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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RUDOLPH ROYBAL

Petitioner,

vs.

RON DAVIS, Acting Warden of San  
Quentin State Prison,

Respondent.

CASE NO. 99cv2152 JM (KSC)  
DEATH PENALTY CASE

**FINAL ORDER:**

**(1) GRANTING PETITION  
FOR WRIT OF HABEAS  
CORPUS;**

**(2) ISSUING CERTIFICATE  
OF APPEALABILITY; AND**

**(3) ORDERING STAY OF  
EXECUTION PENDING  
APPEAL**

For the reasons discussed in the court's December 2, 2015 Order (see ECF No. 284), the Petition for Writ of Habeas Corpus is **GRANTED** as to Claims 9, 12 and 39 in the First Amended Petition and **DENIED** as to all other claims. The Court **ORDERS** the State of California to either grant Petitioner a new penalty phase trial or to vacate the sentence of death and re-sentence Petitioner to life in prison without parole, within 120 days of the date of this Order.


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1 The Court **ISSUES** a Certificate of Appealability [“COA”] on Claims 4-9, 12,  
2 and 39 and **DENIES** a COA on Claims 1-3, 10-11, and 13-38. See 28 U.S.C.  
3 § 2253(c); Slack v. McDaniel, 529 U.S. 473, 484 (2000); (see also ECF No.284 at pp.  
4 220-21.)

5 Pursuant to Local Rule HC.3(g)(6), the Court **ORDERS** a stay of execution  
6 “which will continue in effect until the court of appeals acts upon the appeal or the  
7 order of stay.”

8 The Clerk is **ORDERED** to enter Judgment for Petitioner and to close the file.  
9 **IT IS SO ORDERED.**

10 DATED: December 2, 2015

11   
12 Hon. Jeffrey T. Miller  
13 United States District Judge  
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