

SUPREME COURT COPY

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May 6, 2014

Supreme Court of California
Court Administrator
Office of the Clerk
350 McAllister Street
San Francisco, CA 94102-7303

**SUPREME COURT
FILED**

MAY 07 2014

Frank A. McGuire Clerk

Deputy

Re: *People v. Bryant, Smith, and Wheeler*, S049596

Dear Mr. McGuire:

I am Mr. Wheeler's appointed appellate counsel on the direct appeal of his conviction and death sentence. His oral argument is scheduled for May 28, 2014, at 1:30 p.m. in San Francisco. I would like to focus at oral argument on the following arguments raised in Mr. Wheeler's opening brief:

- I. The Trial Court Failed To Sever Appellant Wheeler's Case From That Of His Codefendants.
- II. The Trial Court Failed To Control The Order Of The Trial And Improperly Acquiesced To Codefendant Settle's Request To Testify After Settle Had Rested His Defense.
- III, C. James Williams Was an Accomplice as a Matter of Law.
- VI. The Prosecution Was Improperly Permitted To Develop Armstrong's Blackmail Of The Bryants And Thereby The Prosecution's Theory For The Motive For The Homicides By Depriving Appellants Of Their Constitutional Right To Confront Their Accuser.

DEATH PENALTY

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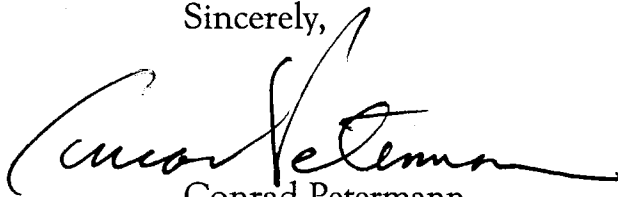
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IX. The Cumulative And Inter-Related Guilt Phase Errors Undermined The Fundamental Fairness Of Appellant's Trial In Violation Of The Fifth, Sixth, Eighth And Fourteenth Amendments, Mandating Reversal.

In regard to Argument IV, counsel may wish to address United States Supreme Court authority that has been published in regard to points discussed here since the filing of Appellant's Opening Brief. These are:

Davis v. Washington (2006) 547 U.S. 813
Melendez-Diaz v. Massachusetts (2009) 557 U.S. 305
Bullcoming v. New Mexico (2011) ___ U.S. ___, 131 S.Ct. 2705; and
Williams v. Illinois (2012) ___ U.S. ___, 132 S.Ct. 2221.

Sincerely,



Conrad Petermann

CONRAD PETERMANN
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CASE NUMBER: No. S049596

DECLARATION OF SERVICE

I, undersigned, say: I am a citizen of the United States, a resident of Ventura County, over 18 years of age, not a party to this action and with the above business address. On the date executed below, I served the *Oral Argument Focus Letter* and *Appearance Sheet* by depositing a copy thereof in a sealed envelope, postage thereon fully prepaid, in the United States Mail at Ojai, California. Said copies were addressed as follows:

Kamala D. Harris
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State Public Defender
Ms. Kathleen M. Scheidel
Supervising DPD
221 Main Street, Tenth Fl.
San Francisco, CA 94105

I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 6, 2014, at Ojai, California.



Conrad Petermann
Attorney for Petitioner