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# SUPREME COURT COPY

May 12, 2016

Honorable Frank A. McGuire  
Court Administrator and Clerk of the Supreme Court  
Office of the Clerk  
Supreme Court of California  
350 McAllister Street  
San Francisco, California 94102-4797

SUPREME COURT  
FILED

MAY 13 2016

Frank A. McGuire Clerk  
Deputy

RE: *People v. Sergio Djuan Nelson (Death Penalty)*  
Case No. S048763; Our File No. 1996XS0002

Dear Mr. McGuire:

The Court has requested that counsel advise the Court and opposing counsel by letter of those issues on which counsel expects to focus the oral argument, calendared for May 27, 2016. Presently, I have been advised that appellant will focus on the first claim raised in the briefs, alleging that the trial court erred in refusing to instruct the jury on heat of passion with respect to malice and voluntary manslaughter. As counsel for respondent, I intend to respond to the issue identified in opposing counsel's focus letter, and any additional issues raised by the Court at the time of argument.

Sincerely,

Handwritten signature of Tita Nguyen in cursive script.

TITA NGUYEN  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

# DEATH PENALTY

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. Sergio D. Nelson*  
No.: S048763

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.

On May 12, 2016, I served the attached **Letter Dated May 12, 2016** 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:

**Joseph E. Chabot**  
**Deputy State Public Defender**  
**State Public Defender's Office - San Francisco**  
**Office of the State Public Defender**  
**Oakland City Center**  
**1111 Broadway, 10th Floor**  
**Oakland, CA 94607**

On May 12, 2016, I caused original and one copy of the **Letter Dated May 12, 2016** in this case to be delivered to the California Supreme Court at 350 McAllister Street, San Francisco, CA 94102 by FedEx tracking no. 8068 0453 9365.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 12, 2016, at Los Angeles, California.

Maria P. Navarro  
Declarant

  
Signature