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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 Michael Martel, 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 A SUPPLEMENTAL BRIEF
 26 ADDRESSING HIS ENTITLEMENT
 27 TO AN EVIDENTIARY HEARING

28 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 a 30-day extension of time, to an including June 17, 2011, to file a
 supplemental brief addressing his entitlement to an evidentiary hearing in view of the
 Supreme Court's holding in *Cullen v. Pinholster*, 131 S. Ct. 1388 (2011). The brief is
 currently due to be filed May 18, 2011.

Petitioner has advised counsel for respondent of this request, and counsel does
 not oppose this application. The contact information for counsel for respondent is as
 follows:

HERBERT S. TETEF

1 Deputy Attorney General
2 300 South Spring Street, Suite 1702
3 Los Angeles, CA 90012
4 Telephone: (213) 897-0201
5 Facsimile: (213) 897-6496
6 Email: DocketingLAAWT@doj.ca.gov

7 Dated: May 17, 2011

8 Respectfully submitted,

9 HABEAS CORPUS RESOURCE CENTER

10 /s/ Michael Laurence

11 By: Michael Laurence
12 Attorneys for Ernest Dewayne Jones
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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 April 6, 2011, this Court issued an order vacating the briefing
10 schedule previously adopted by the Court and ordered Petitioner to file a supplemental
11 brief on or before May 18, 2011, addressing his entitlement to an evidentiary hearing
12 in view of the Supreme Court’s holding in *Cullen v. Pinholster*, 131 S. Ct. 1388
13 (2011).

14 3. Since this Court’s order, counsel for petitioner have diligently reviewed
15 *Cullen v. Pinholster* and *Harrington v. Richter*, 131 S. Ct. 770 (2011). In addition,
16 counsel have researched and begun to analyze the implications these recent Supreme
17 Court decisions have on California’s post-conviction practice and the interplay of 28
18 U.S.C. section 2254(d). However, the legal issues presented are complex and I am
19 requesting additional time to assess and research the effect of *Pinholster* on the petition
20 filed in this case and petitioner’s request for an evidentiary hearing on several claims.

21 4. I have been unable to undertake the additional research required because
22 of conflicting commitments in other capital cases. On May 16, 2011, I supervised the
23 filing of an extensive Post Hearing Brief in *Ashmus v. Martel*, Case No. 93-CV-00594-
24 TEH (N.D. Cal.). My administrative duties as executive director are ongoing and
25 much of my attention also has been focused on addressing budget issues in light of
26 impending budget cuts.

27 5. On May 16, 2011, Ms. Cliona Plunkett, counsel for petitioner, spoke to
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1 Herbert Tetef, counsel for respondent, and informed him of the substance of this
2 request for additional time, including the proposed due date. Mr. Tetef authorized
3 petitioner's counsel to represent to the Court that he has no objection to this request.

4 6. There have been no prior requests for a continuance with respect to the
5 filing of petitioner's supplemental briefing. I anticipate that the brief will be filed on
6 or before June 17, 2011.

7 The foregoing is true and correct and executed under penalty of perjury under
8 the laws of the United States on May 17, 2011.

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11 /s/ Michael Laurence
12 Michael Laurence
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