

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 NANCY STONE,

9 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.

C12-2217 TSZ

ORDER

13 THIS MATTER comes before the Court on the Government's Motion to Continue
14 Answer Deadline and for Disclosure from Trial Counsel, docket no. 6. Having reviewed
15 the Government's motion, any response thereto, and the balance of the record, including
16 this Court's prior Minute Order dated February 11, 2013, docket no. 8, the Court now
17 enters the following Order.

18 Petitioner Nancy Stone has moved to vacate, set aside or correct her sentence
19 based on ineffective assistance of counsel pursuant to 28 U.S.C. § 2255. Docket no. 1.
20 On January 29, 2013, the Government moved the Court for an order that petitioner has
21 waived her attorney-client privilege regarding the claim that her lawyer failed to
22 adequately represent her in connection with petitioner's plea and sentencing. Motion to
23

1 Continue and for Disclosure at 4. The Government seeks disclosure of all relevant
2 documents pertaining to petitioner's claims from trial counsel, as well as permission to
3 consult with trial counsel about her recollection of the identified events. Id. In support of
4 its motion, the Government represents that petitioner's trial counsel, Suzanne Elliott, will
5 neither provide any documents, nor discuss with the Government her communications
6 with petitioner, without an order from this Court directing her to do so. Id. at 3.

7 The Court HEREBY FINDS and ORDERS:

8 (1) By claiming that she was denied effective assistance of counsel in
9 connection with her plea and sentencing, petitioner has waived her attorney-client
10 privilege for the purposes of litigating these issues.

11 (2) Petitioner's trial lawyer, Suzanne Elliott, is authorized to provide
12 information regarding her oral and written communications with petitioner pertaining to
13 petitioner's claims of ineffective assistance of counsel, including otherwise privileged
14 legal communications. Ms. Elliott is directed to disclose to the government materials and
15 information relating to the following topic areas:

- 16 (a) Communications between counsel and petitioner regarding petitioner's
17 rights in accepting, and under, the Plea Agreement;
- 18 (b) Communications between counsel and petitioner regarding the amount of
19 prison time petitioner would receive in the absence of a Plea Agreement;
- 20 (c) Communications between counsel and petitioner regarding potential
21 additional charges against petitioner, her son, and/or daughter;
- 22
- 23

1 (d) Communications between counsel and defendant regarding any confusion
2 (or lack thereof) expressed by petitioner about the Plea Agreement.

3 (3) Absent further Court Order, any information obtained from Ms. Elliott shall
4 be used solely for the purpose of litigating the § 2255 petition filed in this cause and shall
5 not be admissible against petitioner in any other proceeding.

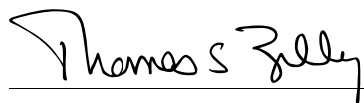
6 (4) The Government's answer to petitioner's § 2255 motion to vacate, set aside
7 or correct her sentence is continued to Friday, April 19, 2013.

8 (5) The petitioner's § 2255 motion, docket no. 1, is renoted for Friday, April
9 19, 2013.

10 IT IS SO ORDERED.

11 The Clerk is directed to send a copy of this Order to all counsel of record and to
12 petitioner pro se.

13 Dated this 19th day of March, 2013.

14 

15 THOMAS S. ZILLY
16 United States District Judge