

OFFICE OF THE FEDERAL DEFENDER  
EASTERN DISTRICT OF CALIFORNIA  
801 I STREET, 3rd FLOOR  
SACRAMENTO, CALIFORNIA 95814  
(916) 498-5700 Fax: (916) 498-5710


Daniel J. Broderick  
Federal Defender

Linda Harter  
Chief Assistant Defender

February 2, 2009

**FILED**

FEB - 4 2009

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

Lynne S. Coffin  
Attorney at Law  
38 Miller Ave. #328  
Mill Valley, CA 94941

Re: **David Rundle v. Warden**  
**CIV.S-08-01879 GEB DAD (DP)**

Dear Ms. Coffin:

This will confirm your appointment as counsel by the Honorable Dale A. Drozd, U.S. Magistrate 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, (DP) 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. 6

Sincerely,



Becky Darwazeh  
CJA - Legal Secretary

:bd  
Enclosures

cc: Clerk's Office

CJA 30 DEATH PENALTY PROCEEDINGS: APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. CIR./DIST./DIV. CODE CAE	2. PERSON REPRESENTED Rundle, David Allen	VOUCHER NUMBER
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER 2:08-001879-001	5. APPEALS DKT./DEF. NUMBER
6. OTHER DKT. NUMBER		
7. IN CASE/MATTER OF (Case Name) Rundle v. Warden		8. TYPE PERSON REPRESENTED
9. REPRESENTATION TYPE Capital Habeas Corpus		
10. 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.		

11. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS

Coffin, Lynne S  
#328  
38 Miller Ave  
Mill Valley CA 94941

Telephone Number: (415) 388-2432

12. COURT ORDER

O Appointing Counsel       C Co-Counsel  
 F Subs For Federal Defender       R Subs For Retained Attorney  
 P Subs For Panel Attorney       Y Standby Counsel

Prior Attorney's Name: \_\_\_\_\_  
 Appointment Date: \_\_\_\_\_

(A) 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 11, who has been determined to possess the specific qualifications required by law, is appointed to represent this person in this case.

(B) The attorney named in Item 11 is appointed to serve as:  LEAD COUNSEL     CO-COUNSEL  
 Name of Co-Counsel or Lead Counsel: \_\_\_\_\_  
 Appointment Date: \_\_\_\_\_

(C) If you represented the defendant or petitioner in any prior proceeding related to this matter, attach to your initial claim a listing of those proceedings and describe your role in each (e.g., lead counsel or co-counsel).

(D) Due to the expected length of this case, and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, interim payments of compensation and expenses are approved pursuant to the attached order.

*[Signature]*  
 Signature of Presiding Judicial Officer or By Order of the Court  
 Date of Order: 11/24/2008      Nonac Pro Tunc Date

(E) Repayment or partial repayment ordered from the person represented for this service at time of appointment.     YES     NO

**CLAIM FOR SERVICE AND PAYMENT**

14. STAGE OF PROCEEDING

Check the box which corresponds to the stage of the proceeding during which the work claimed at Item 15 was performed even if the work is intended to be used in connection with a later stage of the proceeding. CHECK NO MORE THAN ONE BOX. Submit a separate voucher for each stage of the proceeding.

<b>CAPITAL PROSECUTION</b>	<b>HABEAS CORPUS</b>	<b>OTHER PROCEEDING</b>
a. <input type="checkbox"/> Pre-Trial	e. <input type="checkbox"/> Appeal	l. <input type="checkbox"/> Stay of Execution
b. <input type="checkbox"/> Trial	f. <input type="checkbox"/> Petition for the U.S. Supreme Court	m. <input type="checkbox"/> Appeal of Denial of Stay
c. <input type="checkbox"/> Sentencing	g. <input type="checkbox"/> Habeas Petition	n. <input type="checkbox"/> Petition for Writ of Certiorari to the U.S. Supreme Court Regarding Denial of Stay
d. <input type="checkbox"/> Other Post Trial	h. <input type="checkbox"/> Evidentiary Hearing	o. <input type="checkbox"/> Other
	i. <input type="checkbox"/> Dispositive Motions	
	j. <input type="checkbox"/> Appeal	
	k. <input type="checkbox"/> Petition for the U.S. Supreme Court Writ of Certiorari	

15. CATEGORIES (Attach itemization of services with dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
a. In-Court Hearings (Rate per Hour = \$ )				IN COURT TOTAL (Category a)	IN COURT TOTAL (Category a)
b. Interviews and Conferences with Client					
c. Witness Interviews					
d. Consultation with Investigators and Experts					
e. Obtaining and Reviewing the Court Record				OUT OF COURT TOTAL (Categories b-j)	OUT OF COURT TOTAL (Categories b-j)
f. Obtaining and Reviewing Documents and Evidence					
g. Consulting with Expert Counsel					
h. Legal Research and Writing					
i. Travel					
j. Other (Specify on additional sheets)					
Totals: Categories b thru j (Rate per hour = \$ )					

16. Travel Expenses (lodging, parking, meals, mileage, etc.)

17. Other Expenses (other than expert, transcripts, etc.)

18. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM \_\_\_\_\_ TO \_\_\_\_\_

19. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION

20. CASE DISPOSITION

21. CLAIM STATUS     Final Payment     Interim Payment Number \_\_\_\_\_     Supplemental Payment

Have you previously applied to the court for compensation and/or reimbursement for this case?     YES     NO    If yes, were you paid?     YES     NO

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?     YES     NO    If yes, give details on additional sheets.

