

COPY

KAMALA D. HARRIS
Attorney General

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DEPARTMENT OF JUSTICE



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SUPREME COURT COPY

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November 16, 2015

SUPREME COURT
FILED

NOV 16 2015

Frank A. McGuire Clerk

Deputy

April Boelk
Automatic Appeals Unit Supervisor
Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102-4797

RE: *James F.*
People v. O'Malley
Supreme Court of the State of California, Case No. S024046

Dear:

Oral argument has been scheduled for the afternoon of December 1, 2015. If you would please advise the Court that counsel for respondent intends to address the following issues raised in appellant's opening brief: (I) the prosecutor's use of peremptory challenges to strike the only prospective African-American jurors called to the jury box, (XIII) the trial court's refusal to allow appellant to discharge his trial lawyer, and (XVIII) the trial court's denial of appellant's new trial motion.

Respondent will of course be prepared to address any other issues on which the Court has questions.

Sincerely,

NANETTE WINAKER
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

NW:er

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DEATH PENALTY

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *People v. O'Malley*

No.: S024046

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 16, 2015, I served the attached **FOCUS LETTER TO APRIL BOELK, AUTOMATIC APPEALS UNIT SUPERVISOR** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Cliff Gardner (2 copies)
Attorney at Law
1448 San Pablo Avenue
Berkeley, CA 94702
Attorney for Appellant O'Malley

Richard C. Neuhoff
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11 Franklin Square
New Britain, CT 06051

Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

The Honorable Jeffrey F. Rosen
District Attorney
Santa Clara County District Attorney's
Office
70 W. Hedding Street
San Jose, CA 95110

County of Santa Clara
Criminal Division - Hall of Justice
Superior Court of California
191 North First Street
San Jose, CA 95113-1090

California Appellate Project
101 Second Street, Suite 600
San Francisco, CA 94105-3647

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 16, 2015, at San Francisco, California.

E. Rios
Declarant

E. Rios
Signature