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DEPARTMENT OF JUSTICE

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May 8, 2020

The Honorable Jorge E. Navarrete
Court Administrator and Clerk of the Court
Supreme Court of California
350 McAllister Street, First Floor
San Francisco, California 94102-4797

RE: *People v. Silveria & Travis*
Supreme Court, Case No. S062417

Dear Mr. Navarrete:

This letter specifies the issues on which I expect to focus during oral argument in *People v. Silveria & Travis*, case No. S062417, scheduled for argument on May 20, 2020, in San Francisco. As respondent's counsel, I intend to address any issues raised in appellant's argument. Additionally, I intend to focus on the denial of appellants' motion to sever at the penalty retrial. As captioned by appellant Silveria:

XI. The trial judge violated appellant's right to an individualized sentencing determination, a fair trial, and a reliable sentence when he denied appellant's motion to sever his second penalty trial from that of co-appellant Travis.

And as captioned by appellant Travis:

V. The trial court erred in rejoining defendants Travis and Silveria for a penalty retrial with a single jury, after separate juries had been unable to agree on penalty verdicts for either defendant.

In addition, I will be prepared to address any matter of interest to the Court.

Sincerely,

/s/ Arthur P. Beever

ARTHUR P. BEEVER
Deputy Attorney General

For XAVIER BECERRA
Attorney General

DECLARATION OF ELECTRONIC SERVICE

Case Name: **People v. Silveria and Travis**

No.: **S062417**

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 collecting and processing electronic and physical correspondence. 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. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

On May 8, 2020, I electronically served the attached **Letter to California Supreme Court** by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on May 8, 2020, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Mark E. Cutler Attorney at Law Attorney for Travis <i>[Served via TrueFiling]</i>	Dennis A. Fischer Law Offices of Dennis A. Fischer Attorney for Travis <i>[Served via TrueFiling]</i>
Timothy J. Foley Senior Deputy State Public Defender State Public Defender's Office-Sacramento Attorneys for Silveria <i>[Served via TrueFiling]</i>	

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 May 8, 2020, at San Francisco, California.

N. Kochiya
Declarant

/s/ N. Kochiya
Signature

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. SILVERIA (DANIEL TODD) & TRAVIS (JOHN RAYMOND)**

Case Number: **S062417**

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: **arthur.beever@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	S062417_OTH_Silveria

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Mark Cutler Attorney at Law cutler@mac.com	cutler@mac.com	e-Serve	5/8/2020 1:57:21 PM
Office Office Of The State Public Defender - Ok Timothy J. Foley, Senior Deputy State Public Defender 111558	tim.foley@ospd.ca.gov	e-Serve	5/8/2020 1:57:21 PM
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Dennis Fischer Law Offices of Dennis A. Fischer 037906	dennisafischer@gmail.com	e-Serve	5/8/2020 1:57:21 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.

5/8/2020

Date

/s/Nga Kochiya

Signature

Beever, Arthur P. (242040)

Last Name, First Name (PNum)

California Dept of Justice, Office of the Attorney General

Law Firm