

# HABEAS CORPUS RESOURCE CENTER

## 2019 ANNUAL REPORT

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Presented in compliance with Government Code section 68661

## INTRODUCTION

The Habeas Corpus Resource Center (HCRC) was created as part of the judicial branch, effective January 1, 1998, by Senate Bill (SB) 513 (Ch. 869, 1997 Stats.). Proposition 66, made effective October 25, 2017, by *Briggs v. Brown* (2017) 3 Cal.5th 808, made several changes to HCRC's enabling statutes, including designating HCRC as the repository of information regarding both death-sentenced individuals awaiting appointment of state habeas counsel and attorneys qualified to accept such appointments; defining the scope of work HCRC can engage in on behalf of its clients; and designating the California Supreme Court as the hiring authority for HCRC's Executive Director (and correspondingly dissolving its Board of Directors). HCRC's enabling legislation and statutory duties can be found in Government Code sections 68660 through 68664.

Despite these changes, HCRC's core mission remains to provide legal representation consistent with professional norms for indigent petitioners in death penalty habeas corpus proceedings before state and federal courts as well as maintain its resource functions as detailed below. During fiscal year 2018-2019 and to the present, HCRC has litigated its capital cases in the California Supreme Court and various superior courts throughout the state. The following is a snapshot of the Center's activities during that period:

- HCRC accepted state habeas and executive clemency appointments in 1 case and has formally sought appointment in another case from the Superior Court of California, County of Riverside;
- HCRC filed 3 state habeas corpus petitions;
- HCRC filed 6 state post-petition reply briefs in the California Supreme Court;
- HCRC has received orders to show cause (OSCs) in 5 cases since the last annual report; 2 from the California Supreme Court and 3 from the presiding superior courts
- HCRC thus represents clients in 16 cases in which either the California Supreme Court or the presiding superior court issued orders to show cause;
- HCRC held two all-day conferences to train members of the capital defense community, and organized and conducted trainings for staff and legal interns of HCRC, the Office of the State Public Defender (OSPD), and the California Appellate Project (CAP-SF).

HCRC will continue to work with the California Supreme Court and superior courts to accept appointments as resources allow, and will continue to press for funding at a level

that will meet the needs of the state and the 368 inmates on California's death row in need of habeas corpus counsel.

## **WHAT WE DO: Capital Habeas Corpus Procedures and How They Differ from Capital Direct Appeals**

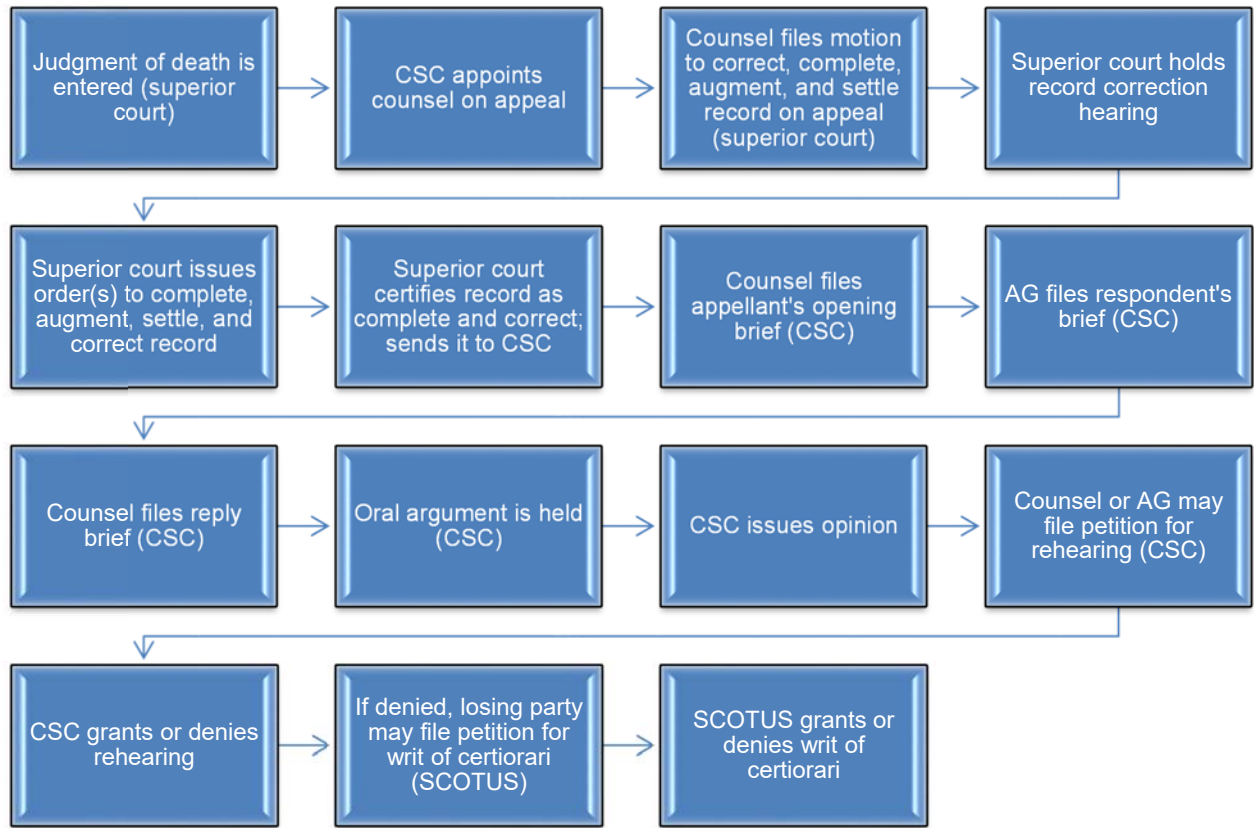
Capital direct appeals and capital habeas corpus proceedings are two distinct proceedings, both occurring after the imposition of a death sentence in a California superior court. Different legal parameters govern these proceedings, and habeas proceedings in particular involve unique complex issues.

