

SUPREME COURT COPY

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

OFFICE OF THE STATE PUBLIC DEFENDER

1111 Broadway, 10th Floor
Oakland, California 94607-4139
Telephone: (510) 267-3300
Fax: (510) 452-8712



May 12, 2014

SUPREME COURT
FILED

MAY 12 2014

Mr. Frank A. McGuire, Clerk
Supreme Court of California
350 McAllister St.
San Francisco, CA 94102-3600

Frank A. McGuire Clerk

Deputy

Re: People v. Gene Estel McCurdy, No. S061026

Dear Mr. McGuire:

Oral argument in the above-referenced case has been calendared for 1:30 p.m. on Thursday, May 29, 2014. At that hearing, I intend to focus my argument on the following issues (numbered as they appear in appellant's opening brief):

- I. The Trial Court Erred in Denying Appellant's Motion for a Change of Venue Based Upon the Prejudicial Nature and Extent of Pretrial Publicity.

- III. The Trial Court Erred by Admitting Other Acts Evidence Under Evidence Code Sections 1101 and 1108.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gary D. Garcia".

GARY D. GARCIA
Senior Deputy State Public Defender

DEATH PENALTY

DECLARATION OF SERVICE BY MAIL

Case Name: **People v. Gene Estel McCurdy**
Case Number: **Supreme Court Crim. No. S061026**
Kings County Superior Court No. 95CM5316

I, the undersigned, 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, Suite 1000, Oakland, California 94607. I served a copy of the following document(s):

FOCUS LETTER

by enclosing it in envelopes and

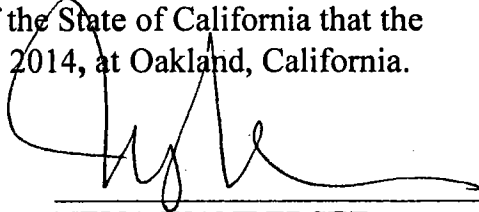
/ / **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid;
/X/ **placing** the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice 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 **May 12, 2014**, as follows:

Kamala Harris
Attorney General of the State of
California
Attn.: Catherine Tennant
P.O. Box 944255
Sacramento, CA 94244-2550

Gene Estel McCurdy
CSP-SQ
Box K-50300
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. Executed on May 12, 2014, at Oakland, California.



NEVA WANDERSEE