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DEPARTMENT OF JUSTICE



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January 15, 2021

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

RE: *People v. Sandi Dawn Nieves*
Supreme Court of California, Case No. S092410

Dear Mr. Navarrete:

The Court has requested that counsel advise the Court and opposing counsel of those issues on which counsel expects to focus at oral argument, calendared for February 2, 2021, at 9:00 a.m., in San Francisco. As counsel for respondent, I intend to focus on those issues raised by appellant and the Court at oral argument. Specifically, I will respond to the following issues on which appellant intends to focus:

Argument 3 (AOB 47-146): the trial judge allegedly engaged in misconduct and was biased against appellant resulting in a fundamentally unfair trial;

Argument 13 (AOB 327-371) and Argument 24 (AOB 593-604): the trial court allegedly erred when it instructed the jury that it could consider discovery violations attributed to appellant as a basis for guilt and as a basis for the sentence of death;

Argument 19 (AOB 485-510): the exclusion of testimony from defense expert Dr. Kyle Boone during the penalty phase allegedly violated her right to present mitigating evidence.

Sincerely,

KRISTEN J. INBERG
Deputy Attorney General

For XAVIER BECERRA
Attorney General

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: **People v. Sandi Dawn Nieves**

Case No.: **S092410**

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 collection and processing of correspondence for mailing with the United States Postal Service. 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 **January 15, 2021**, I served the attached **LETTER** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

John A. Clarke

Clerk of the Court

Los Angeles County Superior Court

Stanley Mosk Courthouse

111 N. Hill Street

Los Angeles, CA 90012

To be delivered to ***Hon. Ronald S. Coen***

On **January 15, 2021**, I served the attached **LETTER** by transmitting a true copy via electronic mail to:

Amitai Schwartz, Esq
Attorney for Appellant
Served Via TrueFiling

SF-CAP
California Appellate Project
Served Via Email
filing@capsf.org

Beth Silverman
Los Angeles District Attorney's
Office
Served Via Email

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 15, 2021, at Los Angeles, California.

Shoshana R. Hubbard

Declarant

/s/ Shoshana R. Hubbard

Signature

LA2000XS0009 /63900723.docx

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. NIEVES (SANDI
DAWN)**

Case Number: **S092410**

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: **kristen.inberg@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	S092410_LETTER_People v. Nieves

Service Recipients:

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Amitai Schwartz Attorney at Law 55187	amitai@schwartzlaw.com	e-Serve	1/15/2021 2:02:56 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.

1/15/2021

Date

/s/Shoshana Hubbard

Signature

Inberg, Kristen (311744)

Last Name, First Name (PNum)

CA Attorney General's Office - Los Angeles

Law Firm