### **The Direct Appeal Process**

Under the California Constitution, appeals in death penalty cases proceed automatically to the California Supreme Court. (Cal. Const., art. VI, § 11.) The Supreme Court appoints the State Public Defender or private counsel to represent the defendant in the capital direct appeal, while the Attorney General represents the State of California.

The purpose of the capital direct appeal process is to identify and examine errors of law appearing solely in the trial record, and determine whether the conviction and/or death sentence should be reversed because of those errors of law. Appellate counsel in a direct appeal must review thousands of pages of trial records, including all materials filed in the trial court (generally contained in the clerk's transcript), a transcription of the capital proceedings in the superior court (generally contained in the reporter's transcript), and any physical evidence introduced at trial. Based on this review of the trial records, appellate counsel must research and prepare briefing raising violations of state and federal statutory and constitutional law that occurred during the capital trial proceedings. The following diagram shows the main stages in the state appellate process:

## Direct Appeal Process



AG = Attorney general  
 CSC = California Supreme Court  
 SCOTUS = Supreme Court of the United States

## State and Federal Habeas Corpus Proceedings

While direct appeal proceedings focus on legal errors appearing solely in the trial court record, habeas corpus proceedings in California involve constitutional and statutory challenges based on facts *outside* the trial record. The scope of what may be developed and presented on habeas corpus is determined by a thorough investigation of what might have been presented at trial had the identified constitutional and statutory errors not occurred.

Accordingly, United States Supreme Court and California Supreme Court decisions describe numerous commissions or omissions that, given the particular facts of a case, may be cognizable in habeas corpus proceedings. As the California Supreme Court decisions have emphasized, it is the duty of state habeas corpus counsel in capital cases to develop

