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DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SAN QUENTIN

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

JAMES NELSON BLAIR,
Petitioner,
v.
ROBERT L. AYERS, Jr., Acting
Warden, California State Prison at
San Quentin,
Respondent.

NO. CV-99-06859-MRP (OP)
DEATH PENALTY CASE
**(PROPOSED) ORDER RE:
CONFIDENTIAL CELL-SIDE
MEETINGS WITH JAMES
NELSON BLAIR**

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

1. Petitioner's Motion for an Order Directing Respondent-California Department of Corrections and Rehabilitation to Permit Counsel Confidential Cell-Side Meetings with James Nelson Blair is GRANTED.
2. Respondent Robert L. Ayers, Jr., Acting Warden of San Quentin State Prison, is ordered to permit members of Petitioner's legal team to conduct three (3) confidential cell-side meetings with Petitioner at his cell in the Adjustment Center at San Quentin State Prison. If counsel for Petitioner determine that additional meetings are necessary, the Court will entertain an application for such additional meetings and will provide Respondent an opportunity to be heard.

DEC - 5 '06
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1 3. Counsel may meet with Petitioner for up to one-and-one-half (1/1/2)
2 hours at each visit. No more than two (2) members of Petitioner's legal team may
3 attend each visit.

4 4. Counsel for Petitioner shall coordinate the scheduling of the visits
5 with the legal coordinator at San Quentin State Prison, Ms. Denise Dull, providing
6 sufficient notice of requested dates in order arrange the visits at dates and times
7 that are least disruptive of prison operations.

8 5. The Warden of San Quentin State Prison may require the members of
9 Petitioner's legal team to wear "stab vests" and protective eye wear while within
10 the Adjustment Center. The Warden may not require the legal team members to
11 wear face shields.

12 6. The Warden of San Quentin State Prison may require two (2) of its
13 correctional officers to escort the legal team members at each cell-side visit. The
14 correctional officers shall be stationed six to eight feet away from the legal team
15 members during each visit.

16 7. Any California Department of Corrections and Rehabilitation
17 employees present at the confidential legal visits shall not disclose to anyone any
18 communications, verbal or non-verbal, that are heard or observed between Mr.
19 Blair and members of his legal team.


20 8. If at any time during the legal visit, the correctional officers believe
21 that the safety of the members of Petitioner's legal team or of the officers
22 themselves is in jeopardy, the officers may terminate the visit. The Court shall be
23 notified of the circumstances surrounding such a termination for further
24 consideration.


25 9. Counsel for Mr. Blair, the Office of the Federal Public Defender,
26 shall inform him in writing of this Court's order granting cell-side visits and offer
27 him the alternative of a legal visit in the legal visiting area for condemned inmates
28 at San Quentin.

1 10. Prior to each scheduled cell-side meeting, counsel for Mr. Blair shall
2 notify him in writing of the date and time of the meeting and offer him the
3 alternative of a legal visit in the legal visiting area for condemned inmates at San
4 Quentin. In addition, the legal coordinator at San Quentin State Prison, Ms.
5 Denise Dull, and counsel for Petitioner will, in advance of each scheduled
6 meeting, attempt to coordinate a telephone call between Petitioner and counsel, at
7 which time counsel will again offer Mr. Blair the alternative of a visit in the legal
8 visiting area for condemned inmates at San Quentin. Respondent will not forcibly
9 extract Petitioner from his cell for the telephone call or otherwise require him to
10 participate in the call, but will simply offer him the opportunity to speak with his
11 counsel by phone at a location designated by the Warden at San Quentin State
12 Prison or Ms. Dull.

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DATED: 11/22/06


HONORABLE OSWALD PARADA
United States Magistrate Judge

Presented By:

SEAN J. BOLSER
STATIA PEAKHEART
MYRA SUN
Deputy Federal Public Defenders

Approved as to form and content only:

APRIL S. RYLAARSDAM
Deputy Attorney General
Counsel for Respondent

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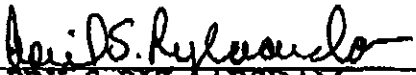
15 DATED: _____

 HONORABLE OSWALD PARADA
 United States Magistrate Judge

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 18 Presented By:

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 20 _____
 SEAN J. BOLSER
 STATIA PEAKHEART
 21 MYRA SUN
 Deputy Federal Public Defenders

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 23 Approved as to form and content only:

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 APRIL S. RYLJAARSDAM
 26 Deputy Attorney General
 Counsel for Respondent

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PROOF OF SERVICE

I, the undersigned, declare that: I am employed in Los Angeles County, California; my business address is the Federal Public Defender's Office, 321 East Second Street, Los Angeles, California 90012-4202; I am over the age of eighteen years; I am not a party to the above-entitled action; I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, and at whose direction I served a copy of the attached **(PROPOSED) ORDER RE:**

CONFIDENTIAL CELL-SIDE MEETINGS WITH JAMES NELSON

BLAIR on the following individual(s), addressed as follows, by:

Placing same in a sealed envelope for collection and interoffice delivery: Placing same in an envelope for hand-delivery: Placing same in a sealed envelope for collection and mailing via the United States Post Office: Faxing same via facsimile machine:

**A. SCOTT HAYWARD
APRIL S. RYLAARSDAM
Office of the Attorney General
300 South Spring Street, Ste. 5000
Los Angeles, CA 90013**

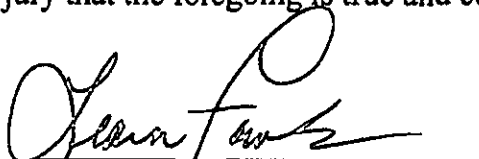
**JAMES N. BLAIR
CDC #D-13027
San Quentin State Prison
San Quentin, CA 94964**

By Hand-delivery:
**DEATH PENALTY LAW CLERK
312 North Spring Street, Rm. 810D
Los Angeles, CA 90012**

Courtesy copy to:
**HON. OSWALD PARADA
U.S. Magistrate Judge
Riverside Federal Courthouse
Riverside, CA**

This proof of service is executed at Los Angeles, California, on November 21, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


LEARN FOWLER