

COPY

STATE OF CALIFORNIA

Edmund G. Brown Jr, Governor

OFFICE OF THE STATE PUBLIC DEFENDER

C. Delaine Renard, Senior Deputy State Public Defender

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SUPREME COURT COPY

SUPREME COURT
FILED

May 16, 2013

MAY 16 2013

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

Frank A. McGuire Clerk

Deputy

Re *People v. Hung Thanh Mai*, No. S089478
Oral Argument, Death Penalty case

Dear Mr. McGuire:

Oral argument in the above-referenced case has been calendared for 9:00 a.m. on Wednesday, June 5, 2013. At that hearing, I intend to focus my argument on the following issues:

- (1) The trial court violated state law and Mr. Mai's state and federal constitutional rights to due process and highly reliable determinations that he was guilty of a capital offense that warranted the death penalty by failing sua sponte to suspend the criminal proceedings and initiate competency proceedings, requiring reversal per se of the judgment (Argument IV of Appellant's Opening and Reply Briefs);
- (2) The trial court's denial of Mr. Mai's *Batson/Wheeler* motion violated state law and Sixth and Fourteenth Amendments to the United States Constitution and requires reversal per se of the penalty verdict (Argument VII of Appellant's Opening and Reply Briefs)

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

Respectfully submitted,

C. Delaine Renard
Senior Deputy State Public Defender

Attorney for Appellant

DEATH PENALTY

cc: Adrienne Denault, Deputy Attorney General

DECLARATION OF SERVICE

Re: *People v. Hung Thanh Mai*

Cal. Supreme Ct. No. S089478
Orange Co. Superior Ct. No. 96NF1961

I, Kecia Bailey, declare that I am over 18 years of age, and not a party to the within cause; my business address is 1111 Broadway, 10th Floor, Oakland, California, 94105, that I served a true copy of the attached:

APPELLANT'S FOCUS LETTER

on each of the following, by placing the same in an envelope addressed (respectively) as follows:

Adrienne Denault, D.A.G.
Office of the Attorney General
P. O. Box 85266
110 West "A" St., Ste. 1100
San Diego, CA 92186-2024

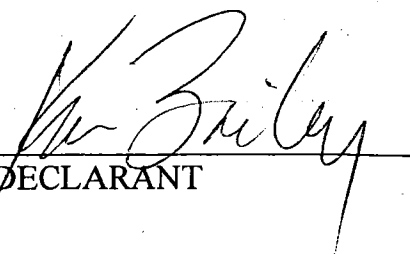
Verna Wefald
Attorney at Law
65 N. Raymond Ave., # 320
Pasadena, CA 91103

Mr. Hung Thanh Mai
Reg # 09481-112
P.O. Box 8500
Florence, CO 81226-8500

Each said envelope was then, on May 16, 2013, sealed and deposited in the United States Mail at Alameda, California, the county in which I am employed, with the postage thereon fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2013, at Oakland, California.


DECLARANT