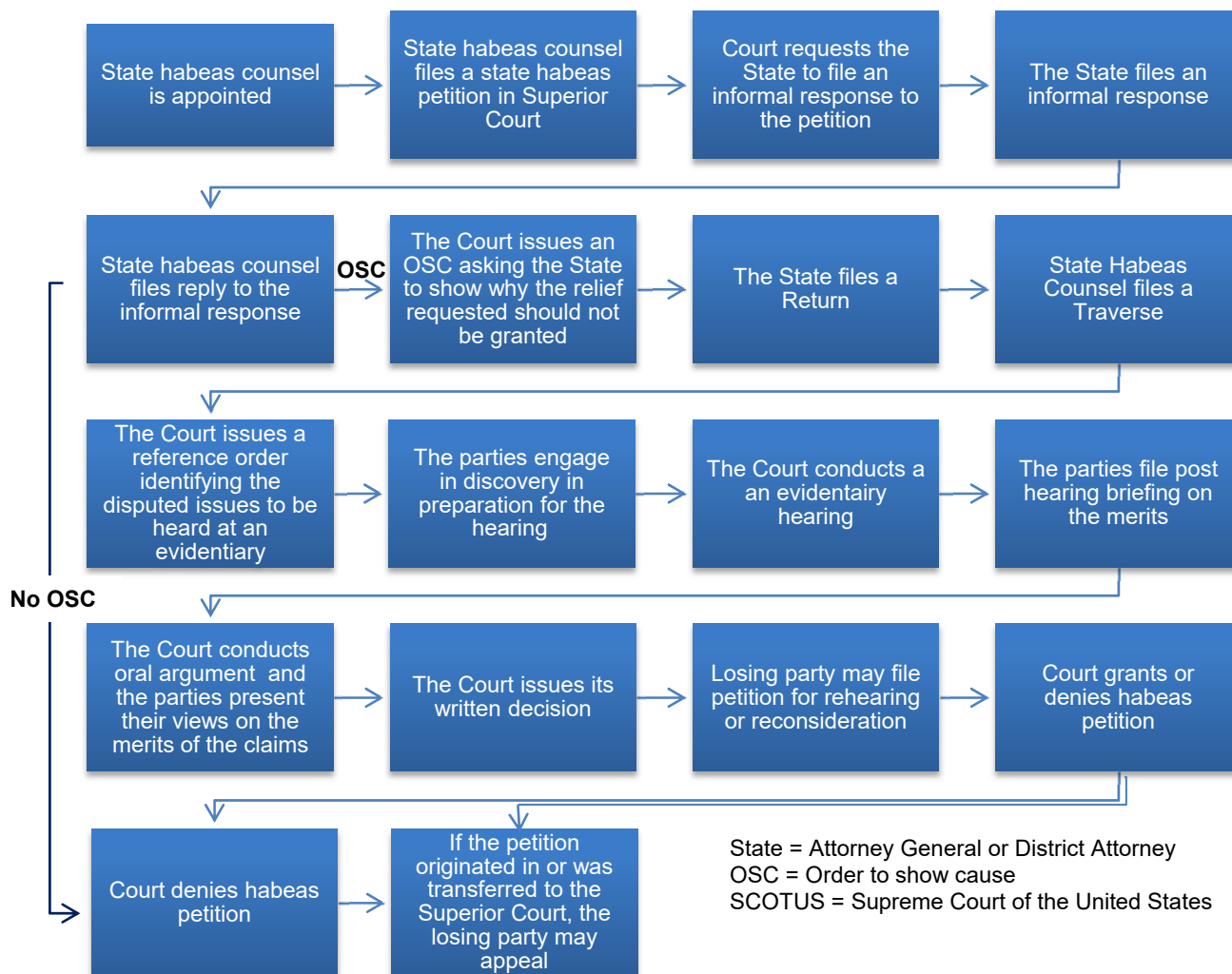
thoroughly and present fully all available evidence and associated legal claims in the state habeas corpus petition—claims that by definition cannot be identified solely by reviewing the trial record. This undertaking is essential to affording defendants constitutional protections and ensuring expeditious state and federal habeas corpus proceedings.

Proposition 66 altered the processes by which California courts adjudicate capital habeas petitions. For example, Penal Code section 1509 instructs capital habeas petitioners to file their state habeas petitions in the superior court that imposed the sentence of death. (Pen. Code, § 1509, subd. (a).) Proposition 66 also provided for appeal to the California Courts of Appeal upon the denial or grant of a habeas petition. (Pen. Code, § 1509.1.)

While Proposition 66 altered the procedures, it did not alter capital habeas counsel’s duties. Since its inception, HCRC has developed and perfected tools that promote efficient and timely assumption of these duties which include, at a minimum, the obligation to review clerks’ and reporters’ transcripts from all phases of the lower court proceedings; review the trial defense attorney’s files, which often consist of thousands of pages of materials; review appellate counsel’s files; litigate post-conviction discovery motions in the trial and appellate courts; investigate potential constitutional and statutory defects in the judgment of conviction and the sentence of death by obtaining records and interviewing witnesses; prepare and file a petition for a writ of habeas corpus; prepare and file briefing and pleadings as ordered by the courts; represent the petitioner at an evidentiary hearing, if ordered; represent the petitioner at the hearing to set an execution date pursuant to Penal Code section 1227; and prepare and provide representation on a request for executive clemency from the Governor of California. HCRC has attempted to refine these tools to accommodate the one-year time frame imposed by Proposition 66 and will continue to do so as experience litigating cases within this new scheme dictates. HCRC recognizes that effective time management is essential as at the time of appointment, counsel cannot quantify the scope of work or areas of investigation required to fulfill their duties because doing so depends on trial-related material unavailable until after appointment.

