

# SUPREME COURT COPY

THE LAW OFFICE OF JOHN L. STALEY  
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December 14, 2016

Jorge E. Navarrete  
Clerk of the Supreme Court  
350 McAllister St.  
San Francisco, CA 94102

SUPREME COURT  
FILED

DEC 19 2016

Jorge Navarrete Clerk

RE: Oral argument in People v. Brooks,  
Case No. S099274

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Deputy

Dear Mr. Navarrete:

The Court has requested a letter outlining the issues I will be addressing during oral argument scheduled for January 4, 2017, at 1:30 p.m. I intend to focus on the following issues:

1. Whether the jury instruction for asportation was prejudicially erroneous. (Issue II.)
2. Whether the trial court coerced a penalty phase verdict by requiring the jury to continue deliberating when it was hopelessly deadlocked and the defendant had made multiple motions for a mistrial. (Issue XIX).
3. Whether the judgment of death must be reversed because the jury considered appellant's failure to testify during penalty phase deliberations. (Issue XXI).
4. Whether the trial court erred by refusing the defense request to instruct the jury that a single factor in mitigation was sufficient to impose a sentence of life when the jury had sent a note expressing confusion about the weighing process for imposing the sentence. (Issue XXII.)

Sincerely,

  
John L. Staley

DEATH PENALTY

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DEC 19 2016

CLERK SUPREME COURT

PROOF OF SERVICE  
STATE OF CALIFORNIA  
(People v. Brooks, Superior Court Case No. S099274)

I reside in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 16935 West Bernardo Drive, Suite 260, San Diego, CA 92127. On December 14, 2016, I serve the foregoing document described as FOCUS LETTER FOR ORAL ARGUMENT on all parties to this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

CLERK'S OFFICE  
CALIFORNIA SUPREME COURT  
350 McAllister St.  
San Francisco, CA 94102-3600

Docketing  
California Appellate Project  
101 Second St.  
Sixth Floor  
San Francisco, CA 94105

Allison Chung, Esq.  
Office of the Attorney General  
300 S. Spring St.  
Los Angeles, CA 90013  
(Served electronically only as a PDF to her email address of [Allison.Chung@doj.ca.gov](mailto:Allison.Chung@doj.ca.gov)).

I caused such envelope with postage prepaid to be placed in the United States mail in San Diego, California. Executed on December 14, 2016, in San Diego, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

John L. Staley