

JOHN L. STALEY, ATTORNEY
12463 RANCHO BERNARDO ROAD, NO. 372
SAN DIEGO, CALIFORNIA 92128-2143
(858) 335-2713; JOHNSTALEYLAW@GMAIL.COM

CAPITAL CASE

October 19, 2022

California Supreme Court
350 McAllister St.
San Francisco, CA 94102

RE: Oral Argument in People v. Thomas, S161781

To the Court:

I am counsel for appellant for the above case. Oral argument has been scheduled for November 2, 2022. My argument will focus on Issues I and V of Appellant's Opening Brief. Issue I is whether the trial court erred by admitting evidence that appellant committed a murder in Texas and planned to murder a third party. Issue V is whether the first degree murder conviction should be reversed because the jury instruction for the lesser included offense of second degree murder was flawed and precluded the jury from determining whether the crime was second degree murder.

Sincerely,

/S/ John L. Staley

cc: See Proof of Service

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE
(People v. Thomas, Superior Court Case No. RIF-086792;
Supreme Court No. S161781)

I reside in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 12463 Rancho Bernardo Road, No. 372, San Diego, CA 92128-2143. On October 19, 2022, I serve the foregoing document described as: **APPELLANT'S FOCUS LETTER FOR ORAL ARGUMENT** on all parties to this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Clerk's Office
California Supreme Court
350 McAllister St.
San Francisco, CA 94102-3600

Docketing
California Appellate Project
234 California St
No. 1400
San Francisco, CA 9410

Office of the Attorney General
110 West A St.
P.O. Box 85266
San Diego, CA 92186-5266

Via United States Mail, first class postage prepaid:

Justin Thomas, G11032
CSP-SQ
San Quentin, CA 94974

I caused such envelope with postage prepaid to be placed in the United States mail in San Diego, California. Executed on October 19, 2022, in San Diego, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/S/ John L. Staley

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. THOMAS (JUSTIN HEATH)**

Case Number: **S161781**

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: **johnlstaley@aol.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	Thomas Focus Letter 19 Oct 2022

Service Recipients:

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Joanna Birney DOJ- AG	Joanna.Birney@doj.ca.gov	e-Serve	10/19/2022 2:37:52 PM
john staley John L. Staley, Attorney 129624	johnlstaley@aol.com	e-Serve	10/19/2022 2:37:52 PM
Attorney Attorney General - San Diego Office Robin Urbanski, Supv. Deputy Attorney General	sdag.docketing@doj.ca.gov	e-Serve	10/19/2022 2:37:52 PM
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Attorney Attorney General - San Diego Office Ronald A. Jakob, Deputy Attorney General 131763	ronald.jakob@doj.ca.gov	e-Serve	10/19/2022 2:37:52 PM
Michael Butera Office of the Attorney General 295601	Michael.Butera@doj.ca.gov	e-Serve	10/19/2022 2:37:52 PM
Attorney Attorney General - San Diego Office Holly Wilkens, Supervising Deputy Attorney General 88835	Holly.Wilkens@doj.ca.gov	e-Serve	10/19/2022 2:37:52 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.

10/19/2022

Date

/s/john staley

Signature

staley, john (129624)

Last Name, First Name (PNum)

John L. Staley, Attorney

Law Firm