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7 Counsel for Petitioner

8
9 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10
11 Rudi Alfred Apelt,
12 Petitioner,

13 vs.

14 Dora Schriro, et al.,
15 Respondents.

No. CIV 97-1249-PHX-ROS

Death Penalty Case

Bi-Monthly Status Report

16
17
18 Petitioner Rudi Alfred Apelt ("Rudi Apelt"), through counsel and pursuant to
19 the order issued by the Court on November 18, 2002, (District Court Docket Entry
20 Number ("Doc. No.") 151), hereby notifies the Court and the parties of the status of
21 his petition for post-conviction relief filed in the Pinal County Superior Court. The
22 Court directed counsel for Rudi Apelt to file bi-monthly status reports on his claim
23 based on *Atkins v. Virginia*, 536 U.S. 304 (2002), filed in the state superior court.
24 (Doc. No. 151.)

25 The notice of petition for post-conviction relief was filed on November 26,
26 2002, and Rudi Apelt filed his petition for post-conviction relief on May 23, 2003.

27 The state court conducted an evidentiary hearing which began on April 30,
28 2007, and concluded on May 11, 2007. Prior to the hearing, the state's motion to

1 bifurcate the hearing, which was granted, was held on September 28, 2007. At the
2 hearing, the court granted counsel's request for further testing of Rudi Apelt. The
3 testing is scheduled for December 27, 2007. The next status conference in the state
4 court has been calendared for January 15, 2008, at 10:30 a.m.

5 Respectfully submitted this 20th day of November 2007.

6 Jon M. Sands
7 Federal Public Defender
8 Dale A. Baich
9 Ken Murray

10 s/ Dale A. Baich
11 Counsel for Petitioner

12 Certificate of Service

13 I hereby certify that on November 20, 2007, I electronically transmitted the
14 attached document to the Clerk's Office Using the CM/ECF System for filing and
15 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

16
17 Sherri Rollison
18 Assistant Attorney General
19 Attorney General's Office

20 s/ Cheryl A. Scates
21 Cheryl A. Scates
22 Senior Legal Secretary
23 Capital Habeas Unit

24 I:\Baich\2_Open Cases\APELT\usdc\bimonthlystatusreport112007.wpd