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February 23, 2018

**Via TrueFiling**

Supreme Court of California  
Attn: Mr. Jorge E. Navarrete  
Court Administrator and Clerk of the Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-4797

Re: *People v. Richard Penunuri*, No. S095076  
Focus Issues for Oral Argument, First Amended

Dear Mr. Navarrete:

The Court requested counsel advise it and opposing counsel by letter of those issues on which counsel expects to focus the argument. I intend to focus on the following issues:

1. Whether the trial court’s dismissal for cause of Prospective Juror Metcalf requires reversal of the death judgment. (Argument I.)
2. Whether admission of out-of-court statements and prior testimony of Carlos Arias warrant reversal of the convictions in counts 3, 4 and 5. (Argument IX.)
3. Whether admission of out-of-court statements of Alejandro Delaloza warrant reversal of the convictions in counts 1, 2, 4 and 5. (Argument X.)
4. Whether the trial court’s remarks in the presence of the jury warrant reversal of the convictions. (Argument XII.)

Respectfully submitted,

s/Stephen M. Lathrop  
Stephen M. Lathrop

Attorney for Defendant/Appellant  
Richard Penunuri

**Proof of Service**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 904 Silver Spur Road #430, Rolling Hills Estates, CA 90274. On February 23, 2018, I served the following document(s) described as **Focus Issues for Oral Argument, First Amended** on the interested party(ies) in this action by placing    the original or   X   a true copy thereof enclosed, in (a) sealed envelope(s), addressed as follows:

Richard Penunuri, #T-06637  
CSP-SQ  
IAC11  
San Quentin, CA 94974

I am readily familiar with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing on this date at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

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 February 23, 2018, at Rolling Hills Estates, California.

  /s/ Stephen M. Lathrop    
Declarant

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **PEOPLE v. PENUNURI  
(RICHARD)**

Case Number: **S095076**

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: **lathrop126813@gmail.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	Focus Issues for Oral Argument First Amended

Service Recipients:

Person Served	Email Address	Type	Date / Time
Attorney General - Los Angeles Office E. Carlos Dominguez, Deputy Attorney General LAG	carlos.dominguez@doj.ca.gov	e-Service	2/23/2018 3:43:19 PM
Carlos Dominguez CA Attorney General's Office - Los Angeles 241097	carlos.dominguez@doj.ca.gov	e-Service	2/23/2018 3:43:19 PM
eService California Appellate Project California Appellate Project 000000	filing@capsf.org	e-Service	2/23/2018 3:43:19 PM
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Stephen Lathrop Stephen Lathrop 126813	lathrop126813@gmail.com	e-Service	2/23/2018 3:43:19 PM
Stephen Lathrop Law Offices of Lathrop & Villa 126813	stephen.lathrop@cox.net	e-Service	2/23/2018 3:43:19 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.

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Date

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/s/Stephen Lathrop

Signature

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Lathrop, Stephen (126813)

Last Name, First Name (PNum)

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Stephen Lathrop

Law Firm