

**A. RICHARD ELLIS**

**Also admitted in:**

**Colorado  
Florida  
Hawaii  
Missouri  
Nebraska  
Nevada  
Texas  
District of Columbia**

**Attorney at Law  
75 Magee Ave.  
Mill Valley, CA 94941  
Tel.: (415) 389-6771  
FAX: (415) 389-0251  
a.r.ellis@att.net**

**October 12, 2017**

Ms. April Boelk  
Supreme Court Clerk's Office  
Automatic Appeals Unit  
350 McAllister Street  
San Francisco, CA 94102-3600

**Re: S104144, *People v. Perez Jr.*  
Oral Argument: Wednesday, November 7, 2017 (1:30 p.m.)  
Focus Issues Letter**

Dear Ms. Boelk:

Pursuant to the Court's request, this is to advise the Court of appellant's focus issues for the argument scheduled in this Court on Tuesday, November 7, 2017.

I expect to focus my argument on the following issues:

Argument III: Trial error for failure of the trial judge to disqualify himself as a result of comments that indicated he could not be impartial.

Argument VII: Appellant's rights were violated when the trial court removed a sworn and sitting juror during the guilt phase.

Argument XVII: Trial court error in allowing inadmissible hearsay testimony from the pathologist who was not present at the autopsy.

And time permitting, I would like to focus on another issue:

Argument II: Lead defense counsel had a conflict of interest, as the trial judge had found him ineffective in a case pending in the Court of Appeals.

By copy of this letter, I am forwarding a copy of the same to the Office of the Attorney General, the Contra Costa County District Attorney, the trial court, appellant, and the California Appellate Project assisting attorney.

Thank you for your kind assistance with this matter.

Yours sincerely,

/s/ A. Richard Ellis

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A. Richard Ellis  
Attorney for Petitioner

## **DECLARATION OF SERVICE BY MAIL**

I, A. RICHARD ELLIS, hereby declare that I am a citizen of the United States, over the age of eighteen, an active member of the State Bar of California, and not a party to the within action. My business address is 75 Magee Ave, Mill Valley, California 94941.

On October 12, 2017 I served the within

### **FOCUS ISSUES LETTER**

on the interested parties in said action listed below, by e-filing it through the Court's electronic filing system and by placing a true and correct copy of the same in a sealed envelope, with 1<sup>st</sup> class postage affixed thereto, and placing the same in the United States Mail, addressed as follows:

John H. Deist  
Deputy Attorney General  
Office of the Attorney General of the State of California  
California Department of Justice  
455 Golden Gate Ave., Ste. 11000  
San Francisco, CA 94102-7004

Scott Kaufmann  
California Appellate Project  
101 2<sup>nd</sup> Street, Ste. 600  
San Francisco, CA 94105

Clerk of the Court  
Contra Costa County Superior Court  
Wakefield Taylor Courthouse  
725 Court Street  
Martinez, CA 94553-1233

Douglass MacMaster  
Acting District Attorney  
Contra Costa District Attorney's Office  
P.O. Box 670  
Martinez, CA 94553

Mr. Joseph Perez  
T-42655  
San Quentin State Prison  
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Mill Valley, California, on October 12, 2017.

/s/ A. Richard Ellis

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A. RICHARD ELLIS

**STATE OF CALIFORNIA**  
 Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
 Supreme Court of California

Case Name: **PEOPLE v. PEREZ (JOSEPH ANDREW)**

Case Number: **S104144**

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: **a.r.ellis@att.net**
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	Focus Issues Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney General - San Francisco Office John Deist, Deputy Attorney General SFG	john.deist@doj.ca.gov	e-Service	10-12-2017 2:04:50 PM
A. Ellis Attorney at Law 64051	a.r.ellis@att.net	e-Service	10-12-2017 2:04:50 PM
California Department of Justice Docket Unit California Dept of Justice, Office of the Attorney General	SFAG.Docketing@doj.ca.gov	e-Service	10-12-2017 2:04:50 PM
Contra Costa DA Contra Costa District Attorney's Office California Dept of Justice, Office of the Attorney General	appellate.pleading@contracostada.org	e-Service	10-12-2017 2:04:50 PM
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	10-12-2017 2:04:50 PM
John Deist California Dept of Justice, Office of the Attorney General 136469	john.deist@doj.ca.gov	e-Service	10-12-2017 2:04:50 PM
Richard Ellis Law office of A. Richard Ellis 64051	a.r.ellis@att.net	e-Service	10-12-2017 2:04:50 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.

10-12-2017

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Date

/s/Richard Ellis

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Signature

Ellis, Richard (64051)

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Last Name, First Name (PNum)

Law office of A. Richard Ellis

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Law Firm