

SUPREME COURT COPY

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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May 8, 2014

The Honorable Frank A. McGuire
Court Administrator and Clerk of the Supreme Court
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

SUPREME COURT
FILED

MAY 12 2014

Frank A. McGuire Clerk

RE: People v. Stanley Bryant, Donald Smith and Leroy Wheeler Deputy
California Supreme Court, Case No. S049596

Dear Mr. McGuire:

The Court has requested a "focus" letter for the above case set for oral argument on May 28, 2014. As counsel for respondent, I intend to focus on the issues designated by appellants in their focus letters and those issues raised by the Court at oral argument. Based on telephone conversations that I have had with counsel for appellants, I believe appellants will be focusing on the following issues:

Appellant Stanley Bryant

(1) the requirement that appellant Stanley Bryant wear a REACT belt at trial.

Appellant Donald Smith

(1) all claims relating to the trial court's instructions on the law of accomplices and the denial of appellant Donald Smith's request to reopen deliberations --

(a) whether the trial court properly denied the request to instruct the jury that James Williams was an accomplice as a matter of law;

(b) whether James Williams's testimony was sufficiently corroborated;

(c) whether the trial court properly instructed the jury on what constituted sufficient corroboration of accomplice testimony;

(d) whether the trial court properly instructed the jury with CALJIC Nos. 3.00 and 3.10 [specifically, the "equally guilty" language in those instructions];

(e) whether the trial court properly did not instruct the jury that Tannis Curry was an accomplice as a matter of law and properly did not exclude her

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from the applicability of CALJIC No. 2.11.5 [the instruction on unjoined perpetrators of the same crime]; and

(f) whether the trial court properly rejected appellant Donald Smith's request to order the jury to reconsider its guilty verdicts pursuant to Penal Code section 1161.

(2) the denial of appellant Donald Smith's motion to have his case severed from that of codefendant Jon Settle.

Appellant Leroy Wheeler

(1) the denial of appellant Leroy Wheeler's motion to have his case severed from that of his codefendants;

(2) the trial court permitting codefendant Jon Settle to testify on his own behalf, after he had rested his case;

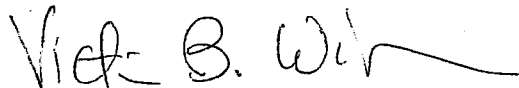
(3) whether the trial court properly denied the request to instruct the jury that James Williams was an accomplice as a matter of law;

(4) whether there was prejudicial error from the admission into evidence of victim Andre Armstrong's tape-recorded prison interview; and

(5) the claim of cumulative error at the guilt phase of appellant Leroy Wheeler's trial.

Finally, based on the number of appellants and the number of issues designated as focus issues by appellants, I request 45 minutes for oral argument.

Sincerely,



VICTORIA B. WILSON
Supervising Deputy Attorney General
State Bar No. 167526

For KAMALA D. HARRIS
Attorney General

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Stanley Bryant, Donald F. Smith, and Leroy Wheeler**
No.: **S049596**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On May 8, 2014, I served the attached **FOCUS LETTER** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Kathleen M. Scheidel
Attorney at Law
Office of the State Public Defender
1111 Broadway, 10th Floor
Oakland, CA 94607
(Attorney for Appellant Bryant)

Conrad Petermann
Attorney at Law
Law Office of Conrad Petermann
323 East Matilija Street
Suite 110, PMB 142
Ojai, CA 93023
(Attorney for Appellant Wheeler)

David H. Goodwin
Attorney at Law
P.O. Box 93579
Los Angeles, CA 90093-0579
(Attorney for Appellant Smith)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 8, 2014, at Los Angeles, California.

Irene Rangel
Declarant


Signature

AMENDED DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **People v. Stanley Bryant, Donald F. Smith, and Leroy Wheeler** MAY 14 2014
No.: **S049596**

Frank A. McGuire Clerk

I declare:

Deputy

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On May 12, 2014, I served the attached **FOCUS LETTER** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Kathleen M. Scheidel
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1111 Broadway, 10th Floor
Oakland, CA 94607
(Attorney for Appellant Bryant)

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Conrad Petermann
Attorney at Law
Law Office of Conrad Petermann
323 East Matilija Street
Suite 110, PMB 142
Ojai, CA 93023
(Attorney and Habeas Counsel for
Appellant Wheeler)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 12, 2014, at Los Angeles, California.

Irene Rangel
Declarant


Signature