

**NEOMA D. KENWOOD**  
**ATTORNEY AT LAW**

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**P.M.B. #414**  
**1569 SOLANO AVENUE**  
**BERKELEY, CALIFORNIA 94707**  
**TEL. & FAX: (510) 528-4775**  
[nkenwood@sbcglobal.net](mailto:nkenwood@sbcglobal.net)

May 18, 2018

Supreme Court of California  
Attn: Mr. Jorge E. Navarrete  
Court Administrator and Clerk of the Supreme Court  
350 McAllister Street  
San Francisco, California 94102

Re: *People v. Carl Devon Powell*, No. S043520  
Focus Issues for Oral Argument

Dear Mr. Navarrete:

The Court has requested a focus letter identifying those issues on which counsel expects to focus at oral argument, calendared for Wednesday, May 30, 2018, at 1:30 p.m. As counsel for appellant, I intend to focus on the following issues (numbered as they appears in appellant's opening [AOB] and supplemental opening [Supp AOB] briefs):

- AOB I. THE JUDGMENT MUST BE REVERSED BECAUSE THE PROSECUTOR PROMISED THE JURY IN HIS OPENING STATEMENT THAT APPELLANT WOULD TESTIFY HE DID NOT ROB MCDADE AND KILLED HIM ONLY UNDER DURESS FROM THE HODGES BROTHERS, BUT APPELLANT ULTIMATELY EXERCISED HIS RIGHT TO REMAIN SILENT.
- SUPP AOB II. THE TRIAL COURT ERRED IN ALLOWING THE PROSECUTOR TO TELL THE JURORS IN HIS OPENING STATEMENT THAT APPELLANT WOULD TESTIFY AND THEN RECOUNTING HOW APPELLANT WOULD TESTIFY, BASED ON AN ACCOUNT FURNISHED FROM DEFENSE COUNSEL WHICH INCLUDED AN ADMISSION THAT APPELLANT KILLED MCDADE.

Focus letter, *People v. Carl Devon Powell*, S043520

May 18, 2018

Page two

AOB V. THE TRIAL COURT'S ERRONEOUS REMOVAL OF  
JUROR NO. 11 WITHOUT SUFFICIENT CAUSE TO  
CONCLUDE SHE COULD NOT DISCHARGE HER  
DUTIES AS A JUROR REQUIRES REVERSAL OF THE  
JUDGMENT.

Thank you for bringing this letter to the Court's attention.

Respectfully submitted,

/s/ Neoma Kenwood  
NEOMA KENWOOD

Attorney for Appellant  
CARL DEVON POWELL

Enclosure (proof of service)

**PEOPLE V. CARL DEVON POWELL, Automatic Appeal No. S043520**

**Stanislaus County Superior Ct. No. R239682**

**PROOF OF SERVICE BY MAIL AND THROUGH TRUEFILING**

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I declare as follows:

I, NEOMA KENWOOD, am over the age of 18 years and am not a party to the within action. My business address is P.M.B. #414, 1569 Solano Avenue, Berkeley, CA 94707. On May 18, 2018, I served a true and correct copy of the attached

**APPELLANT POWELL'S FOCUS LETTER**

on the interested parties or counsel for interested parties named below, by placing a true copy enclosed in a sealed envelope, with postage fully prepaid, in an official depository under the care and control of the United States Postal Service:

Mr. Carl Devon Powell, J-43000  
CSP-San Quentin  
3 EB 102  
San Quentin, CA 94974

Also, on May 18, 2018, I served the same document electronically using the TrueFiling electronic filing system as follows:

CALIFORNIA SUPREME COURT, through TrueFiling and with one unbound copy mailed to:

Supreme Court of California  
Attn: Mr. Jorge E. Navarrete  
Court Administrator and Clerk of the Supreme Court  
350 McAllister Street  
San Francisco, California 94102

CALIFORNIA ATTORNEY GENERAL, through TrueFiling:

[SacAWTTrueFiling@doj.ca.gov](mailto:SacAWTTrueFiling@doj.ca.gov); [paul.oconnor@doj.ca.gov](mailto:paul.oconnor@doj.ca.gov)

CALIFORNIA APPELLATE PROJECT, through TrueFiling: [filing@capf.org](mailto:filing@capf.org)

GARY B. WELLS, through TrueFiling: [gbwattorney@comcast.net](mailto:gbwattorney@comcast.net)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 18, 2018, at San Francisco, California.

/s/ Neoma Kenwood  
NEOMA KENWOOD

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. POWELL (CARL  
DEVON)**

Case Number: **S043520**

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: **nkenwood@sbcglobal.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
LETTER	Appellants Focus Letter
PROOF OF SERVICE	POS for Appellants Focus Letter

Service Recipients:

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AG-AWT Sac/Fresno E-Service DOJ Sacramento/Fresno AWT Crim AG-00001	sacawttruefiling@doj.ca.gov	e-Service	5/18/2018 1:07:36 PM
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	5/18/2018 1:07:36 PM
Gary Wells Gary B. Wells, Attorney at Law 154954	gbwattorney@gmail.com	e-Service	5/18/2018 1:07:36 PM
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Paul O'Connor DOJ Sacramento/Fresno AWT Crim 170829	paul.oconnor@doj.ca.gov	e-Service	5/18/2018 1:07:36 PM

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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.

5/18/2018

Date

/s/Neoma Kenwood

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Signature

Kenwood, Neoma (101805)

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Last Name, First Name (PNum)

Law Office of Neoma Kenwood

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Law Firm