

## Office of the State Public Defender

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May 28, 2019

Mr. Jorge E. Navarrete  
Clerk and Executive Officer  
Supreme Court of California  
350 McAllister St.  
San Francisco, CA 94102-3600

Re: *People v. Capers* (No. S146939)

Dear Mr. Navarrete:

While preparing for oral argument in the above-referenced case, which has been calendared for 1:30 p.m. on Wednesday, June 5, 2019, I determined that I will refer to the following additional issue, numbered as it appears in appellant's opening brief:

III. BASED ON THE UNDISPUTED EVIDENCE BEFORE THIS COURT, AMBER RENTERIA IN POINT OF FACT HAD NO VALID FIFTH AMENDMENT PRIVILEGE BECAUSE THE STATUTE OF LIMITATIONS FOR VIOLATION OF PENAL CODE SECTION 32 HAD LONG SINCE EXPIRED AT THE TIME SHE WAS SUMMONED AS A WITNESS IN THIS CASE

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

Sincerely,

/s/ Peter R. Silten

PETER R. SILTEN  
Supervising Deputy State Public Defender

Attorney for Appellant

DECLARATION OF SERVICE

Case Name: ***People v. Capers***  
Case Number: **Supreme Court Case No. S146939**

I, **Marsha Gomez**, declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, Suite 1000, Oakland, California 94607. I served a true copy of the following document:

**SUPPLEMENTAL FOCUS LETTER**

by enclosing it in envelopes and placing the envelopes for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing.

The envelopes were addressed and mailed on **May 28, 2019**, as follows:

Lee Samuel Capers, # K-01264 San Quentin State Prison San Quentin, CA 94974
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The following were served the aforementioned document(s) electronically via TrueFiling on **May 28, 2019**:

Attorney General – San Diego Office Donald Ostertag, Deputy Attorney General P.O. Box 85266 San Diego, CA 92186-5266	California Appellate Project 101 Second St. San Francisco, CA 94105
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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. Signed on **May 28, 2019**, at Oakland, CA.

/s/

\_\_\_\_\_  
MARSHA GOMEZ

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. CAPERS (LEE SAMUEL)**

Case Number: **S146939**

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: **peter.silten@ospd.ca.gov**
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	Supplemental Focus Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney General - San Diego Office Donald Ostertag, Deputy Attorney General SDG	donald.ostertag@doj.ca.gov	e-Service	5/28/2019 1:55:33 PM
California Appellate Project CAP Department of Justice, Office of the Attorney General-San Diego	filing@capsf.org	e-Service	5/28/2019 1:55:33 PM
Donald Ostertag Department of Justice, Office of the Attorney General-San Diego 254151	donald.ostertag@doj.ca.gov	e-Service	5/28/2019 1:55:33 PM
SDAG Docketing Department of Justice, Office of the Attorney General-San Diego	sdag.docketing@doj.ca.gov	e-Service	5/28/2019 1:55:33 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/28/2019

Date

/s/Peter Silten

Signature

Silten, Peter (62784)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm

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