

OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
801 I STREET, 3rd FLOOR
SACRAMENTO, CALIFORNIA 95814

Daniel J. Broderick
Federal Defender

(916) 498-5700 Fax: (916) 498-5710

Linda Harter
Chief Assistant Defender

February 2, 2009

Karen Bucur
Attorney at Law
24881 Alicia Parkway, #E-193
Laguna Hills, CA 92653

FILED

FEB - 4 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY BD DEPUTY CLERK

Re: Sidney Hubbard v. Carey
CIV.S-02-0023 ALA HC

Dear Ms. Bucur:

This will confirm your appointment as counsel by the Honorable Arthur L. Alarcon, U.S. Circuit Judge, to represent the above-named petitioner. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms.

If we may be of any further assistance regarding the processing of the enclosed form, (HC) Hubbard v. Carey preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

Doc. 104

Sincerely,



Becky Darwazeh
CJA - Legal Secretary

:bd
Enclosures

cc: Clerk's Office

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 12/03)

1. CIR./DIST./ DIV. CODE	2. PERSON REPRESENTED Sidney Hubbard			VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER CIV.S-02-0023	5. APPEALS DKT./DEF. NUMBER 07-16570	6. OTHER DKT. NUMBER		
7. IN CASE/MATTER OF (Case Name) Hubbard v. Carey	8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE (See Instructions) Appeal		
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense.					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Karen Bucur 24881 Alicia Parkway, #E-193 Laguna Hills, CA 92653 Telephone Number: (949) 472-1029			13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)			15. SIGNATURE OF PRESIDING JUDGE OR BY ORDER OF THE COURT <i>Arthur D. Deas</i> 1/13/09 9/21/2008 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
CLAIM FOR SERVICES AND EXPENSES (FOR COURT USE ONLY)					
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT
In Court	15. a. Arraignment and/or Plea		0.00		
	b. Bail and Detention Hearings		0.00		
	c. Motion Hearings		0.00		
	d. Trial		0.00		
	e. Sentencing Hearings		0.00		
	f. Revocation Hearings		0.00		
	g. Appeals Court		0.00		
	h. Other (Specify on additional sheets)		0.00		
(RATE PER HOUR = \$ 100.00)		TOTALS: 0.00	0.00		
Out of Court	16. a. Interviews and Conferences		0.00		
	b. Obtaining and reviewing records		0.00		
	c. Legal research and brief writing		0.00		
	d. Travel time		0.00		
	e. Investigative and other work (Specify on additional sheets)		0.00		
	(RATE PER HOUR = \$ 100.00)		TOTALS: 0.00	0.00	
17. Travel Expenses (lodging, parking, meals, mileage, etc.)					
18. Other Expenses (other than expert, transcripts, etc.)					
GRAND TOTALS (CLAIMED AND ADJUSTED)			0.00		
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO I swear or affirm the truth or correctness of the above statements.					
Signature of Attorney _____ Date _____					
APPROVED FOR PAYMENT (FOR COURT USE ONLY)					
23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR/CERT.	
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE	
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED	
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.			DATE	34a. JUDGE CODE	

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 19 2008

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

SIDNEY HUBBARD,

No. 07-16570

Petitioner - Appellant,

D.C. No. CV-02-00023-ALA
Eastern District of California,
Sacramento

v.

TOM L. CAREY,

ORDER

Respondent - Appellee.

Before: KOZINSKI, Chief Judge, and BYBEE, Circuit Judge.

The request for a certificate of appealability is granted with respect to the following issues: (1) whether counsel was ineffective for failing to investigate the alleged reputation of the robbery victim as a drug dealer; and (2) whether counsel was ineffective for failing to object to the admission, at trial, of a videotaped recording of the alleged robbery that had no audio component, when there was evidence that another videotaped recording with audio existed, and would support appellant's version of events. *See* 28 U.S.C. § 2253(c)(3); *Strickland v. Washington*, 466 U.S. 668 (1984); *Rios v. Rocha*, 299 F.3d 796 (9th Cir. 2002); *see also* 9th Cir. R. 22-1(e).

MG/COA

David M. Porter, Esq.'s motion to withdraw as counsel of record for appellant is granted. Counsel Porter is directed to serve a copy of this order on appellant Hubbard.

Appellant's motion for appointment of new counsel is granted. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order on Daniel Broderick, Federal Public Defender, 801 I Street, 3rd Floor, Sacramento, California 95814, who will locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 355-8111) within 14 days of locating counsel.

Appellant's motion for judicial notice is referred to the panel assigned to hear this case on the merits.

If Tom L. Carey is no longer the appropriate appellee in this case, counsel for appellee is directed to file a notice to substitute party within 21 days of the filing date of this order. *See Fed. R. App. P. 43(c).*

The briefing schedule shall proceed as follows. The opening brief is due August 4, 2008; the answering brief is due September 3, 2008; the optional reply brief is due within 14 days after service of the answering brief.

Because there were no hearings in the district court, the clerk of that court shall forward the certificate of record immediately. *See* 9th Cir. R. 11-2.