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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LARRY ROBERTS,

11 Petitioner,

No. CIV S-93-0254 TLN DAD

12 vs.

DEATH PENALTY CASE

13 WARDEN, San Quentin State
14 Prison,

15 Respondent.

ORDER

16 _____/
17 On April 12, 2013, the undersigned held a status conference in the above-entitled
18 action. Assistant Federal Defender Brian Abbington appeared for petitioner. Attorney Robert
19 Bloom appeared telephonically for petitioner. Deputy Attorney General Glenn Pruden appeared
20 for respondent. At that time, counsel informed the court that they had reached a basic agreement
21 with respect to the pre-evidentiary hearing schedule in this action. As stated at the hearing, the
22 undersigned finds the parties' proposed schedule to be reasonable and adopts it below.

23 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

24 1. Within thirty days of the filed date of this order, petitioner shall provide
25 respondent's counsel with a list of all witnesses he intends to present at the evidentiary hearing in

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1 this action. That list shall identify which witnesses' testimony petitioner seeks to present in court
2 and which he intends to present by way of depositions in lieu of in-court testimony.

3 2. Within thirty days of receipt of petitioner's witness list, respondent shall
4 provide petitioner with a list of respondent's witnesses, including an identification of the manner
5 in which respondent intends to present their testimony.

6 3. Thereafter, the parties shall meet and confer regarding a schedule for the taking
7 of the depositions identified. The court agrees that this out-of-court testimony should be taken by
8 videotaped depositions. Within twenty-one days after respondent has provided his witness list,
9 the parties shall file a joint statement with the court setting out the dates for all scheduled
10 depositions. The depositions shall be scheduled so that they are completed prior to the in-court
11 evidentiary hearing. If any disputes arise regarding the taking of out-of-court testimony, the
12 parties may schedule a hearing before the court by contacting Courtroom Deputy Pete Buzo at
13 (916) 930-4128.

14 4. On December 17, 2013 at 1:30 p.m. in courtroom # 27, the undersigned will
15 conduct a pre-evidentiary hearing conference. The parties shall be prepared to exchange exhibit
16 lists, to pre-mark exhibits, and to provide, or set a date for providing, copies of pre-marked
17 exhibits to opposing counsel and to the court.

18 5. The in-court portion of the evidentiary hearing will commence on January 13,
19 2014 at 9:00 a.m. in courtroom # 27 and run through January 16, 2014. If necessary, the
20 evidentiary hearing will continue on January 22 and 23, 2014.

21 6. Any evidentiary objections to juror testimony or to exhibits made part of the
22 record, as described in the court's order granting petitioner's motion for an evidentiary hearing,

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1 shall be included in the parties' final merits briefing in this action. A schedule for that final
2 merits briefing will be set after the conclusion of the evidentiary hearing.

3 DATED: April 12, 2013.

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6 DALE A. DROZD
7 UNITED STATES MAGISTRATE JUDGE

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