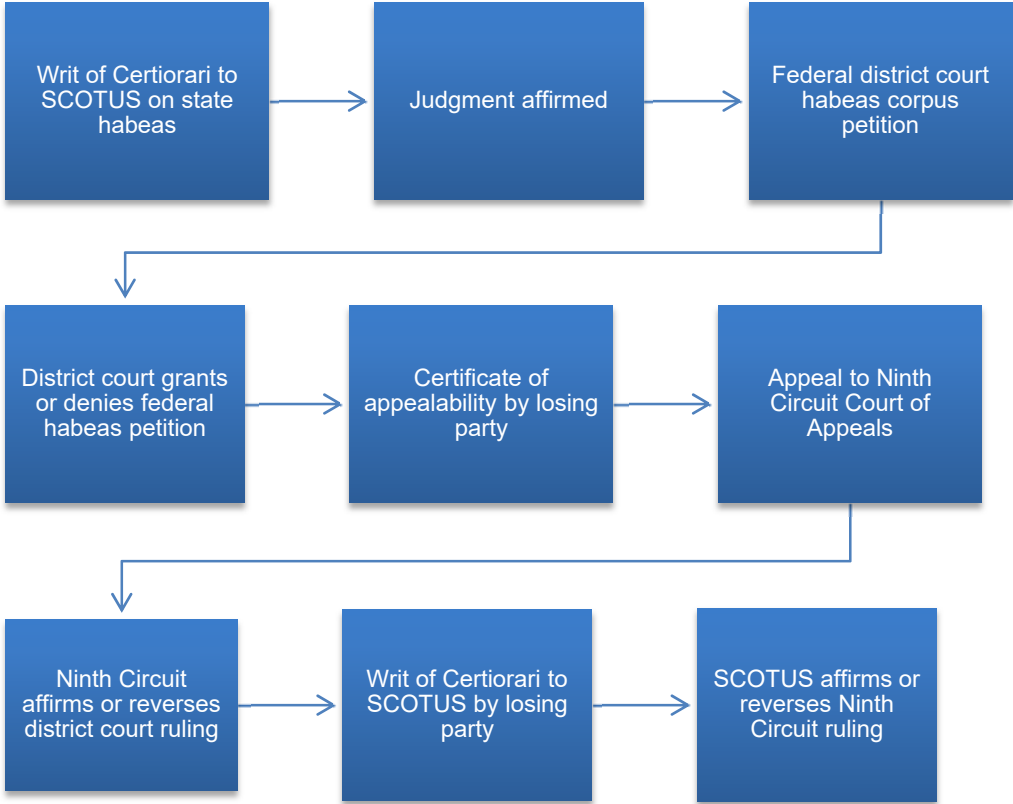
HCRC has the statutory mandate to represent clients in habeas corpus proceedings both before the California state courts and in the federal courts. The following diagrams show the basic steps in state and federal habeas corpus proceedings.

## State Court Habeas Corpus Proceedings<sup>1</sup>



<sup>1</sup> This chart presents an overview of a typical case; not all petitions will proceed this way. For example, where a petitioner files the petition, and whether the court orders informal briefing, may differ case by case. In addition, Proposition 66 provides for an appeal by petitioner or respondent to the court of appeal on the denial or grant of an initial state habeas petition, which is not reflected in this chart given uncertainty in the law as to how that right might operate vis a vis other processes of review.

# Federal Court Habeas Corpus Proceedings



AG = Attorney general  
SCOTUS = Supreme Court of the United States

## **THE BACKLOG: Death judgments outpace appointments**

### **California Death Judgments**

As of October 1, 2019, a total of 998 people have been sentenced to death (some with multiple death verdicts or judgments) in California since the death penalty was reinstated in 1977. As of November 7, 2019, according to the California Department of Corrections and Rehabilitation, 732 people were on death row in California. California death judgments imposed in calendar years 1990 through November 7, 2019 were as follows:

<b>Year</b>	<b>Judgments</b>		<b>Year</b>	<b>Judgments</b>
<b>2019</b>	<b>2</b>		<b>2004</b>	<b>12</b>
<b>2018</b>	<b>5</b>		<b>2003</b>	<b>23</b>
<b>2017</b>	<b>9</b>		<b>2002</b>	<b>19</b>
<b>2016</b>	<b>9</b>		<b>2001</b>	<b>26</b>
<b>2015</b>	<b>16</b>		<b>2000</b>	<b>36</b>
<b>2014</b>	<b>14</b>		<b>1999</b>	<b>42</b>
<b>2013</b>	<b>25</b>		<b>1998</b>	<b>34</b>
<b>2012</b>	<b>14</b>		<b>1997</b>	<b>40</b>
<b>2011</b>	<b>11</b>		<b>1996</b>	<b>41</b>
<b>2010</b>	<b>34</b>		<b>1995</b>	<b>38</b>
<b>2009</b>	<b>30</b>		<b>1994</b>	<b>22</b>
<b>2008</b>	<b>21</b>		<b>1993</b>	<b>34</b>
<b>2007</b>	<b>20</b>		<b>1992</b>	<b>46</b>
<b>2006</b>	<b>17</b>		<b>1991</b>	<b>29</b>
<b>2005</b>	<b>22</b>		<b>1990</b>	<b>36</b>
* Through October 1, 2019				
Source: Habeas Corpus Resource Center				

