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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 14-
 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 14-day extension of time, to an including February 17, 2011,
 4 to file his Motion for Evidentiary Hearing. The Motion for Evidentiary hearing is
 5 currently due to be filed February 3, 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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10 Dated: January 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 14-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, two extensions of time to file the Motion for
21 Evidentiary Hearing, totaling ninety days. The Motion is currently due on February 3,
22 2011.

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

28 7. Although at the time I filed the previous extension of time request I

1 expected that this process would be completed by February 3, 2011, unexpected
2 developments have prevented me from doing so. The primary reason for my inability
3 to do so has been my unanticipated absence from the office for nine days this month,
4 for illness and other personal matters. In addition, I have to take approximately two
5 additional days next week to care for a family member undergoing surgery.

6 8. In addition to preparing the Motion for Evidentiary Hearing in this case,
7 in January, I had conflicting commitments in other capital cases and administrative
8 duties as Executive Director of the Office. On January 5, 2011, I supervised the filing
9 of an extensive Reply to the Informal Response to the Amended Petition for Writ of
10 Habeas in *In re Abilez*, Case No. S155651, in the California Supreme Court. In
11 addition, I had managerial responsibilities that required my attention, including those
12 related to budgeting in light of the Governor Brown's announcement of cuts in state
13 spending.

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

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

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

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25
26 /s/ Michael Laurence
Michael Laurence