I swear or affirm the truth or correctness of the above statements.

Signature of Attorney: \_\_\_\_\_      Date: \_\_\_\_\_

22. IN COURT COMP.	23. OUT OF COURT COMP.	24. TRAVEL EXPENSES	25. OTHER EXPENSES	26. TOTAL AMT. APPROVED
27. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER			DATE	27a. JUDGE CODE

1. CIR./DIST./DIV. CODE CAE	2. PERSON REPRESENTED Rundle, David Allen	VOUCHER NUMBER
3. MAG. DKT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER 2:08-001879-001	5. APPEALS DKT./DEF. NUMBER
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11. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS

Morrissey, Marcia A.  
2115 Main Street  
Santa Monica CA 90405

Telephone Number: (310) 399-3259

12. COURT ORDER

O Appointing Counsel       C Co-Counsel  
 F Subs For Federal Defender       R Subs For Retained Attorney  
 P Subs For Panel Attorney       Y Standby Counsel

Prior Attorney's Name: \_\_\_\_\_  
 Appointment Date: \_\_\_\_\_

(A) 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 11, who has been determined to possess the specific qualifications required by law, is appointed to represent this person in this case.

(B) The attorney named in Item 11 is appointed to serve as:  LEAD COUNSEL     CO-COUNSEL

Name of Co-Counsel or Lead Counsel: \_\_\_\_\_  
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(C) If you represented the defendant or petitioner in any prior proceeding related to this matter, attach to your initial claim a listing of those proceedings and describe your role in each (e.g., lead counsel or co-counsel).

(D) Due to the expected length of this case, and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, interim payments of compensation and expenses are approved pursuant to the attached order.

*Marcia A. Morrissey*  
 Signature of Presiding Judicial Officer or Board Member of the Court  
 Date of Order: 11/24/2008      Nunc Pro Tunc Date

(E) Repayment or partial repayment ordered from the person represented for this service at time of appointment.     YES     NO

**CLAIM FOR SERVICES AND EXPENSES**

14. STAGE OF PROCEEDING

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<b>CAPITAL PROSECUTION</b>	<b>HABEAS CORPUS</b>	<b>OTHER PROCEEDING</b>
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b. <input type="checkbox"/> Trial	f. <input type="checkbox"/> Petition for the U.S. Supreme Court	m. <input type="checkbox"/> Appeal of Denial of Stay
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c. Witness Interviews					
d. Consultation with Investigators and Experts					
e. Obtaining and Reviewing the Court Record					
f. Obtaining and Reviewing Documents and Evidence					
g. Consulting with Expert Counsel					
h. Legal Research and Writing					
i. Travel					
j. Other (Specify on additional sheets)					
Totals: Categories b thru j (Rate per hour = \$ )					

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I swear or affirm the truth or correctness of the above statements.

Signature of Attorney: \_\_\_\_\_      Date: \_\_\_\_\_

22. IN COURT COMP.	23. OUT OF COURT COMP.	24. TRAVEL EXPENSES	25. OTHER EXPENSES	26. TOTAL AMT. APPROVED
27. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER			DATE	27a. JUDGE CODE

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVID ALLEN RUNDLE,  
Petitioner,  
v.  
ROBERT L. AYERS, JR., Warden of  
California State Prison at  
San Quentin,  
Respondent.

Case No. CV-S-08-01879-GEB-DAD DP  
DEATH PENALTY CASE  
ORDER APPOINTING COUNSEL

The Selection Board has recommended the appointment of Lynne S. Coffin and Marcia A. Morrissey as co-counsel to represent petitioner in this habeas corpus proceeding.

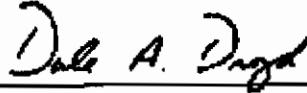
Good cause appearing, IT IS HEREBY ORDERED that Lynne S. Coffin, 38 Miller Ave # 328, Mill Valley, CA 94941, (415) 388-2432, and Marcia A. Morrissey, 2115 Main Street, Santa Monica, CA 90405, (310) 399-3259, shall represent petitioner pursuant to 18 U.S.C. § 3599. See Local Rule 81-191(d).

The Clerk of the Court is directed to serve copies of this order on Ms. Coffin; on Ms. Morrissey; on Robert L. Ayers, Warden of San Quentin State Prison, Tamal, California; on the Attorney General of the State of California; on, Kurt Heiser, CJA

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1 Administrator, Office of the Federal Defender; and on Sandy Andrews, Research and  
2 Policy Analyst, Office of the Circuit Executive.

3 DATED: November 24, 2008.

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6 DALE A. DROZD  
7 UNITED STATES MAGISTRATE JUDGE

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