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11 Attorneys for Petitioner ERNEST DEWAYNE JONES

12 UNITED STATES DISTRICT COURT

13 FOR CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

14 Ernest Dewayne Jones,

15 Petitioner,

16 v.

17 Vincent Cullen, Acting Warden of
18 California State Prison at San Quentin,

19 Respondent

20 Case No. CV-09-2158-CJC

21 DEATH PENALTY CASE

22 PETITIONER'S UNOPPOSED EX
23 PARTE APPLICATION FOR A 30-
24 DAY EXTENSION OF TIME TO
25 FILE HIS MOTION FOR
26 EVIDENTIARY HEARING;
27 DECLARATION OF MICHAEL
28 LAURENCE

1 Pursuant to Rule 7-19 of the Local Rules for the United States District Court for
2 the Central District of California, petitioner Ernest Dewayne Jones hereby applies for
3 an order granting a final 30-day extension of time, to an including February 3, 2011, to
4 file his Motion for Evidentiary Hearing. The Motion for Evidentiary hearing is
5 currently due to be filed January 4, 2011.

6 The basis for this request is set forth in the attached Declaration of Michael
7 Laurence. Petitioner has advised counsel for respondent of this request, and counsel
8 does not oppose this application. The contact information for counsel for respondent is
9 as follows:

1 HERBERT S. TETEF
2 Deputy Attorney General
3 300 South Spring Street, Suite 1702
4 Los Angeles, CA 90012
5 Telephone: (213) 897-0201
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7 Email: DocketingLAAWT@doj.ca.gov

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10 Dated: December 28, 2010

11 Respectfully submitted,

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HABEAS CORPUS RESOURCE CENTER

/s/ Michael Laurence

By: Michael Laurence
Attorneys for Ernest Dewayne Jones

1 **DECLARATION OF MICHAEL LAURENCE IN SUPPORT OF**
2 **PETITIONER’S EX PARTE APPLICATION FOR A 30-DAY EXTENSION OF**
3 **TIME TO FILE HIS MOTION FOR EVIDENTIARY HEARING**

4 I, Michael Laurence, declare as follows:

5 1. I am an attorney at law admitted to practice by the State of California and
6 before this Court. I am the Executive Director of the Habeas Corpus Resource Center.
7 I was appointed as lead counsel for petitioner Ernest DeWayne Jones in the above-
8 referenced matter by this Court in an order dated April 14, 2009.

9 2. On March 10, 2010, petitioner filed a Petition for Writ of Habeas Corpus
10 by a Prisoner in State Custody (28 U.S.C. § 2254). Respondent filed an Answer to
11 Petition for Writ of Habeas Corpus on April 6, 2010.

12 3. The parties submitted a joint briefing schedule that this Court adopted on
13 April 12, 2010.

14 4. On July 7, 2010, the parties submitted a joint stipulation regarding
15 discovery and a proposed briefing schedule in which the parties agreed to adhere to the
16 briefing schedule outlined in the April 8, 2010 joint stipulation. This Court adopted
17 the stipulation of the parties by order dated July 12, 2010.

18 5. In accordance with the joint briefing schedule, petitioner’s Motion for
19 Evidentiary Hearing (Motion) was due on November 5, 2010. Petitioner previously
20 requested, and this Court granted, a single 60-day extension of time to file the Motion
21 for Evidentiary Hearing. The Motion is currently due on January 4, 2011.

22 6. Since the granting of the extension, counsel for petitioner have diligently
23 researched, investigated, and drafted the Motion. I estimate that seventy percent of the
24 Motion has been drafted. In addition to drafting the remaining sections, the entire
25 Motion must be edited to reduce the length of the Motion—by removing less critical
26 and duplicative information—and ensure precision in the presentation.

27 7. Despite our diligent efforts, however, I will be unable to file the Motion
28 by January 4, 2011, primarily because of conflicting obligation in other capital cases.

1 In addition to preparing the Motion for Evidentiary Hearing in this case, in November,
2 I completed the evidentiary hearing in *Ashmus v. Wong*, No. 93-CV-00594-TEH,
3 before the District Court for the Northern District of California. On December 7, 2010,
4 as the supervising attorney in *In re Kelly*, California Supreme Court Case No.
5 S161036, I filed a 311-page Amended Petition for Writ of Habeas Corpus. In addition,
6 I am responsible for supervising the filing of the extensive Reply to the Informal
7 Response to the Amended Petition for Writ of Habeas in *In re Abilez*, Case No.
8 S155651, in the California Supreme Court on January 5, 2011.

9 8. I also have ongoing administrative and managerial responsibilities as
10 Executive Director of HCRC that have adversely affected our ability to file the Motion
11 on January 4, 2011. In particular, the recent discovery of additional budget shortfalls
12 has added unexpected administrative tasks that have required my immediate attention.

13 9. On December 28, 2010, Ms. Cliona Plunkett, counsel for petitioner, spoke
14 to Herbert Tetef, counsel for respondent, and informed him of the substance of this
15 request for additional time, including the proposed due date. Mr. Tetef authorized
16 petitioner's counsel to represent to the Court that he has no objection to this request.

17 10. There has been one prior request for a continuance with respect to the
18 filing of petitioner's Motion for Evidentiary Hearing. I anticipate that petitioner will
19 not request any further extensions and that the Motion will be filed on or before
20 February 3, 2011.

21 The foregoing is true and correct and executed under penalty of perjury under
22 the laws of the United States on December 28, 2010.

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25 /s/ Michael Laurence
26 Michael Laurence
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