

# SUPREME COURT COPY

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SUPREME COURT  
FILED

November 4, 2015

NOV - 9 2015

The Hon. Frank A. McGuire  
Attn: Jillian Chapa, Deputy Clerk  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4794

Frank A. McGuire Clerk  

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Deputy

Re: *People v. Louis James Peoples*, California Supreme Court No. S090602 (S217369)  
(Alameda County Sup. Ct. No. 135280; San Joaquin County Sup. Ct. No. SP062397A.)  
Re: Automatic Appeal - Oral Argument, December 2, 2015

Dear Mr. McGuire:

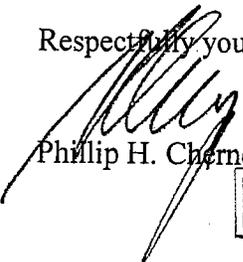
Upon receipt of your letter of October 30, notifying counsel that this case is set for oral argument on December 2, 2015 at 1:30 PM in Los Angeles, I am enclosing the completed "appearance sheet" as requested.

In addition, please be advised that in requesting the full 45 minutes to present argument, the following are contemplated as focus issues on behalf of Mr. Peoples:

APPELLANT'S STATE AND FEDERAL CONSTITUTIONAL RIGHTS WERE VIOLATED DURING THE PENALTY PHASE WHEN THE TRIAL COURT ERRONEOUSLY EXCLUDED PROFFERED EVIDENCE OF HIS REMORSE EXPRESSED TO REV. STEVEN KILTHAU, REV. TROY SKAGGS, AND IN LETTERS WRITTEN TO HIS WIFE AND CHILDREN, AND THE PREJUDICE WAS EXACERBATED BY THE PROSECUTOR'S EXPLOITATION OF THE ERRONEOUS RULINGS IN DISTORTED AND IMPROPER ARGUMENTS TO THE JURY ON LACK OF REMORSE (AOB VI);

AFTER THE JURY HAD DELIBERATED FOR SEVEN COURT DAYS, TAKEN SIX VOTES, AND DECLARED IMPASSE IN THE RETRIAL OF THE PENALTY PHASE - THE FIRST JURY VOTED 8-TO-4 FOR LIFE IMPRISONMENT - THE TRIAL COURT FAILED AND REFUSED TO POLL JURORS TO DETERMINE IF A REASONABLE PROBABILITY EXISTED THAT FURTHER DELIBERATIONS MIGHT LEAD TO A VERDICT, AND INSTEAD CHARGED THEM WITH IMPROPER SUPPLEMENTAL INSTRUCTIONS. IT THEN ABUSED ITS DISCRETION BY ALLOWING THE PROSECUTOR'S AIDS USED IN ARGUMENTS PRESENTED FOR A DEATH SENTENCE INTO THE JURY ROOM DURING DELIBERATIONS, WHILE REJECTING THE JURY'S REQUEST FOR A DEFENSE CHART IN SUPPORT OF LIFE IMPRISONMENT. THE ERRORS SEPARATELY AND CUMULATIVELY RESULTED IN A COERCED DEATH VERDICT IN VIOLATION APPELLANT'S FEDERAL AND STATE CONSTITUTIONAL AND STATUTORY RIGHTS (AOB IV).

Respectfully yours,

  
Phillip H. Cherney

DEATH PENALTY

**DECLARATION OF SERVICE BY MAIL**  
**RE: PEOPLE V. LOUIS JAMES PEOPLES, S090602**  
(Alameda County Superior Court No.135280;  
San Joaquin County Superior Court No.SP062397A)

I, Phillip H. Cherney, declare that I am an attorney licensed to practice law in the State of California, State Bar No. 76053, and my business address is 214 South Johnson Street, Visalia, California, 93291.

On November 4, 2015, I served the following persons either personally, or at the addresses listed, with a true copy of *Letter re Oral Argument*, enclosing the same in a sealed envelope, postage fully paid, and mailing it United States Postal Service in Visalia, California, as follows:

Office of the Attorney General  
State of California  
**Donna M. Provenzano**

455 Golden Gate, Suite 11000  
San Francisco, CA 94102-7004

**Louis James Peoples**  
P.O. Box P-88028 NBN-25  
San Quentin, CA 94974

**Office of the Public Defender**  
County of San Joaquin  
102 South San Joaquin Street  
Stockton, CA 95202

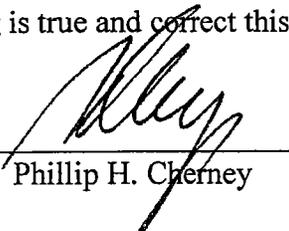
Superior Court for County of Alameda,  
Attn: Death Penalty Appeals Clerk,  
1225 Fallon Street, Room G-4,  
Courthouse Basement,  
Oakland, California 94612

**Office of the District Attorney**  
County of San Joaquin  
222 E. Weber Ave., Room 202  
Stockton, CA 95202

**CAP Docketing Clerk**  
101 Second Street, Suite 600  
San Francisco, CA 94105

**Michael Fox**  
Attorney at Law  
32 Boardman Place  
San Francisco, CA 94103

I declare under penalty of perjury that the foregoing is true and correct this 4<sup>th</sup> day of November 2015, at Visalia, California.

  
\_\_\_\_\_  
Phillip H. Cherney