

SUPREME COURT COPY

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May 14, 2015

California Supreme Court
350 McAllister Street, Rm. 1295
San Francisco, CA 94102-4797

SUPREME COURT
FILED

MAY 18 2015

ATTN: April Boelk, Automatic Appeals Unit Supervisor

Frank A. McGuire Clerk
Deputy

Re: *People v. Seumanu*, S093803; advisement of focus issues

Dear Ms. Boelk,

This case has been calendared for oral argument for May 28, 2015 at 1:30 p.m. On behalf of appellant, this letter is to advise the Court of the issues I intend to focus on at oral argument. These are identified by the numeration used in appellant's opening brief and by a brief statement of the issue.

I, XV. The prosecutor's vouching misconduct at guilt and penalty trials.

V., VI., VII., VIII. Whether there was reversible error, individually or in combination, in the admission of improper hearsay and opinion evidence from the testimony of Tony Iuli, one of the accomplice witnesses..

IX., X., XI., XII. Whether there was reversible error, individually or in combination, in judicial misconduct, the admission of a so-called gang-chart without a propr foundation, and in prosecutorial misconduct in the knowing presentation of, or in the knowing failure to correct, false evidence.

XIII. Whether the combined prejudice of all errors committed at the guilt phase of trial affected the fundamental fairness of that phase. This may entail mention of

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XVI. Whether the trial court's repeated "explanation" during voir dire of the "so substantial" standard for the death penalty was erroneous and prejudicial.

XVIII.; XIX; XX.; XXIII Whether there was reversible penalty phase error, individually or in combination, in the guilt phase errors of allowing hearsay evidence of a "contract" on Tony Iuli's life, in allowing a so-called gang chart without foundation, and in the prosecutor's misconduct in comparing defendant's wearing of jail clothes during penalty trial to the actions of Richard Allen Davis in flipping off his jury.

XXIII. Whether the combined prejudice of all errors at trial resulted in a violation of defendant's Eighth and Fourteenth Amendment rights to a fair penalty trial.

Please bring this letter to the attention of the Court.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Mark D. Greenberg". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a loop at the end.

Mark D. Greenberg

[CCP Sec. 1013A(2)]

The undersigned certifies that he is an active member of the State Bar of California, not a party to the within action, and his business address is 484 Lake Park Avenue, No. 429, Oakland, California; that he served a copy of the following documents:

FOCUS LETTER

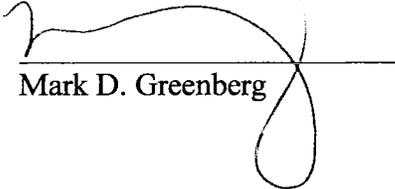
by placing same in a sealed envelope, fully prepaying the postage thereon, and depositing said envelope in the United States mail at Oakland, California on May 14, 2014 addressed as follows:

Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102-3664

Virginia Lindsay
California Appellate Project
101 Second Street, Ste. 600
San Francisco, CA 94105

Ropati Afatia Seumanu, T-02150
San Quentin State Prison
San Quentin, CA 94974

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 14, 2015 at Oakland, California.


Mark D. Greenberg