As of October 1, 2019, there were 368 condemned inmates awaiting appointment of qualified capital habeas corpus counsel. Seventy-two of those inmates have been awaiting appointment of habeas counsel for more than 20 years.



Proposition 66 sought to expedite review of capital habeas petitions. To further that goal, Proposition 66 vested the authority to appoint counsel to represent death-sentenced individuals in state habeas proceedings in the superior court that presided over sentencing. (Gov. Code, § 68662.) On April 22, 2019, the Judicial Council promulgated rules to facilitate this process as well as other mandates enacted by Proposition 66. (See Cal. Rules of Court, rule 4.561.) Since that date, no individual or entity has been appointed to represent any of the individuals prioritized as requiring habeas counsel. The absence of funding has likely contributed to this.<sup>2</sup>

Indeed, the state’s ongoing failure to fund the capital justice system adequately continues to leave few, if any, practical avenues open to reduce this backlog. HCRC is statutorily authorized to employ only 34 attorneys, and has repeatedly sought to remove that statutory limitation and increase its staffing to better address the backlog of unrepresented condemned men and women awaiting appointment of counsel. Efforts to increase HCRC’s staff and lift the hiring cap on attorneys have been unsuccessful to date.<sup>3</sup>

### **Appointments Made in Fiscal Year 2018-2019**

Two new death judgments were imposed in fiscal year 2018-2019, but no new appointments of habeas corpus counsel were made. As mentioned, HCRC has sought appointment in one case. Specifically, in July 2019, HCRC contacted the appropriate authority in Riverside County and began the process of accepting an appointment in *In re Joseph Manuel Montes*, S222559. After conducting a necessary conflict check, HCRC

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<sup>2</sup> See, e.g., *In re Anthony George Bankston* (Super. Ct. L. A. County, Nov. 7, 2019, No. VA007955-01 [“At this time [] competent authority has not identified funds from which capital habeas counsel may [be] compensated, nor has there been any determination as to the hourly rate or lump-sum amount at which such appointed counsel will be compensated”]); *In re Andre Wilson* (B299089, stay ordered September 24, 2019) [staying appeal because “[a]t this point in time, competent authority has not indicated the funds from which counsel appointed on appeals authorized by Penal Code section 1509 will be compensated”].

<sup>3</sup> In its 2008 report, the Commission on the Fair Administration of Justice noted that “[t]he delay between sentence and execution in California is the longest of any of the death penalty states.” According to the Commission, California would have to execute five prisoners per month for the next twelve years simply to carry out the sentences of those currently on death row. The Commission identified several sources of this backlog and California’s failure to administer a just, fair, and efficient death penalty system. Principal among the causes of the backlog is the acute shortage of qualified, competent attorneys willing and able to accept appointments in habeas corpus proceedings.

informed the Riverside County Superior Court it was ready to accept the appointment. Pursuant to California Rules of Court, rule 4.561(d)(4), the superior court requested transfer of the pending *Morgan* petition so that it could complete the appointment. The superior court’s request remains pending as of the publication of this report. The California Supreme Court did, however, make replacement-counsel appointments in three pending habeas corpus cases; HCRC was appointed in one of them. The following direct appeal and habeas corpus appointments were made from July 1, 2018, to June 30, 2019:

