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SUPREME COURT COPY

May 16, 2016

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

SUPREME COURT
FILED

MAY 19 2016

RE *People v. Daniel Sanchez Covarrubias*
California Supreme Court Case No.S075136
Oral Argument Focus Letter

Frank A. McGuire Clerk

Deputy

Dear Mr. McGuire:

The above referenced capital case has been calendared for oral argument on June 1, 2016 in Los Angeles at 2:00 P.M. I intend to focus on Claim 10 (AOB pp. 136-179; RB pp. 58-64; ARB pp. 21-37) which contends that Mr. Covarrubias was convicted of robbery-based crimes which the jury never found he committed. In particular the focus will be on the following sub-issues of Claim 10:

Was the jury erroneously given a definition of robbery which tracked Penal Code section 211 but omitted the element of larcenous intent; i.e., intent to permanently deprive an owner of his or her property?

Could a rational juror have concluded that Mr. Covarrubias did not intend to permanently deprive an owner of his or her property?

Did the jury rely on a valid non-robbery-based theory to convict Mr. Covarrubias?

Yours very truly,

Thomas Lundy
Attorney for Appellant
Daniel Sanchez Covarrubias

DEATH PENALTY

PROOF OF SERVICE

I DECLARE THAT:

I am a resident of Sonoma County and employed in the County of Sonoma, State of California.

I am over the age of eighteen and not a party to the within action. My business address is: 2777 Yulupa Avenue PMB 179, Santa Rosa, California 95405. On May 17, 2016, I served the within: **Oral Argument Focus Letter** on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon, fully prepaid, in the United States mail, at Santa Rosa, California, addressed as follows:

Bridgette Billeter
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

California Appellate Project
101 Second Street, Suite 600
San Francisco, CA 94105

Daniel Sanchez Covarrubias P-19600
CSP-SQ 4-EY-35
San Quentin, CA 94974

I declare under penalty of perjury that the foregoing is true and correct and executed on May 17, 2016 at Santa Rosa, California.

Tom Lundy