

OFFICE OF THE STATE PUBLIC DEFENDER

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SUPREME COURT COPY

May 10, 2016

Frank A. McGuire
Court Administrator and
Clerk of the Supreme Court
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

SUPREME COURT
FILED

MAY 11 2016

Frank A. McGuire Clerk

Deputy

Re: People v. Michael Ray Burgener - S179181

Dear Mr. McGuire:

The Court has calendared oral argument in the above-referenced case for Friday, May 27, 2016, at 1:30 p.m. I will be arguing on behalf of Mr. Burgener. I intend to focus my argument on Mr. Burgener's claim that the trial court improperly granted the motion to proceed *pro se* at the Penal Code section 190.4, subdivision (e) hearing. (Argument 1 of Appellant's Opening Brief.)

Thank you for bringing this letter to the Court's attention.

Respectfully submitted,

Elias Batchelder
Deputy State Public Defender

cc: Lauren Collins
Federal Public Defender

DEATH PENALTY

DECLARATION OF SERVICE

Re: *People v. Michael Ray Burgener*

Cal. Supreme Ct. No. S179181
(Riverside Co. Sup. Ct. No. 18088)

I, Jon Nichols, declare that I am over 18 years of age, and not a party to the within cause; that my business address is 1111 Broadway, Suite 1000, Oakland, California 94607. On this day, I served a copy of the following document(s):

Oral Argument Focus Letter

by enclosing it in envelopes and

- / / depositing the sealed envelope with the United States Postal Service with the postage fully prepaid;
- /X/ 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 **May 10, 2016**, as follows:

ROBIN URBANSKI
Attorney General's Office
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Deputy Federal Public Defender
Central District of California
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MICHAEL RAY BURGNER, #B-26952
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HABEAS CORPUS RESOURCE
CENTER
303 Second Street, Suite 400 South
San Francisco, CA 94107

CALIFORNIA APPELLATE PROJECT
101 Second Street, Suite 600
San Francisco, CA 94105

I declare under penalty of perjury that the foregoing is true and correct. Signed on **May 10, 2016**, at Oakland, California.


DECLARANT