

# SUPREME COURT COPY

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

## OFFICE OF THE STATE PUBLIC DEFENDER

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# COPY



April 14, 2014

SUPREME COURT  
FILED

APR 14 2014

Frank A. McGuire Clerk  

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Deputy

Supreme Court of California  
Office of the Clerk  
Automatic Appeals Unit  
350 McAllister St.  
San Francisco, CA 94102

Re: *People v. John Leo Capistrano*, Case No. S067394  
Oral Argument Focus Letter

To the Honorable Tani Cantil-Sakauye, Chief Justice of California, and to the Honorable Associate Justices of the Supreme Court of the State of California:

I am counsel assigned to represent Mr. Capistrano in the above-referenced appeal, calendared for oral argument on May 7, 2014. I intend to focus my argument on appellant's claim that the trial court's death qualification voir dire was inherently insufficient and that its erroneous excusal of at least one prospective juror without determining whether the juror's views on the death penalty would prevent or substantially impair the performance of his or her duties as a juror requires reversal of Mr. Capistrano's death judgment. (See Appellant's Opening and Reply briefs, Argument I.)

Very Truly Yours,

A handwritten signature in cursive script that reads "Kathleen M. Scheidel".

KATHLEEN M. SCHEIDEL  
Assistant State Public Defender

# DEATH PENALTY

**DECLARATION OF SERVICE**

Re: *People v. John Leo Capistrano*

Calif. Supreme Ct. No. S067394  
Sup. Ct. No. KA 034540

I, Neva Wandersee, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, 10<sup>th</sup> Floor, Oakland, California 94607. I served a true copy of the attached:

**FOCUS LETTER**

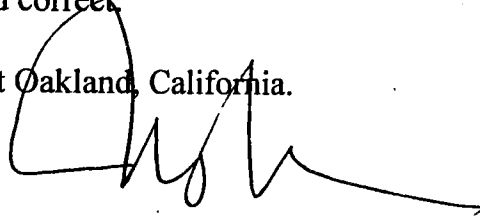
on each of the following, by placing same in an envelope addressed respectively as follows:

Office of the Attorney General  
Margaret Maxwell, D.A.G  
300 South Spring St., 5<sup>th</sup> Floor  
Los Angeles, CA 90013

Mr. John L. Capistrano  
E-43412 1-EB-67  
San Quentin State Prison  
San Quentin, CA 94974

Each said envelope was then, on April 14, 2014, sealed and deposited in the United States mail in the city of Oakland, County of Alameda, California in which I am employed, with the postage thereon fully prepaid. I declare under penalty of perjury that the foregoing is true and correct.

Signed this April 14, 2014, at Oakland, California.



\_\_\_\_\_  
DECLARANT