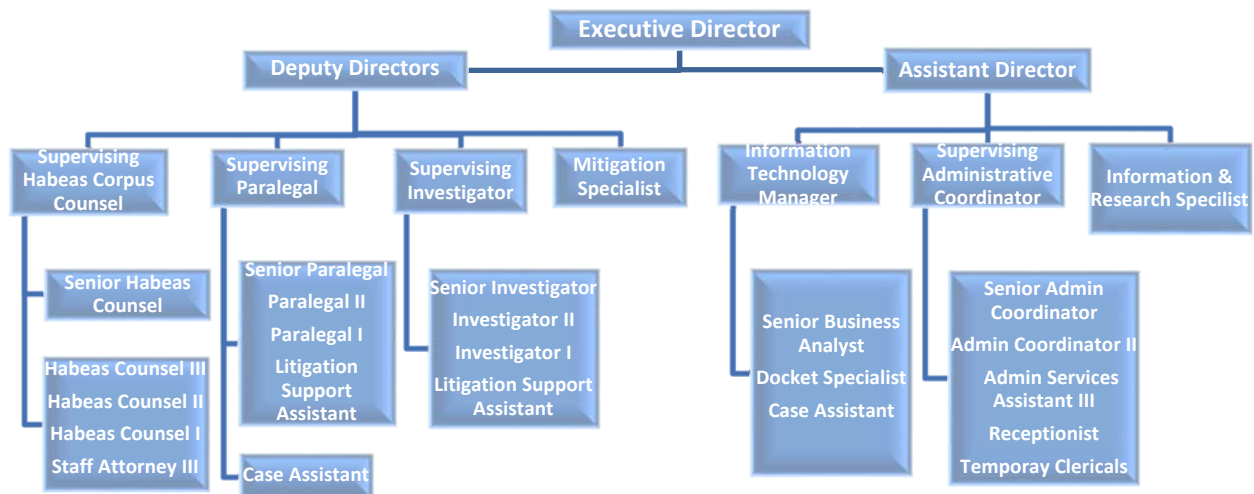
<b>Number</b>	<b>Appointment type</b>
12	Private counsel: direct appeal only
2	Private counsel: habeas corpus only (replacement counsel)
0	Private counsel: dual appointments
5	State Public Defender: direct appeal only
1	HCRC: habeas corpus only (replacement counsel)
5	California Appellate Project: Interim habeas corpus*
Source: California Supreme Court Automatic Appeals Monitor	
*Cases in which the California Supreme Court removed previously appointed habeas counsel.	

## HCRC ORGANIZATION

HCRC was created to address the patent need for qualified attorneys to represent death-sentenced individuals in habeas corpus proceedings. In its first decade, HCRC grew from an original start-up staff of just 12 members to 88 funded positions. During that period, HCRC’s caseload grew as well. Between the opening of its doors in January 1999, and June 2019, HCRC accepted 100 appointments as state habeas corpus/executive clemency counsel, and the vast majority of those cases remain active at the state or federal level.

### Organization Structure

The chart below represents the structure of the HCRC staff as of June 30, 2019. Positions are described in the following sections.



### Executive and Management Staff

The HCRC executive staff is comprised of the executive director, an assistant director, and three deputy directors. The executive director is appointed by the Supreme Court and confirmed by the state Senate. The executive director reports to the Supreme Court, and all other employees of HCRC report to either the Deputy Directors, Assistant Director, or the Executive Director. The executive staff provides direction for the operational, administrative, and financial functions of the organization. In addition, the HCRC executive director and deputy directors supervise case teams.

The HCRC executive staff is supported by a management team responsible for the day-to-day management of HCRC operations, including finance and budgeting, human resources, case staffing and supervision, staff development and training, interactions with courts and other offices and entities, resource development and assistance, and strategic planning. The team solicits and acts on reports and feedback from standing and ad hoc staff committees and provides guidance to committee chairpersons and coordinators of office projects and workgroups. Members of the management team include executive staff members, supervising habeas corpus counsel, the supervising paralegal, the supervising investigator, the mitigation specialist, and the HCRC information technology manager.

### **Legal Staff**

Members of the HCRC legal staff—attorneys, paralegals, investigators, litigation support assistants, and case assistants—are organized into case teams. By statute, the number of attorneys is capped at thirty-four (34), which has prevented HCRC from accepting additional appointments. Assignments of legal staff members to teams are made based on criteria including case timeline, complexity, size of record and trial file, and team member experience and workload. Each case team is supervised by the executive director, a deputy director, or a supervising habeas corpus counsel. The benefits of HCRC’s multidisciplinary case team model include:

- continuity in lengthy cases, minimizing loss of knowledge and productivity caused by staff departures and extended leaves, thereby minimizing delays in presentation of the case for decision;
- efficient division of labor among case team members based on case-specific requirements and team member disciplines, skills, and experience;
- immersive training for new staff members through assignment to case teams with experienced staff members;
- exposure of staff members to a broad range of cases and issues;
- flexibility that permits teams to absorb staff departures without significant disruptions in work flow;
- increased opportunities for staff members to work with and learn from colleagues with diverse expertise;
- a collegial and supportive environment that reduces the adverse effects of the demanding nature of the work and increases productivity and longevity in the office.

