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3	Cliona Plunkett (Bar No. 256648)  HABEAS CORPUS RESOURCE CENTER  303 Second Street, Suite 400 South		
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7	Facsimile: (415) 348-3873 E-mail: docketing@hcrc.ca.gov		
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9	Attorneys for Petitioner Ernest Dewayne Jones  UNITED STATES DISTRICT COURT		
10	FOR THE CENTRAL DISTRICT OF CALIFORNIA		
11	ERNEST DEWAYNE JONES,	Case No. CV-09-2158-CJC	
12	Petitioner,	<b>DEATH PENALTY CASE</b>	
13	V.		
14		EX PARTE APPLICATION TO FILE PETITIONER'S REPLY BRIEF	
15	KEVIN CHAPPELL, Warden of	REGARDING THE APPLICATION	
16	California State Prison at San Quentin,	OF 28 U.S.C. § 2254(d) IN EXCESS	
17	Respondent.	OF PAGE LIMITS	
18	Pursuant to Rule 7-19 of the Local Rules for the United States District Court for the Central District of California, Petitioner Ernest Dewayne Jones hereby applies for an order granting him permission to file Petitioner's Reply Brief Regarding the Application of 28 U.S.C. § 2254(d) in excess of fifty pages. <i>See</i> Order Granting Extension to File Opening Brief and Imposing Page Limit, filed September 6, 2012, ECF No. 81 (setting page limit at fifty pages).  Petitioner attempted to contact respondent's counsel to advise him of this request, but was unsuccessful. The contact information for counsel for respondent		
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27	is as follows:		
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1	HERBERT S. TETEF Deputy Attorney General 300 South Spring Street, Suite 1702 Los Angeles, CA 90012		
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4	Telephone: (213) 897-0201		
5	Facsimile: (213) 897-6496 Email: DocketingLAAWT@doj.ca.gov		
6	The reasons for this application are set out in the attached Declaration of		
7	Michael Laurence.		
8			
9	Dated: January 27, 2014	Respectfully submitted,	
10	_	HABEAS CORPUS RESOURCE CENTER	
11		IINDENS CORTOS RESOURCE CENTER	
12	By:	/ s / Michael Laurence	
13	·	Michael Laurence	
14		Attorney for Petitioner Ernest Dewayne Jones	
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## **DECLARATION OF MICHAEL LAURENCE**

- I, Michael Laurence, declare as follows:
- 1. I am an attorney at law admitted to practice by the State of California and before this Court. I am the Executive Director of the Habeas Corpus Resource Center. I was appointed as lead counsel for Petitioner Ernest Dewayne Jones in the above-referenced matter by this Court in an order dated April 14, 2009.
- 2. On November 12, 2013, this Court issued an order granting an extension of time in which to file Petitioner's Reply Briefing Under Section 2254(d), to January 13, 2014, and ordered Petitioner to address "how *each of the thirty claims* asserted in his petition satisfies § 2254(d)(1) and/or § 2254(d)(2)" (emphasis in original). ECF No. 96.
- 3. On January 7, 2014, Petitioner filed a request for an additional thirty days by which to file the brief on the non-evidentiary hearing claims. ECF No. 98. On January 9, 2014, this Court ordered Petitioner to file his reply brief no later than January 27, 2014.
- 3. Petitioner's brief replies to arguments made by respondent in his opposition with respect to those claims raised in the Motion for Evidentiary Hearing, and also contains briefing under section 2254(d) for all remaining claims contained in the Petition for Writ of Habeas Corpus. The briefing requires, at the very least, the following four tasks: (1) describing the current federal habeas legal framework applicable to all of the claims, including recent decisions; (2) documenting the prima facie showing that was made in state court for each claim, including respondent's informal response and the state court's order(s); (3) setting out relevant details of the clearly established federal law for each claim; and (4) conducting detailed analysis under sections 2254(d)(1) and (d)(2) for each claim.
- 4. The state court record was extensive and the claims raised in state court were factually complex and involved numerous sub-claims. With respect to

- 5. We have attempted to comply with the Court's page limit; however, additional space is necessary to adequately address the general application of section 2254(d) to all claims contained in the Petition for Writ of Habeas Corpus. Given the above-described factors and the importance of the briefed issues to resolving the merits of this case, 265 pages is necessary to complete the current briefing and provide respondent and this Court a sufficient basis for addressing the application of section 2254(d) in this case.
- 6. On January 27, 2014, Cliona Plunkett telephoned Herbert S. Tetef, Deputy Attorney General, and counsel for Respondent, and left a voicemail message informing him of this request. Mr. Tetef has not responded to the message.

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States on January 27, 2014.

/s/ Michael Laurence

Michael Laurence Counsel for Ernest Dewayne Jones