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April 20, 2022

*Via TrueFiling*

Capital Case

Supreme Court of California  
Attn: Mr. Jorge E. Navarrete  
Court Administrator and Clerk of the Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

Re: *People v. Tupoutoe Mataele*, No. S138052  
Focus Issues for Oral Argument

Dear Mr. Navarrete:

I intend to focus the argument on the following issues:

1. Whether dismissal for cause of Prospective Juror N. requires reversal of the death judgment. (AOB, Arg. 1, pp. 57-75.)
2. Whether exclusion of eyewitness Matthew Towne's statements to Officer Terrance Bowers requires reversal of the convictions. (AOB, Arg. 5, pp. 134-147.)
3. Whether exclusion of Alana Swift Eagle's proffered testimony recounting Ryan Carrillo's statement to her after the shooting – wherein Carrillo implicitly admitted killing Danell Johnson and shifted blame to appellant – requires reversal of the convictions. (AOB, Arg. 6, pp. 148-163.)
4. Whether admission of John Masubayashi's testimony recounting Glenda Perdon's purported out-of-court statement of appellant's purported confession to shooting Danell Johnson requires reversal of the convictions. (AOB, Arg. 7, pp. 164-188.)
5. Whether exclusion of eyewitness Matthew Towne's testimony during the penalty phase requires reversal of the death judgment. (AOB, Arg. 14, pp. 253-265.)

Respectfully submitted,

s/Stephen M. Lathrop  
Stephen M. Lathrop

Attorney for Defendant/Appellant  
Tupoutoe Mataele

**Proof of Service**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 904 Silver Spur Road #430, Rolling Hills Estates, CA 90274. On April 20, 2022, I served the following document(s) described as **Focus Issues for Oral Argument** on the interested parties in this action by placing a true copy thereof enclosed, in a sealed envelope, addressed as follows:

Mr. Tupoutoe Mataele (CDCR #V98936)  
CSP, San Quentin  
1-EB-36  
San Quentin, CA 94974

I am readily familiar with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope containing the above materials and placed the envelope for collection and mailing on this date at the address above following our office's ordinary business practices. The envelope will be deposited with the United States Postal Service on this date, in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 20, 2022, at Rolling Hills Estates, California.

/s/ Stephen M. Lathrop  
Declarant

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. MATAELE  
(TUPOUTOE)**

Case Number: **S138052**

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: **lathrop126813@gmail.com**
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	Focus Issues Letter

Service Recipients:

Person Served	Email Address	Type	Date / Time
Stephen Lathrop Stephen Lathrop 126813	lathrop126813@gmail.com	e-Serve	4/20/2022 3:12:19 PM
Annie Fraser Department of Justice, Office of the Attorney General-San Diego 144662	Annie.Fraser@doj.ca.gov	e-Serve	4/20/2022 3:12:19 PM
Attorney Attorney General - San Diego Office Court Added	sdag.docketing@doj.ca.gov	e-Serve	4/20/2022 3:12:19 PM
Eniola Longe-Atkin Department of Justice, Office of the Attorney General-San Diego	Eniola.LongeAtkin@doj.ca.gov	e-Serve	4/20/2022 3:12:19 PM
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Scott Kauffman 118099	skauffman@capsf.org	e-Serve	4/20/2022 3:12:19 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.

4/20/2022

Date

/s/Stephen Lathrop

Signature

Lathrop, Stephen (126813)

Last Name, First Name (PNum)

Stephen Lathrop

Law Firm