## HCRC CASE STATUS

As of November 1, 2019, HCRC had 78 appointments in state court, plus an additional 8 appointments in federal habeas corpus proceedings. Since its inception, the organization has accepted 100 state appointments and 16 federal appointments. Since 1999, HCRC has obtained orders to show cause in approximately 40% of its adjudicated state habeas corpus petitions. A complete list of HCRC's current cases is attached to this report as Appendix A.

The organization has worked closely with the California Supreme Court to accept appropriate cases as it has available resources and has begun to do the same with the various superior courts in which appointment authority now also resides.

The organization accepts appointments based on numerous factors which include:

- Experience and workloads of attorneys, investigators, paralegals, and other staff who provide case support
- Complexity and status of the entity's active cases
- Judgment date
- Procedural posture of the case
- Length of the record
- Extent of quantifiable materials generated by defense and prosecution at trial
- Extent of mitigation presentation at trial
- Complexity of guilt/innocence issues
- Number of special circumstances
- Mental health/impairment history and the defendant's current functioning
- Presence of language/nationality issues
- Budgetary constraints

## RESOURCE CENTER FUNCTIONS

In addition to direct representation of indigent persons on California's death row in habeas corpus and executive clemency proceedings, HCRC develops resources and provides advice to private counsel appointed to capital cases. See Government Code § 68661. Proposition 66 imposed new duties upon HCRC, described below.

Over the past year, HCRC has continued to develop and refine the technological resources to improve efficiency and the quality of its representation, as well as to expand its ability to disseminate material to members of the capital defense community. A description of HCRC's resource tools follows.

**Resource development and assistance.** HCRC maintains a resource collection that covers a wide range of legal and factual topics relevant to capital defense work. The collection is vast and the office has harnessed systems and organizational tools to provide easy and thorough access to relevant information. Throughout the past year, HCRC legal staff have regularly and economically contributed materials to the resource collection.

HCRC's Extranet provides private and agency-appointed capital defense counsel with direct access to HCRC's fully searchable brief bank, HCRC's library catalog, collections of past conference materials, sample pleadings, and related material.

HCRC's public web site (<http://www.hcrc.ca.gov>) provides members of the general public a means through which to learn about and make inquiries regarding the organization. In addition, the site is used to recruit for staff positions, internships, and volunteer opportunities.

**Proposition 66 Tracking.** Pursuant to California Rules of Court, rule 4.561(c), HCRC is required to

maintain a list of persons subject to a judgment of death, organized by the date the judgment was entered by the sentencing court. The list must indicate whether death penalty-related habeas corpus counsel has been appointed for each person and, if so, the date of the appointment. The list must also indicate for each person whether a petition is pending in the Supreme Court.

HCRC posted the list as required on April 25, 2019. In addition to the required information, we included the county of conviction and made the list searchable to assist the superior courts in identifying the cases from their jurisdictions. The list may be found at: <http://www.hcrc.ca.gov/4.561/index.php>.

Rule 4.561(d) requires HCRC to identify the persons with the 25 oldest death judgments for whom capital habeas corpus counsel have not been appointed, and then notify the presiding judges of the superior courts in which those judgments were entered that the judgments are the oldest in which habeas corpus counsel have not been appointed. On May 20, 2019, HCRC sent out the 25 required notices, and sent a copy of each notice to the administrative presiding justice of the appellate district in which each superior court is located.

The new rules also require the establishment of a statewide panel of attorneys deemed qualified to accept superior court appointments in capital habeas matters. Pursuant to rule 4.562, each of the six appellate districts established a committee to assist the superior courts in recruiting counsel to accept capital habeas appointments. The six committees will provide HCRC the names of attorneys they have deemed qualified to accept habeas appointments. HCRC will then consolidate the names into a single statewide panel, update the names on the panel at least quarterly, and make the most current panel available to superior courts on its website. HCRC's public website is currently configured to display the names of qualified counsel, but to date, HCRC has not received the names of any qualified attorneys from the regional committees. The list of attorneys may be found at: <http://www.hcrc.ca.gov/4.562.php>

**Case tracking.** HCRC has developed a case-tracking database that contains information about California's death row population. That information has been compiled from a variety of sources, including the Supreme Court's docket, some superior court information systems, the CDCR website, and trial, appellate, and postconviction case documents and filings.

**Capital case transcripts.** HCRC receives superior court trial transcripts—including clerk's and reporter's transcripts—from all completed California capital cases. The capital case transcripts collection covers death judgments from approximately 1995 to the present. Transcripts are stored electronically.

