

Office of the State Public Defender

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August 19, 2019

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

Re: People v. Joe Edward Johnson, S029551

Dear Mr. Navarrete,

I will be presenting oral argument in this case on behalf of appellant Joe Edward Johnson on Tuesday, September 3, 2019 at 1:30 p.m. I intend to focus my argument on the following issues (numbered as they appear in Mr. Johnson's briefing):

1. THE TRIAL COURT ERRED BY FAILING TO GRANT APPELLANT'S MOTION TO REPRESENT HIMSELF AT THE SECOND PENALTY RETRIAL
2. THE TRIAL COURT ERRED IN HOLDING THAT APPELLANT HAD NOT ESTABLISHED A PRIMA FACIE CASE OF DISCRIMINATION IN THE PROSECUTOR'S EXERCISE OF PEREMPTORY CHALLENGES ON THE BASIS OF RACE

I am requesting 45 minutes for appellant's argument.

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

Sincerely,

/s/ Andrew C. Shear

Andrew C. Shear
Senior Deputy State Public Defender
(CBN 244709)

DECLARATION OF SERVICE

Case Name: ***People v. Joe Edward Johnson***
Case Number: **Supreme Court No. S029551**
Sacramento County Superior Court No. 58961

I, Jon Nichols, 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, 10th Floor, Oakland, California 94607. I served a copy of the following document(s):

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 **August 19, 2019** as follows:

Joe Edward Johnson
C-31602
North Seg. 16-South
San Quentin State Prison
San Quentin, CA 94974

Clerk of the Superior Court
for delivery to the
Honorable Peter Mering
720 Ninth St
Sacramento, CA 95814

ELECTRONIC SERVICE

Melissa Lipon, DAG
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94424
VIA TRUEFILING @
melissa.lipon@doj.ca.gov on
August 19, 2019

Michael J. Hersek
Habeas Corpus Resource Center
303 2nd St
San Francisco, CA 94107
VIA TRUEFILING @
mhersek@hrcr.ca.gov on
August 19, 2019

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **August 19, 2019** at Oakland, California.

/s/ Jon Nichols

DECLARANT

STATE OF CALIFORNIA
 Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
 Supreme Court of California

Case Name: **PEOPLE v. JOHNSON (JOE EDWARD)**

Case Number: **S029551**

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: **andrew.shear@ospd.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

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LETTER	Focus Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
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Attorney Attorney General - Sacramento Office Melissa Lipon, Deputy Attorney General	sacawttrufiling@doj.ca.gov	e-Serve	8/19/2019 4:45:23 PM
Brian Stull ACLU Foundation, Inc.	bstull@aclu.org	e-Serve	8/19/2019 4:45:23 PM
Office Of The State Attorney Office Of The State Attorney General Court Added	sacawtruefiling@doj.ca.gov	e-Serve	8/19/2019 4:45:23 PM
John Loy American Civil Liberties Union Foundation of San Diego and Imperial Counties	davidloy@aclusandiego.org	e-Serve	8/19/2019 4:45:23 PM
Linda Lye American Civil Liberties Union Foundation of Northern California	llye@aclunc.org	e-Serve	8/19/2019 4:45:23 PM
Melissa Lipon Office of the Attorney General	melissa.lipon@doj.ca.gov	e-Serve	8/19/2019 4:45:23 PM
Shilpi Agarwal ACLU Foundation of Northern California, Inc.	sagarwal@aclunc.org	e-Serve	8/19/2019 4:45:23 PM
Habeas Corpus Resource Habeas Corpus Resource Center Nisha K. Shah, Staff Attorney	docketing@hrcr.ca.gov	e-Serve	8/19/2019 4:45:23 PM

Lydia Gray ACLU Foundation of Southern California, Inc.	lgray@aclusocal.org	e-Serve	8/19/2019 4:45:23 PM
Kathleen Guneratne ACLU Foundation of Northern California, Inc.	kguneratne@aclunc.org	e-Serve	8/19/2019 4:45:23 PM
Habeas Corpus Resource Center Michael J. Hersek, Executive Director	mhersek@hrcr.ca.gov	e-Serve	8/19/2019 4:45:23 PM
Office Of The State Public Defender - Office Of The State Public Defender - Ok Kathleen Scheidel, Deputy State Public Defender	docketing@ospd.ca.gov	e-Serve	8/19/2019 4:45:23 PM

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.

8/19/2019

Date

/s/Jon Nichols

Signature

Shear, Andrew (244709)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm