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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT LAMAR BALL,
Petitioner,

No. CV-07-2726 MMC (PR)

v.

JUDGMENT IN A CIVIL CASE

WARDEN D.K. SISTO,
Respondent.

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED

1. The petition for a writ of habeas corpus is hereby DENIED as to petitioner's claims of juror misconduct and trial court error concerning the waiver of petitioner's right to a jury trial on the sentencing allegations.

2. The petition for a writ of habeas corpus is hereby GRANTED as to petitioner's ineffective assistance of counsel claim. Within the ninety days of the date of this order, the State of California either shall retry petitioner on the serious felony allegation or vacate his sentence and arrange for him to be sentenced without use of the serious felony finding.

Dated: November 2, 2010

Richard W. Wieking, Clerk



By: Tracy Lucero
Deputy Clerk