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October 19, 2021

Mr. Jorge E. Navarrete
California Supreme Court
355 McAllister Street
San Francisco, CA 94102

Re: People v. Holmes, Newborn, and McClain No. S058734

Dear Mr. Navarrete:

Regarding the oral argument set in the above-referenced case set for November 3, 2021: As provided in Rules of Court, rule 8.638(b), I request 30 minutes for argument, 10 minutes of which I will reserve for rebuttal.

I will be focusing on Claim V:

**THE TRIAL COURT ERRED IN FAILING TO SUPPRESS GABRIEL PINA'S
UNRELIABLE EYEWITNESS TESTIMONY WHICH RESULTED FROM
HIGHLY SUGGESTIVE PRETRIAL PROCEDURES**

Respectfully submitted,

Karen Kelly
Attorney for Karl Holmes

DECLARATION OF SERVICE

People v. Holmes, Newborn, and McClain (McClain), No. S058734

I, Karen Kelly declare that I am over the age of 18, and not a party to the within cause. My business address is P.O. Box 6308, Modesto, CA 95357.

I served a true copy of the attached

ORAL ARGUMENT FOCUS LETTER

On the following by Truefiling:

Mark Greenberg, Esq. markdgreen2@comcast.net

Seth McCutcheon, DAG seth.mccutcheon@doj.ca.gov

Debra Sabah Press d.sabah.press@gmail.com

Eric Multhaup mullew@comcast.net

Kathryn Andrews KathrynAndrews2@comcast.net

California Appellate Project filing@capsf.org

And on the following by United States Mail:

Karl Holmes K-38500
San Quentin, CA 94974

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed on October 19, 2021, at Modesto, CA 95350

Dated:

Karen Kelly

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. HOLMES, McCLAIN & NEWBORN**

Case Number: **S058734**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **2kkellyesq@att.net**
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/19/2021

Date

/s/Karen Kelly

Signature

Kelly, Karen (118105)

Last Name, First Name (PNum)

Karen Kelly

Law Firm