

April 20, 2015

Office of the Clerk
Supreme Court of California
Attention: Frank A. McGuire
Court Administrator and
Clerk of the Supreme Court
350 McAllister Street
San Francisco, CA 94102-3600

RE: *People v. John Cunningham*
Supreme Court No. S051342

Advisement of Focus Issues

Dear Mr. McGuire:

This case has been placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, San Francisco, California, on May 5, 2015, at 1:30 p.m. On behalf of appellant John Cunningham, and by this letter, I am advising the Court of the issues I intend to focus on at oral argument. I am identifying them by argument number and the statement of the claim as set out in the argument headings in the Appellant's Reply Brief.

VII: THE TRIAL COURT ERRED IN DENYING THE MOTION TO QUASH THE JURY PANEL BASED ON THE SYSTEMATIC EXCLUSION OF HISPANICS.

I: MR. CUNNINGHAM WAS IMPROPERLY RESTRAINED WITHOUT AN ADEQUATE SHOWING OF NEED IN VIOLATION OF THE DUE PROCESS CLAUSES OF THE STATE AND FEDERAL CONSTITUTIONS.

DEATH PENALTY

SUPREME COURT
FILED

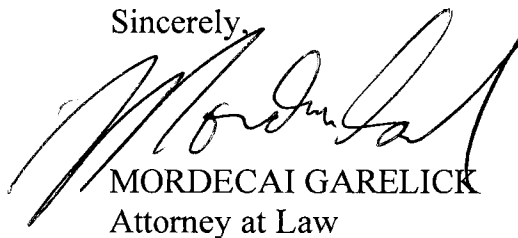
APR 22 2015

Frank A. McGuire Clerk
Deputy

- II: MR. CUNNINGHAM WAS DENIED HIS CONSTITUTIONAL AND STATUTORY RIGHT TO BE PERSONALLY PRESENT AT THIS TRIAL.**
- III: THE EXCESSIVE SHACKLING COERCED A WAIVER OF MR. CUNNINGHAM'S RIGHT TO A JURY TRIAL DURING THE GUILT/INNOCENCE PHASE TO AVOID THE PAIN OF THE RESTRAINTS**
- IV: THE TRIAL COURT ERRED IN ACCEPTING THE FUNCTIONAL EQUIVALENT OF A GUILTY PLEA WITHOUT AN ADEQUATE ADVISEMENT OF RIGHTS**

Thank you very much.

Sincerely,



MORDECAI GARELICK
Attorney at Law

Attorney for appellant John Cunningham

cc. Ronald A. Jakob, Deputy Attorney General
Valerie Hriciga, California Appellate Project

SUPREME COURT COPY

Declaration of Service

People v. John Cunningham

California Supreme Court Case Automatic Appeal No. S051342
(related to San Bernardino County Superior Court No. RCR 22225)

I, Fernando Yu Lei, declare that I am a citizen of the United States, employed in the City and County of San Francisco, I am over the age of 18 years and not a party to this action or cause, my current business address is 101 Second Street, Suite 600, San Francisco, California 94105.

I served a true copy of the following document:

Letter of ADVISEMENT OF FOCUS ISSUES

on the following parties, hereinafter named, by:

✓ Causing a true copy thereof to be delivered on April 20, 2015 to the office of the following party shown below at the address indicated by leaving the same with a person apparently in charge and over the age of 18 years:

Valerie Hriciga, Esq.
California Appellate Project
101 Second Street, Suite 600
San Francisco, CA 94105

✓ Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as follows on April 20, 2015:

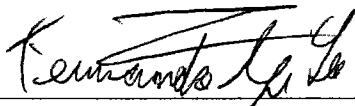
Ronald A. Jakob, Deputy Attorney General
Office of the Attorney General –San Diego Office
P.O. Box 85266-5299
San Diego, CA 92186-5266

✓ Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as follows on April 22, 2015:

John Cunningham, J-92425
CSP-San Quentin
NBN-9
San Quentin, CA 94974

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on April 22, 2015, at San Francisco, California.


Fernando Yu Lei