

STATE OF CALIFORNIA

## OFFICE OF THE STATE PUBLIC DEFENDER

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April 10, 2014

SUPREME COURT  
**FILED**

APR 10 2014

Frank A. McGuire Clerk  

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Deputy

Honorable Frank A. McGuire  
Clerk of the California Supreme Court  
350 McAllister Street, First Floor  
San Francisco, California 94102

Re: <sup>Kevin D.</sup> People v. Boyce, No. S092240

Dear Mr. McGuire:

Oral argument in the above-referenced case has been calendared for May 6, 2014. A copy of the Court's amended calendar is enclosed herewith.

At that hearing, I intend to focus my argument on the following argument:

Argument 1. In Light of Appellant's Significantly Impaired Intellectual Functioning, Brain Damage, and Severe Mental Illness, the Death Sentence Is Cruel and Unusual in Violation of the Eighth And Fourteenth Amendments of the Federal Constitution and the Parallel Provisions of the State Constitution, and Violates the Due Process and Equal Protection Clauses of the State And Federal Constitutions

Thank you for bringing this letter to the Court's attention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. G. Ward", written over a horizontal line.

DOUGLAS G. WARD  
Deputy State Public Defender

State Bar. No. 133360  
Attorney for Appellant Kevin Boyce

cc: Deputy Attorney General Christine Levingston Bergman

# DEATH PENALTY



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MAY 6 and 7, 2014  
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 6 and 7, 2014.

**TUESDAY, MAY 6, 2014 — 9:00 A.M.**

- (1) S207313 Verdugo (Michael) et al. v. Target Corporation  
(*Nicholson, J., assigned justice pro tempore*)
- (2) S210150 City of Los Angeles et al. v. County of Kern et al.  
(*Raye, J., assigned justice pro tempore*)
- (3) S204221 Paratransit Inc. v. Unemployment Insurance Appeals Board  
(Craig Medeiros, Real Party in Interest)  
(*Premo J., assigned justice pro tempore*)

**1:30 P.M.**

- (4) S135855 People v. Avila (Alejandro) [Automatic Appeal]  
(*Reardon, J., assigned justice pro tempore*)
- (5) S092240 People v. Boyce (Kevin Dewayn) [Automatic Appeal]  
(*Perren, J., assigned justice pro tempore*)
- (6) S050102 People v. Hensley (Paul Loyde) [Automatic Appeal]  
(*Pollak, J., assigned justice pro tempore*)

**WEDNESDAY, MAY 7, 2014 — 9:00 A.M.**

- (7) S209125 Gregory (Carolyn) v. Cott (Lorraine) et al.  
(*Rubin, J., assigned justice pro tempore*)
- (8) S208173 Beacon Residential Community Association v. Skidmore Owings  
and Merrill LLP et al. (*Richman, J., assigned justice pro tempore*)
- (9) S208843 People v. Whitmer (Jeffrey Allen) (*Rushing, J., assigned justice  
pro tempore*)

**1:30 P.M.**

- (10) S209376 Conservatorship of the Estate of McQueen (Ida).  
Taye (Fessha) v. Reed (Carol Veres) (*Poochigian, J., assigned  
justice pro tempore*)
- (11) S203744 People v. Vargas (Darlene A.) (*O'Rourke, J., assigned  
justice pro tempore*)
- (12) S067394 People v. Capistrano (John Leo) [Automatic Appeal]  
(*Pena, J., assigned justice pro tempore*)

**CANTIL-SAKAUYE**

*Chief Justice*

**DECLARATION OF SERVICE**

Re: People v. Boyce, No. S092240

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

**ORAL ARGUMENT FOCUS LETTER**

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

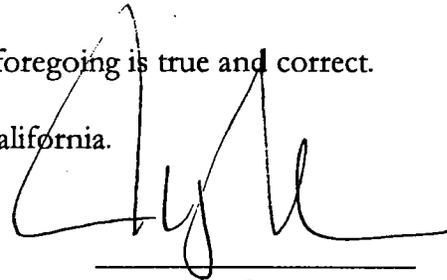
Office of the Attorney General  
Attn. Christine Levingston Bergman  
110 West A Street, Suite 1100  
P.O. Box 85266  
San Diego, CA 92186-5266

Mr. Kevin Boyce  
P.O. Box J-43178; 5-EY-35  
San Quentin, California 94974  
[Appellant]

Each said envelope was then on April 10, 2014, sealed and deposited in the United States Mail at San Francisco, California, the county in which I am employed, with the postage thereon fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 2010, at Oakland, California.



\_\_\_\_\_  
Neva Wandersee