

SUPREME COURT COPY

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COPY

May 21, 2014

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

SUPREME COURT
FILED

MAY 22 2014

Frank A. McGuire Clerk

Deputy

Re: *People v. Grimes*, S076339

Dear Mr. McGuire:

I represent appellant Gary Grimes in the above captioned case. The case has been calendered for argument on May 28, 2014.

One of the issues I identified for oral argument in my focus letter of May 7, 2014 involved the trial court's exclusion of evidence that John Morris admitted acting alone in committing the murder (presented as Argument IV in Appellant's Opening Brief and Argument III in Appellant's Reply Brief). I would like to bring to the Court's attention on this issue a case decided after the close of briefing: *People v. Weaver* (2012) 53 Cal.4th 1056, 1086, 1089.

In addition, I wanted to advise the Court (and opposing counsel) that my argument may also focus on the jury misconduct issues raised as Argument XVIII in the opening brief and Argument X in the reply brief.

If you have any questions, or need any additional information, please feel free to contact me. Because of the timing of this letter, and to ensure opposing counsel receives it in a timely fashion, I have served it both by regular mail and electronically.

Sincerely,



Cliff Gardner

DEATH PENALTY

CERTIFICATE OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action. My business address is 1448 San Pablo Avenue, Berkeley, California 94702. I am not a party to this action.

On May 21, 2014, I served the within

LETTER DATED MAY 21, 2014, *PEOPLE V. GRIMES*, S076339

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

Mr. Gary Grimes
CDC: P-27200
San Quentin State Prison
San Quentin, California 94974

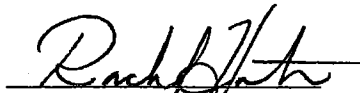
California Appellate Project
101 Second Street
Suite 600
San Francisco, California 94105

Sent via USPS mail & Electronic Service:

Stephanie Mitchell
Office of the Attorney General
P.O. Box 944255
Sacramento, California 94244-2550

Electronic Service:
Stephanie.Mitchell@doj.ca.gov

I declare under penalty of perjury that the foregoing is true. Executed on May 21, 2014, in Berkeley, California.


Declarant