e-Serve	8/27/2021 2:28:10 PM
Lindsay Boyd Office of the Attorney General 264670	lindsay.boyd@doj.ca.gov	e-Serve	8/27/2021 2:28:10 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.

8/27/2021

Date

/s/Glen Niemy

Signature

Niemy, Glen (73646)

Last Name, First Name (PNum)

Glen Niemy, Professional Corporation

Law Firm