

## Office of the State Public Defender

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**SUPREME COURT COPY**

February 13, 2018

Jorge Navarrete  
Clerk of the Supreme Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Re: People v. Floyd Smith (No. S065233)

Dear Mr. Navarrete:

Oral argument in the above-referenced case has been calendared for March 7, 2018 at 1:30 p.m. At that hearing, I intend to focus my argument on the following claim:

Argument I [Appellant's Conviction Must Be Reversed Because The Trial Court Erred in Denying His *Batson/Wheeler* Motions]; and

Argument XIII of Appellant's Supplemental Opening Brief<sup>1</sup> [*People v. Gutierrez* Mandates Reversal Due To The Prosecutor's Discrimination During Jury Selection].

Thank you for your attention to this matter.

Sincerely,

**/s/ Elias Batchelder**

Elias Batchelder  
Deputy State Public Defender

<sup>1</sup> In its order of January 31, 2018, appellant's motion for leave to file a supplemental brief was construed by this Court as an application to file an overlong supplemental authorities letter, and was granted as such.

**DEATH PENALTY**

**DECLARATION OF SERVICE**

Re: People v. Floyd Daniel Smith                      Cal. Supreme Ct. No. S065233  
San Bernardino Sup Ct. No. FWV08607

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 94607; that I served a true copy of the attached:

**APPELLANT'S FOCUS LETTER**

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

Mr. Floyd Daniel Smith, K-72700  
CSP-SQ  
4-EY-9  
San Quentin, CA 94974

Each said envelope was then, on February 13, 2018, sealed and deposited in the United States Mail in Alameda, California, the county in which I am employed, with the postage thereon fully prepaid.

**ELECTRONIC SERVICE**

Allison V. Acosta  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 85266  
San Diego, CA 92186-5266  
**Via TrueFiling @ Allison.Acosta@doj.ca.gov**

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

Signed on February 13, 2018, at Oakland, California.

/s/ Kecia Bailey  
KECIA BAILEY