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SUPREME COURT COPY

December 13, 2017

Clerk of the Court
California Supreme Court
350 McAllister Street
Room 1295
San Francisco, CA 94102-3600

To whom it may concern,

By appointment of this court, I am the attorney for appellant James Daveggio in case number S110294 in the automatic appeal from a judgment of death. The case has been set for oral argument for January 3, 2018. This letter is to inform the court of the focus issues listed below.

I anticipate focusing my argument primarily upon the following issues, referenced by the Roman numeral used in the Opening and Supplemental Briefs:

1. As discussed in Argument Roman numeral X, the court erred in denying appellant time to rebut arguments made on behalf of co-appellant Michaud, depriving appellant of several constitutional rights, including, but not limited to the right to present a defense, the right to due process of law, and the right to a reliable determination of the facts in a capital case.

2. As discussed in Argument Roman numeral V, the trial court violated appellant's constitutional right to a jury trial when it erroneously instructed the jury that a person who aids and abets is equally guilty of the crime committed by a perpetrator, because the law recognizes that an aider and abettor may be guilty of a lesser-included crime.

Respectfully submitted

David H. Goodwin,
Attorney for appellant Daveggio

DEATH PENALTY

DECLARATION OF SERVICE BY MAIL STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, David Goodwin, declare I am employed in Los Angeles County, am over the age of eighteen (18) years, and not party to the action; my business address is 10153 ½ Riverside Drive, PMB 793, North Hollywood, CA

On December 13, I served an electronic PDF copy of Appellant's Focus Letter for Oral Argument on the interested parties in this action via this court's TrueFiling process on:

Attorney General - San Francisco Office, Attorney for respondent (huy.luong@doj.ca.gov)

California Department of Justice Docket Unit, Attorney for respondent (SFAG.Docketing@doj.ca.gov)

eService California Appellate Project, assisting attorney for Daveggio (filing@capsf.org)

Huy Luong, Attorney for respondent (Huy.Luong@doj.ca.gov)

Janyce Blair, Attorney for Michaud (jkiblair@bleckmanblair.com)

Kathy Moreno, assisting attorney for Michaud (katmoreno@comcast.net)

Steve Kaufman, assisting attorney for Daveggio, (skauffman@capsf.org)

I declare under penalty of perjury the forgoing is true and correct and this proof of Service was executed at Toluca Lake, California on December 13, 2017.

David Goodwin