Crew v. Martel et al Doc. 54

ANDREW PARNES, SB #83921 Attorney at Law 671 First Avenue North Post Office Box 5988 3 Ketchum, ID 83340 IT IS SO ORDERED Telephone: (208) 726-1010 Facsimile: (208) 726-1187 4 **EVAN YOUNG, SB # 112201** 5 Judge Yvonne Gonzalez Rogers Attorney at Law 2625 Alcatraz Ave., PMB # 252 Berkelev, CA 94705 Telephone: (510) 910-4811 7/21/2017 Facsimile: (510) 652-0443 8 Attorneys for Petitioner MARK CHRISTOPHER CREW 9 10 IN THE UNITED STATES DISTRICT COURT 11 NORTHERN DISTRICT OF CALIFORNIA 12 13 14 MARK CHRISTOPHER CREW, CASE NO.: CV-12-4259-YGR 15 Petitioner, STIPULATION RE BRIEFING 16 v. (DEATH PENALTY CASE) 17 KEVIN CHAPPELL, Warden of San Quentin State Prison, 18 Respondent. 19 20 By this Court's order of February 9, 2016, (Dkt. 48), the parties were directed to 21 brief claims designated as record based, and briefing on claims that Petitioner identified as 22 requiring an evidentiary hearing was to be completed after resolution of the record based 23 claims. 24 Four of the claims initially identified in the first category allege cumulative error 25 and prejudice (Claim 20 – cumulative prosecutorial misconduct at penalty phase; Claim 36 26 - cumulative prosecutorial misconduct at the penalty phase; Claim 43 – trial counsel's 27 cumulative ineffective assistance; Claim 47 – cumulative error of all claims.) Because 28 some of the issues encompassed by these four claims are contained in the group of Stipulation re Briefing

1	evidentiary hearing claims, the parties propose the following stipulation:
2	Claims 20, 36, 43 and 47 will be removed from the group of claims presently being
3	briefed and decided by the Court and added to the group of claims in which an evidentiary
4	hearing is being sought to be briefed as part of that portion of the case.
5	Dated this 21st day of July, 2017.
6	/s/
7	Evan Young Andrew Parnes
8	Attorneys for Mark Crew
9	I, Evan Young, declare under penalty of perjury that I have obtained the
10	concurrence of Glenn Pruden in the filing of this document.
11	
12	Executed this 21st day of July, 2017, in Oakland, California.
13	Dated this 21st day of July, 2017.
14	/s/
15	Glenn Pruden Supervising Deputy Attorney General
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

1	CERTIFICATE OF ELECTRONIC FILING AND SERVICE
2	I HEREBY CERTIFY that on July 21, the foregoing Stipulation re Record was
3	electronically filed with the Clerk of the Court, and the following person was served
4	electronically, using the CM/ECF system:
Glenn Pruden Supervising Deputy Attorney General glenn.pruden@doj.ca.gov	Glenn Pruden Symposising Density Atternay Cananal
	glenn.pruden@doj.ca.gov
7	
8	/s/ Evan Young Evan Young Attorney for Petitioner
9	Attorney for Petitioner
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	