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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14
15 RON MOSLEY,

16 Petitioner,

17 v.

18 MICHAEL MARTEL,

19 Respondent.

) Case No.: C 05-4260

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER**

1 Petitioner Ron Mosley and Respondent Michael Martel (together, the “Parties”)
2 jointly submit this stipulation to rescind the December 21, 2010 order granting Mosley’s
3 bail and to exonerate the personal appearance bond signed by Hilda Smith and Francine
4 Tournour, as Mosley’s petition for writ of habeas corpus was denied and Mosley has since
5 been found suitable for parole by a panel of the Board of Parole Hearings, subject to final
6 review by the Board and by the Governor.

7 WHEREAS, on December 21, 2010, this Court granted Mosley’s motion for bail
8 pursuant to the Ninth Circuit Court of Appeals’s grant of his petition for writ of habeas
9 corpus;

10 WHEREAS, on December 23, 2010, this Court issued an order setting forth
11 Mosley’s conditions of release, which included an appearance bond signed by Hilda
12 Smith and Francine Tournour;

13 WHEREAS, on August 26, 2011, the Ninth Circuit reversed its decision granting
14 Mosley’s petition for writ of habeas corpus;

15 WHEREAS, on January 18, 2012, the Ninth Circuit issued its mandate, making its
16 August 26, 2011 judgment effective as of January 18, 2012;

17 WHEREAS, this Court’s December 23, 2010 Order Setting Forth Conditions of
18 Bail provided that if “the decision directing this Court to grant Mosley’s petition is
19 reversed, Mosley shall abide by that decision by surrendering himself to state custody
20 within 24 hours of any such decision;”

21 WHEREAS, by agreement of the parties, after the issuance of the mandate, Mosley
22 remained under the supervision of Pretrial Services pending a not-in-custody parole
23 hearing by the Board of Parole Hearings;

24 WHEREAS, on February 23, 2012, the Board of Parole Hearings held a not-in-
25 custody hearing for Mosley, where he was found suitable for parole, pending review by
26 the full Board and by the Governor;

27 WHEREAS, on February 24, 2012, Mosley surrendered himself to the supervision
28 of the California Division of Adult Parole Supervision.

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NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that the order granting Mosley’s bail should be rescinded and that the personal appearance bond signed by Hilda Smith and Francine Tournour should be exonerated.

Dated: April 17, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ David W. Shapiro

By: /s/ Pamela Hooley

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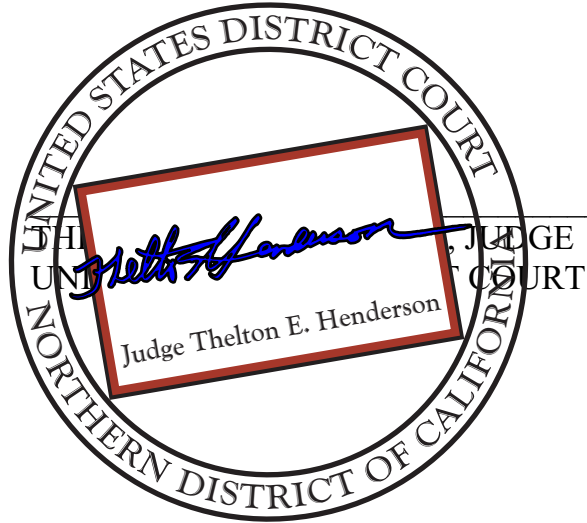
Pursuant to General Order No. 45, § X-B, the filer attests that concurrence in the filing of this document has been obtained from each of the above signatories.

~~[PROPOSED]~~ ORDER

Having considered the Parties' April 16, 2012 stipulation, and for good cause shown, it is hereby ORDERED that the December 21, 2010 order granting bail to Petitioner Ron Mosley is rescinded and the personal appearance bond signed by Hilda Smith and Francine Tournour is hereby exonerated.

IT IS SO ORDERED.

Dated: 04/18, 2012



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