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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ERNEST DEWAYNE JONES,

Petitioner,

v.

KEVIN CHAPPELL, Warden of
California State Prison at San
Quentin,

Respondent.

Case No. CV-09-2158-CJC

DEATH PENALTY CASE

**Ex Parte Application to File
Petitioner's Opening Brief on
Claim 27 in Excess of Page Limits**

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 permission to file an opening brief that exceeds the twenty-five (25) page limit prescribed by Local Rule 11-6.

Petitioner has advised Respondent's counsel of this request and he does not oppose it. The contact information for counsel for Respondent is as follows:.

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Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90012

1 Telephone: (213) 897-0201

2 Facsimile: (213) 897-6496

3 Email: DocketingLAAWT@doj.ca.gov

4 The reasons for this application are set out in the attached Declaration of
Michael Laurence.

5 Dated: June 9, 2014

Respectfully submitted,

6 HABEAS CORPUS RESOURCE CENTER

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8 By: /s/ Michael Laurence

9 Michael Laurence

10 Cliona Plunkett

11 Attorneys for Petitioner

12 Ernest Dewayne Jones

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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 April 10, 2014, this Court issued an order requesting the parties to file simultaneously opening briefs regarding the constitutionality of petitioner's death sentence given the delays in execution of sentence in California and the uncertainty that his sentence will ever be carried out.

3. Pursuant to L.R 11-6, “no memorandum of points and authorities, pre-trial brief, trial brief, or post-trial brief shall exceed 25 pages in length.” Petitioner seeks permission to file a pleading that is in excess of 25 pages.

4. The briefing requires the following tasks: (1) describing and documenting the dysfunction in California's death penalty system; and (2) setting out the legal arguments applicable to this claim.

5. We have attempted to comply with the Court's page limit; however, with the briefing completed, it is clear that additional space is necessary to adequately address the issues raised by this Court's April 10, 2014 Order. Given the above-described factors and the importance of the briefed issues to resolving the merits of this case, another 22 pages are necessary to complete the current briefing.

5. On June 9, 2014, Ms. Cliona Plunkett, counsel for petitioner, spoke to Herbert Tetef, counsel for respondent, and informed him of the substance of this request. Mr. Tetef authorized petitioner's counsel to represent to the Court that he has no objection to this application.

1 Dated: June 9, 2014

Respectfully submitted,

2 HABEAS CORPUS RESOURCE CENTER

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4 By: /s/ Michael Laurence

5 Michael Laurence

6 Cliona Plunkett

7 Attorneys for Petitioner

8 Ernest Dewayne Jones