

# SUPREME COURT COPY

LAW OFFICE OF CLIFF GARDNER  
1448 SAN PABLO AVENUE • BERKELEY, CALIFORNIA • 94702  
PHONE: 510-524-1093 • FAX: 510-527-5812  
Website: CliffGardner.com

COPY

May 21, 2014

The Honorable Frank McGuire  
California Supreme Court  
Office of the Clerk  
350 McAllister Street  
San Francisco, CA 94102

SUPREME COURT  
FILED

MAY 22 2014

Frank A. McGuire Clerk  

---

Deputy

Re: *People v. Grimes*, S076339

Dear Mr. McGuire:

I represent appellant Gary Grimes in the above captioned case. The case has been calendered for argument on May 28, 2014.

One of the issues I identified for oral argument in my focus letter of May 7, 2014 involved the trial court's exclusion of evidence that John Morris admitted acting alone in committing the murder (presented as Argument IV in Appellant's Opening Brief and Argument III in Appellant's Reply Brief). I would like to bring to the Court's attention on this issue a case decided after the close of briefing: *People v. Weaver* (2012) 53 Cal.4th 1056, 1086, 1089.

In addition, I wanted to advise the Court (and opposing counsel) that my argument may also focus on the jury misconduct issues raised as Argument XVIII in the opening brief and Argument X in the reply brief.

If you have any questions, or need any additional information, please feel free to contact me. Because of the timing of this letter, and to ensure opposing counsel receives it in a timely fashion, I have served it both by regular mail and electronically.

Sincerely,



Cliff Gardner

DEATH PENALTY

CERTIFICATE OF SERVICE

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 business address is 1448 San Pablo Avenue, Berkeley, California 94702. I am not a party to this action.

On May 21, 2014, I served the within

**LETTER DATED MAY 21, 2014, *PEOPLE V. GRIMES*, S076339**

upon the parties named below by depositing a true copy in a United States mailbox in Berkeley, California, in a sealed envelope, postage prepaid, and addressed as follows:

Mr. Gary Grimes  
CDC: P-27200  
San Quentin State Prison  
San Quentin, California 94974

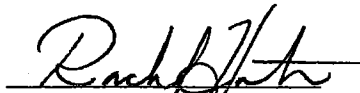
California Appellate Project  
101 Second Street  
Suite 600  
San Francisco, California 94105

Sent via USPS mail & Electronic Service:

Stephanie Mitchell  
Office of the Attorney General  
P.O. Box 944255  
Sacramento, California 94244-2550

Electronic Service:  
[Stephanie.Mitchell@doj.ca.gov](mailto:Stephanie.Mitchell@doj.ca.gov)

I declare under penalty of perjury that the foregoing is true. Executed on May 21, 2014, in Berkeley, California.

  
Declarant