

# SUPREME COURT COPY

DOUGLAS WARD  
Attorney at Law  
State Bar No. 133360  
P.M.B. #199, 350 Bay Street  
San Francisco, California 94133  
(415) 494-9252  
wardhere@icloud.com  
Attorney for Appellant

October 31, 2016

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

Re: People v. Sivongxxay, No. S078895

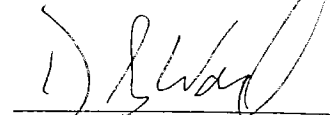
Dear Mr. Navarrete:

The Court has calendared the above-referenced capital case for oral argument on December 6, 2016, at 1:30 p.m. At that hearing, I intend to focus my argument on the following:

Argument 1. The trial court's failure to obtain appellant's separate knowing and intelligent waiver of his right to a jury determination of the special circumstance allegation requires reversal of the special circumstance finding and the ensuing death judgment.

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

Respectfully submitted,



DOUGLAS G. WARD  
Attorney for Appellant  
Vaene Sivongxxay

SUPREME COURT  
FILED

NOV 03 2016

Jorge Navarrete Clerk

Deputy

DEATH PENALTY

RECEIVED

NOV - 3 2016

CLERK SUPREME COURT

**DECLARATION OF SERVICE**

Case Name: People v. Sivongxxay, No. S078895

Case Number: No. S078895

Fresno County Superior Court No. 590200-2

I, Douglas Ward, declare that I am over 18 years of age, and not a party to the within cause. I am employed in the county where this mailing took place. My business address is P.M.B. #199, 350 Bay Street, San Francisco, California 94133.

On October 31, 2016, I served a true copy of the following documents:

**ORAL ARGUMENT FOCUS LETTER**

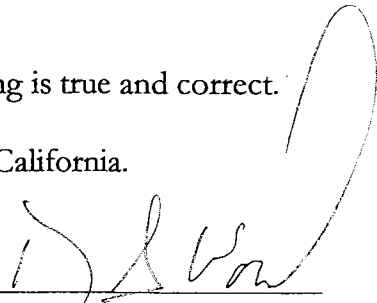
by placing one copy of the document in a sealed envelope addressed to each person listed below, placing first-class postage on each envelope, and depositing said envelopes with the United States Postal Service.

Office of the Attorney General  
Attn. Lewis A. Martinez, Esq.  
2550 Mariposa Mall, Room 5090  
Fresno, California 93721

Mr. Vaene Sivongxxay  
CDC # P-39500  
San Quentin, California 94974  
[Appellant]

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

Executed on October 31, 2016, at San Francisco, California.

  
\_\_\_\_\_  
Douglas Ward