

LAWRENCE A. GIBBS

ATTORNEY

COPY

September 21, 2016

SUPREME COURT COPY

The Honorable Frank A. McGuire
Clerk of the Supreme Court
350 McAllister St.
San Francisco, CA 94102

SUPREME COURT
FILED

SEP 23 2016

Re: *People v. Andrew Mickel*, No. S133510
Oral Argument Focus Issues

Frank A. McGuire Clerk
Deputy

Dear Mr. McGuire,

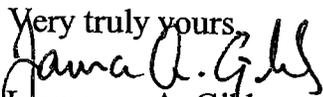
I represent appellant Andrew Mickel in the above-referenced capital appeal, currently scheduled for argument on October 5, 2016.

I am writing to inform the Court of the issues on which I intend to focus at oral argument. Those issues are:

1. Appellant's competency to stand trial. This issue includes AOB Argument I [reversal is required because the trial court failed to suspend proceedings when confronted with substantial evidence of appellant's incompetence]; and AOB Argument II [reversal is required because defense counsel rendered ineffective assistance in failing to inform the trial court of substantial evidence of appellant's incompetence].
2. Appellant's competency to represent himself. This issue appears in AOB Argument IV [reversal is required because the trial court violated Penal Code section 686.1 by permitting appellant to represent himself without assessing whether he was competent to conduct his own defense].

Thank you for communicating this to the Court.

Very truly yours,


Lawrence A. Gibbs
Attorney for Appellant

DEATH PENALTY

LAWRENCE A. GIBBS

ATTORNEY

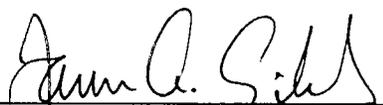
PROOF OF SERVICE

I declare that I am employed in the County of Alameda. I am over the age of eighteen years and not a party to this cause. My business address is P.O. Box 7639, Berkeley, California. Today, I served the foregoing **Letter to the Honorable Frank A. McGuire, dated September 21, 2016, regarding Oral Argument Focus Issues**, on all parties in this cause by placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid, in the United States mail at Berkeley, CA, addressed as follows:

Robert Nash
Office of Attorney General
1300 I St., #1100
P.O. Box 944255
Sacramento, CA 94244-2550

Scott Kauffman
CAP
101 Second St., #600
San Francisco, CA 94105

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 21, 2016, in Berkeley, California.


Lawrence A. Gibbs