

1 MICHAEL LAURENCE, State Bar No. 121854  
 2 PATRICIA DANIELS, State Bar No. 162868  
 3 CLIONA PLUNKETT, State Bar No. 256648  
 4 HABEAS CORPUS RESOURCE CENTER  
 5 303 Second Street, Suite 400 South  
 6 San Francisco, California 94107  
 7 Telephone: (415) 348-3800  
 8 Facsimile: (415) 348-3873  
 9 Email: docketing@hrcr.ca.gov  
 10 mlaurence@hrcr.ca.gov

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 July 18, 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 June 17, 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:

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  
6 Facsimile: (213) 897-6496  
7 Email: DocketingLAAWT@doj.ca.gov

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10 Dated: June 10, 2011

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 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.     On May 18, 2011, the Court granted petitioner’s request for a 30 day  
15 extension of time within which to file the supplemental briefing. The supplemental  
16 brief is currently due on June 17, 2011.

17          4.     Since the granting of the extension, counsel for petitioner have continued  
18 to research and analyze the impact of *Cullen v. Pinholster* and *Harrington v. Richter*,  
19 131 S. Ct. 770 (2011) on California’s post-conviction practice and the interplay of 28  
20 U.S.C. section 2254(d). Counsel also have begun to research the effect of *Pinholster*  
21 on petitioner’s request for an evidentiary hearing on several claims.

22          5.     Although I had expected to have our analysis and drafting of the  
23 supplemental brief completed by this time, unexpected developments have prevented  
24 us from doing so. Ms. Daniels, who has been petitioner’s counsel for more than ten  
25 and a half years, and is co-counsel on this case, has tendered her resignation. Since  
26 submitting her resignation, Ms. Daniels has spent much of her time consulting with her  
27 case teams about, and finishing up, outstanding tasks on her seven active cases. Ms.  
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1 Daniels has over seventeen years experience in capital post-conviction work, and I will  
2 now have to take on many of the tasks that I would have expected Ms. Daniels to  
3 undertake in supervising and writing the supplemental brief.

4 6. On June 9, 2011, Ms. Cliona Plunkett, counsel for petitioner, left a  
5 message for Mr. Herbert Tetef, counsel for respondent, and informed him of the  
6 substance of this request for additional time, including the proposed due date. In a  
7 message left on June 10, 2011, Mr. Tetef authorized petitioner's counsel to represent to  
8 the Court that he has no objection to this request.

9 7. There has been one prior request for a continuance with respect to the  
10 filing of petitioner's supplemental briefing. I anticipate that the brief will be filed on  
11 or before July 18, 2011.

12 The foregoing is true and correct and executed under penalty of perjury under  
13 the laws of the United States on June 10, 2011.

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16 /s/ Michael Laurence  
17 Michael Laurence  
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GOOD CAUSE APPEARING, petitioner's Ex Parte Application For A 30-Day Extension Of Time To File A Supplemental Brief Addressing His Entitlement To An Evidentiary Hearing is HEREBY GRANTED. Petitioner is ordered to file a Supplemental Brief Addressing His Entitlement To An Evidentiary Hearing on or before July 18, 2011.

IT IS SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
CORMAC J. CARNEY  
United States District Judge

[PROPOSED] ORDER GRANTING PETITIONER'S UNOPPOSED EX PARTE APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A SUPPLEMENTAL BRIEF ADDRESSING HIS ENTITLEMENT TO AN EVIDENTIARY HEARING CV-09-2158-CJC