

SUPREME COURT COPY

LAW OFFICE OF CLIFF GARDNER
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November 10, 2015

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

SUPREME COURT
FILED

NOV 16 2015

Frank A. McGuire Clerk

Deputy

Re: *People v. O'Malley*, S024046

Dear Mr. McGuire:

I represent appellant James O'Malley in the above captioned case. The case has been calendered for argument on December 1, 2015.

Time permitting, I will focus on three issues: (1) the prosecutor's use of peremptory challenges to strike the only prospective African-American jurors called to the jury box (presented as Argument I in both Appellant's Opening Brief and Appellant's Reply Brief), (2) the trial court's refusal to allow Mr. O'Malley to discharge the lawyer he himself had retained unless Mr. O'Malley met the standard for discharging court-appointed counsel set forth in *People v. Marsden* (1970) 2 Cal.3d 118 (presented as Argument XIII in Appellant's Opening Brief and Argument VIII in Appellant's Reply Brief) and (3) the trial court's denial of the new trial motion (presented as Argument XVIII in Appellant's Opening Brief).

If you have any questions, or need any additional information, please feel free to contact me.

Sincerely,



Cliff Gardner

DEATH PENALTY

RECEIVED

NOV 16 2015

CLERK SUPREME COURT

CERTIFICATE OF SERVICE

The undersigned is over 18 years of age. My business address is 1448 San Pablo Avenue, Berkeley, California, 94702. I am not a party to this action.

On November 10, 2015, I served the

APPELLANT'S FOCUS LETTER

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

Richard Neuhoff
11 Franklin Square
New Britain, Conn. 06051

Office of the Attorney General
455 Golden Gate Avenue
Suite 11000
San Francisco, CA 94102

Mr. James O'Malley
H-18000
San Quentin State Prison
San Quentin, CA 94974

HCRC
303 Second Street,
Suite 400 South
San Francisco, CA 94107

I declare under penalty of perjury that the foregoing is true. Executed on November 20, 2015 in Berkeley, California.



Cliff Gardner