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April 16, 2018

Ms. April Boelk
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-3600

Re: People v. Spencer, S057242 (automatic appeal)

Dear Ms. Boelk:

In anticipation of oral argument in this matter, now calendared for May 1, 2018, at 1:30 p.m., I expect to focus primarily on the following issues, specifically, Arguments I and VI from our opening brief, and the argument set forth in our Supplemental Brief filed on October 23, 2014. The applicable headnotes for these arguments are set forth below:

I THE TRIAL COURT ERRONEOUSLY GRANTED THE PROSECUTION'S CHALLENGE UNDER *WITHERSPOON V. ILLINOIS* AND *WAINWRIGHT V. WITT*, VIOLATING APPELLANT'S STATE AND FEDERAL CONSTITUTIONAL RIGHTS TO DUE PROCESS, A FAIR AND IMPARTIAL JURY AND TO BE FREE OF CRUEL AND UNUSUAL PUNISHMENTS AND ARBITRARY IMPOSITION OF THE DEATH PENALTY. (U.S. CONST., AMENDS. VI, VIII, XIV; CAL. CONST., ART. I, SECS. 15, 16, 17.)

VI THE TRIAL COURT'S ADMISSION OF EXCESSIVE, IRRELEVANT AND HIGHLY PREJUDICIAL VICTIM IMPACT EVIDENCE WAS CONTRARY TO CALIFORNIA LAW AND VIOLATED APPELLANT'S CONSTITUTIONAL RIGHTS.

APPELLANT'S CONVICTIONS AND DEATH SENTENCE MUST BE VACATED BECAUSE OF CONSTITUTIONAL ERROR IN MISCHARACTERIZING AGGRAVATING EVIDENCE AND PRECLUDING FROM THE JURY'S CONSIDERATION, APPELLANT'S LESSER ROLE IN THE NON-CAPITAL ROBBERY

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Yours very truly,

/s/ Emry J. Allen

Emry J. Allen, SBN 60414
Attorney at Law
Attorney for Appellant

cc: Attorney General
California Appellate Project

DECLARATION OF SERVICE BY MAIL

Case Name: People v. Spencer, S057242
(Santa Clara County Superior Court No. 155731)

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is PMB 336, 5050 Laguna Blvd., Suite 112, Elk Grove, CA 95758. On the date shown, I served the attached

LETTER TO APRIL BOELK DATED APRIL 16, 2018

by placing a true copies thereof in envelopes addressed to each of the persons named below at the addresses shown, and by sealing and depositing said envelope(s) in a United States Postal Service mailbox at Elk Grove, California, with postage thereon fully prepaid.

Laura Murry, Esq.
California Appellate Project
101 2nd Street, Suite 600
San Francisco, CA 94105

Arthur P. Beever
Attorney at Law
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

Christopher A. Spencer, K29700
San Quentin Prison
San Quentin, CA 94974

Declaration of Service by Mail—S057242—Page Two

On the same date, I also served said document electronically on the following persons or entities, as follows:

Laura Murry
lmurry@capsf.org

Arthur P. Beever
arthur.beever@doj.ca.gov

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 16, 2018, at Elk Grove, California.

/s/ Emry J. Allen
EMRY J. ALLEN