

OFFICE OF THE STATE PUBLIC DEFENDER

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COPY

SUPREME COURT COPY



February 13, 2015

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

SUPREME COURT
FILED

FEB 13 2015

Frank A. McGuire Clerk

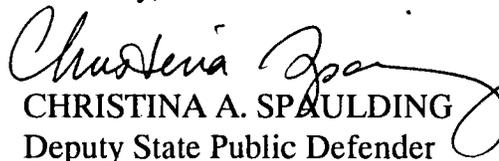
Deputy

Re: *People v. Tommy Trujeque*, Case No. S083594
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. Trujeque in the above-referenced appeal, calendared for oral argument on March 3, 2015. I intend to focus my argument on appellant's claims that (1) the prior-murder special circumstance must be stricken because it is based on an invalid conviction for second degree murder that was obtained in violation of double jeopardy (See Appellant's Opening and Reply briefs, Argument I) and (2) appellant's conviction for the second degree murder of Raul Apodaca and the multiple-murder special circumstance on which it is based are invalid because the trial court erroneously applied Penal Code section 1387.1 retroactively to permit the state to refile the previously barred Apodaca murder charge in violation of the ex post facto clauses of the state and federal Constitutions (See Appellant's Opening and Reply briefs, Argument II).

Sincerely,


CHRISTINA A. SPAULDING
Deputy State Public Defender

cc: Eric J. Kohm, Deputy Attorney General

DEATH PENALTY

Case Name: People v. Tommy Trujeque
Case Number: S083594

I, the undersigned, declare as follows:

I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California 94607. I served a copy of the following document(s):

FOCUS LETTER

by enclosing it in envelopes and

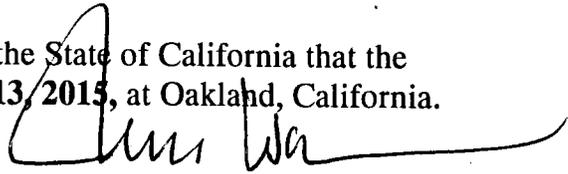
/ / **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid;
/X/ **placing** the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **February 13, 2015**, as follows:

ERIC J. KOHM
Deputy Attorney General
Attorney General's Office
300 South Spring St., Suite 1702
Los Angeles, CA 90013

Tommy A. Trujeque, D-94497
CSP-SQ
3-EB-88
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **February 13, 2015**, at Oakland, California.



NEVA WANDERSEE

SUPREME COURT COPY

COPY

SUPPLEMENTAL DECLARATION OF SERVICE BY MAIL

Case Name: People v. Tommy Trujeque
Case Number: Cal. Supreme Court No. S083594

SUPREME COURT
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FEB 18 2015

I, the undersigned, declare as follows:

Frank A. McGuire Clerk

I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California 94607. I served a copy of the following document(s):

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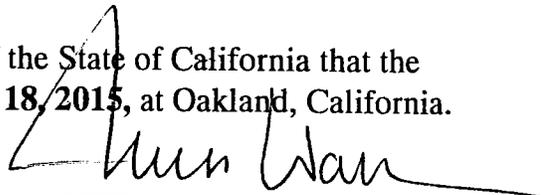
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/ / **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid;
/X/ **placing** the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **February 18, 2015**, as follows:

Susan Garvey
Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **February 18, 2015**, at Oakland, California.


NEVA WANDERSEE