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December 12, 2017

SUPREME COURT COPY

California Supreme Court
350 McAllister Street, Rm 1295
San Francisco, CA 94102

Re: Focus Letter for Argument on January 3, 2018
People v. Daveggio et al.
(Alameda County Superior Court 134147; S110294)

Dear Clerk:

I expect to focus on the following two arguments in oral argument set for January 3, 2018. The arguments are identified below by the Argument number used in Ms. Michaud's opening brief.

Arg. I. The trial court committed structural error and violated appellant's federal constitutional rights to due process, a fair trial, and a jury trial as guaranteed under the Fifth, Sixth, and Fourteenth Amendments by incorrectly instructing the jury on the beyond a reasonable doubt burden of proof.

Arg. II. The trial court violated appellant's federal constitutional right to a jury trial when it erroneously instructed that a person who aids and abets is equally guilty of the crime committed by a perpetrator. The law clearly recognizes that an aider and abettor's mens rea is personal to the aider and abettor and, a fortiori, that an aider and abettor may therefore be guilty of a lesser-included crime than that committed by the actual killer.

Respectfully submitted,

JANYCE KEIKO IMATA BLAIR

DEATH PENALTY

PROOF OF SERVICE

I declare that I am over the age of eighteen years and not a party to the within entitled action. My business address is 1609 Border Avenue, Torrance, CA 90501.

On the date below, I served the **Focus Letter for Oral Argument on behalf of Michelle Lyn Michaud** in People v. James Anthony DaVeggio and **Michelle Lyn Michaud** (CSC No. S110294; Alameda County Superior Court No. 134147) on the parties named below by placing true copies thereof, enclosed in sealed envelope(s) addressed as stated on the attached mailing list, with postage/delivery fee fully prepaid, at Torrance, California, with the U.S. Postal Service and/or by electronical service through the TrueFiling portal.

VIA U.S. POSTAL SERVICE

1. Kathy Moreno, Esq.
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6. CA App Project
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I declare under penalty of perjury that the foregoing is true and correct. Executed on December 13, 2017, at Torrance, California.

Janyce Blair