Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
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DEATH PENALTY

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September 28, 2026

Hon. Jorge Navarette
Clerk, California Supreme Court
350 McAllister
San Francisco 94102
Via Truefiling

Re: *People v. Madison,* No. S174886
Focus Issues and New Authorities

Dear Mr. Navarette:

This matter is set for oral argument on October 7, 2026. Counsel for appellant plans to focus on the following issues:

AOB Argument I: Failure to Reject Provocation Witness's Fifth Amendment Claim

AOB Arguments III and VII: Failure of Proof That Appellant Intended to Torture

AOB Arguments IV and VII: Reliance on Instructions and Arguments Obscuring Element of Intent to Cause Prolonged Pain

Regarding Arguments IV and VII, new authorities guide the harmless error analysis.

In *People v. Aledemat* (2019) 8 Cal.5th 1, 13, this Court held that alternative theory errors are subject to the *Chapman* standard: the reviewing court must reverse the conviction unless, after examining the entire cause, including the evidence, and considering all relevant circumstances, it determines the error was harmless beyond a reasonable doubt.

Chapman review also applies "to instructions that provide an incomplete or misleading description of what is necessary to establish an element of the offense." (*People v. Schuller* (2023) 15 Cal.5th 237, 257) and does not allow the court to weigh the evidence, nor to affirm a conviction where the element was contested and the record contains evidence that could rationally lead to a contrary finding. (*Id*., at p. 261.)

Respectfully submitted,

_____/S/_____
JEANNE KEEVAN-LYNCH
Attorney for Appellant

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STATE OF CALIFORNIA
Supreme Court of California

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/s/JEANNE KEEVAN-LYNCH
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Law Firm