

## Office of the State Public Defender

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March 22, 2019

Jorge E. Navarrete  
Clerk of the Supreme Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-3600

Re: *People v. Louis Mitchell, Jr.*  
California Supreme Court Case No. S147335

Dear Mr. Navarrete:

Oral argument in the above-referenced case has been calendared for Wednesday, April 3, 2019 at 1:30 p.m. I intend to focus my argument on the following claims:

Argument I [The Unanimity-of-doubt Requirement in CALJIC No. 8.71 and CALJIC No. 8.72 Impermissibly and Prejudicially Subverted the Reasonable Doubt Standard Which Lowered The State's Burden of Proof For Murder And First Degree Murder]

Argument II [The Trial Court Committed Prejudicial Error in Refusing Appellant's Request to Deliver CALJIC No. 8.73.1 at the Guilt Phase]

Thank you for your attention to this matter.

Sincerely,

/s/ MARIA MORGA

Maria Morga  
Senior Deputy State Public Defender  
Office of the State Public Defender  
Attorneys for Appellant

## DECLARATION OF SERVICE

Case Name: *People v. Louis Mitchell, Jr*  
Case Number: **Cal. Supreme Court No. S147335**  
**San Bernardino Co. Sup. Ct. No. FSB 051580**

I, Marcus A. Thomas, declare as follows: I am over the age of 18, not a party to this cause. I am employed in the county where the mailing took place. My business address is 1111 Broadway, 10th Floor, Oakland, California, 94607. I served a true copy of the following document(s):

### ORAL ARGUMENT 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. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

The envelopes were addressed and mailed on **March 22, 2019**, as follows:

Louis Mitchell, Jr.  
#P-88192  
CSP-SQ 3-EY-23  
San Quentin, CA 94974

The following were served the aforementioned document(s) electronically via TrueFiling on **March 22, 2019**:

Kirsten Chenelia  
Office of the Attorney General  
600 West Broadway Street, Suite 1800  
P.O. Box 85266-5299  
San Diego, CA 92186-5266  
[kirsten.chenelia@doj.ca.gov](mailto:kirsten.chenelia@doj.ca.gov)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **March 22, 2019**, at Oakland, California.

/s/ **MARCUS THOMAS**

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DECLARANT

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. MITCHELL  
(LOUIS)**

Case Number: **S147335**

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: **maria.morga@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	Oral Argument Focus Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Kristen Kinnaird Chenelia Department of Justice, Office of the Attorney General-San Diego 225152	kristen.chenelia@doj.ca.gov	e-Service	3/22/2019 3:18:25 PM
OSPD Docketing Office of the State Public Defender 000000	docketing@ospd.ca.gov	e-Service	3/22/2019 3:18:25 PM
SDAG Docketing Department of Justice, Office of the Attorney General-San Diego	sdag.docketing@doj.ca.gov	e-Service	3/22/2019 3:18:25 PM
Louis Mitchell Additional Service Recipients	CSP-SQ 3-EY-23 San Quentin, CA 94974	Mail	3/22/2019 3:18:25 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.

3/22/2019

Date

/s/Maria Morga

Signature

Morga, Maria (197218)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm