

1 ROGER I. TEICH (State Bar No. 147076)
 2 DAVID A. NICKERSON (State Bar No. 111885)
 290 Nevada Street
 3 San Francisco, CA. 94110
 Telephone: (415) 948-0045
 4 E-Mail: rteich@juno.com
 5 E-Mail: nickersonlaw@comcast.net

6 Attorneys for Petitioner
 7 DARREN CORNELIUS STANLEY

8 GLENN R. PRUDEN (State Bar No. 195089)
 Supervising Deputy Attorney General
 9 ALICE B. LUSTRE (State Bar No. 241994)
 10 MICHELE J. SWANSON (State Bar No. 191193)
 Deputy Attorneys General
 11 Office of the Attorney General
 12 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102
 13 Telephone: (415) 703-5703
 14 Email: michele.swanson@doj.ca.gov

15 Attorneys for Respondent
 16 MICHAEL MARTEL Acting Warden of
 San Quentin State Prison

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21	DARREN CORNELIUS STANLEY,)	No. C07-4727 EMC
22)	
23	Petitioner,)	<u>DEATH PENALTY CASE</u>
24	vs.)	JOINT CASE MANAGEMENT
25	MICHAEL MARTEL Acting Warden,)	STATEMENT
26	San Quentin State Prison,)	
27	Respondent.)	
28	_____)	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to this Court’s November 28, 2011 Order at 3, the parties met and conferred on Monday, January 9, 2012 to discuss the proposed schedule for determining Petitioner’s competency.

In his original ex parte motion to stay proceedings and for equitable tolling pending a determination of Petitioner’s competency, Petitioner’s counsel requested that the Court set the date of January 15, 2012, as the date upon which counsel must either file a motion for a hearing to determine competency or otherwise declare that counsel have resolved their doubts as to Stanley's competency. Petitioner's counsel needs an the additional 30-days to gather potentially relevant records to make a threshold decision on the issue; the records were requested in late November, some were received on January 10, and the remainder are expected within the next 10 days.

Therefore, the Parties set forth the following schedule for determining Petitioner’s competency:

- (1) Petitioner's Motion for a Hearing to Determine Competency, or declaration that their doubts have been resolved, shall be filed by February 15, 2012;
- (2) Respondent’s Opposition, if any, shall be filed by March 7, 2012; and:
- (3) Petitioner's Reply, if any, shall be filed by March 21, 2012.

The Parties shall meet and confer, and within fifteen days of any Order granting such hearing, shall file a joint case-management statement that includes a

\\

1 proposed structure for that determination, including Respondent's expert examination, if
2 any, or their alternate positions on such issues for this Court's resolution.
3

4
5 DATED: January 12, 2012.

ROGER I. TEICH
DAVID A. NICKERSON

7 By: _____
8 Roger I. Teich

9 Attorneys for Petitioner
10 DARREN CORNELIUS STANLEY

11
12 DATED: January 12, 2012.

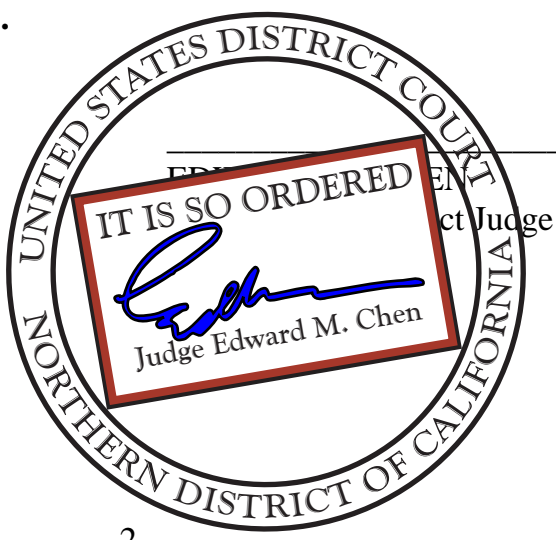
KAMALA D. HARRIS, Attorney General
of the State of California

14 By: _____
15 Michele J. Swanson
16 Deputy Attorney General

17 Attorneys for Respondent
18 MICHAEL MARTEL, Acting Warden of
19 San Quentin State Prison

20 **IT IS SO ORDERED.**

21 Dated: 1/25/12
22 _____



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I hereby certify that on January 12, 2012, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

JOINT CASE MANAGEMENT STATEMENT

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I also served courtesy electronic copies upon the following interested parties.

Judge Edward M. Chen
United States District Court
San Francisco Courthouse, Courtroom 15 - 18th Floor
450 Golden Gate Avenue, San Francisco, CA 94102
Email: EMCpo@cand.uscourts.gov
(Chambers Copy)

Office of the Clerk, U.S. District Court
450 Golden Gate Avenue
P.O. Box 36060
San Francisco, CA 94012
Attn: CJA Unit
Email: cja@cand.uscourts.gov
Email: Cari_Waters@cand.uscourts.gov
(CJA clerk's copy)

Mr. George Kolombatovich
Death Penalty Staff Attorney
United States Courthouse
450 Golden Gate Avenue, Suite 36060
San Francisco, CA 94102
Email: g_o_kolombatovich@cand.uscourts.gov

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in San Francisco, California, on January 12, 2012.

Roger I. Teich