**General research collections.** HCRC's research collections include the organization's physical library, as well as a digital library and research archive, and other digital collections. HCRC's physical library houses a multi-media collection of over 4,000 items that covers a broad range of topics important to post-conviction and appellate work. Holdings are fully indexed and searchable. HCRC's library facility is open, by appointment, to attorneys and their staff who have current appointments in California capital cases. HCRC resource staff facilitates inter-library loans from local, state, and independent libraries, including university libraries and the California State Library.

HCRC's digital library and research archive and its other digital collections contain over 100,000 items covering the full range of factual and legal topics important to capital defense work. The digital collections are fully catalogued and searchable, providing ready access to information. Additions to the digital collections are made continuously based on case needs, developments in the capital defense community, and the availability of new research collections (contributed by HCRC staff and by private or agency counsel). Materials from HCRC's digital library and research archives are made available through the HCRC Extranet, and the office aims to provide additional access to its research collections in the coming years.

**Model Pleadings.** In addition to gathering and collating materials relevant to the investigation, development, and presentation of claims typically raised in capital habeas corpus petitions, HCRC has developed model pleadings and supporting documents. The realized goal was to eradicate duplicative work where possible, thereby permitting staff and the defense community to devote resources and time to other essential tasks.

**Ad hoc assistance to attorneys.** HCRC attorneys respond to questions from, and provide ad hoc support to, capital appellate and habeas corpus counsel who contact HCRC seeking guidance. Because HCRC is not staffed to provide day-to-day assistance to private counsel—and to avoid duplication of previous efforts in responding to inquiries—HCRC attorneys consult a repository of helpful materials on common issues that can be distributed readily to advice-seekers.

**Training and Conferences.** HCRC provides extensive training opportunities for members of the capital defense community and for HCRC staff members. Such opportunities include regular HCRC conferences, summer legal intern training, ad hoc interagency trainings (conducted in cooperation with CAP-SF and OSPD), and in-house trainings. Trainings are provided at no cost to participants.

Since its inception, HCRC has hosted major conferences to educate the post-conviction defense community about legal, forensic, mental health, and habeas corpus practice issues. HCRC's conferences also serve to update the community about recent legal and substantive developments in these areas. In the past fiscal year, HCRC conducted two day-long conferences, one in the spring and one this past fall. Speakers at both conferences included state and national experts, as well as staff members from HCRC. Both conferences were approved by the California State Bar for continuing legal education credits.



Continuing a practice it began two years ago, HCRC has expanded the opportunities for training and educational cooperation between HCRC and OSPD and CAP-SF. In the past year, HCRC invited employees from its sister organizations to attend in-house trainings, where appropriate. In addition, the agencies have met regularly to discuss adapting our respective practices to the demands of Proposition 66, and we have made significant progress in developing trainings, guidelines, and resources to assist staff and private practitioners in navigating the new requirements.

HCRC has developed training modules designed to educate attorneys contemplating whether to apply for inclusion on the state-wide list of lawyers qualified to accept appointment in state capital habeas cases. HCRC has also developed a program for newly appointed counsel to introduce them to the work and the resources that exist to aid them in this endeavor. Participation in these programs is entirely voluntary.

**Staff Training and Development.** In the past year, HCRC continued its comprehensive in-house staff training and development program.

In addition to training focused on orienting new staff to HCRC systems, HCRC provides extensive trainings focused on substantive legal, mental health, and forensic issues. One phase of the training introduces new staff to the legal and factual issues germane to the work as well as provides opportunities to hone and develop skill sets. The goal of this highly individualized, and very intensive training is to educate new employees quickly about the complexity of habeas corpus litigation, help them gain new skills, and enable them to work effectively and efficiently. Some months later, another phase delves deeper into the legal and factual foundations of habeas work. During this phase, employees have opportunities to test their skills and receive feedback.

HCRC frequently surveys staff members to identify their current training and case needs and to evaluate the effectiveness of prior training efforts. New trainings are developed and existing trainings are revised based on these surveys.

**Participation in other conferences.** HCRC staff members continue to share their expertise by making presentations at state and national conferences. Over the last year, HCRC staff were invited to speak at the preeminent California capital representation conference as well as a national conference devoted to habeas corpus practice.

## **CONCLUSION**

HCRC remains focused on its mission to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings; to assist in recruiting, identifying and training attorneys qualified to accept capital habeas appointments; and to serve as a resource to counsel who accept those appointments. Recent statutory changes have altered significantly the landscape of capital postconviction litigation in California, and it will likely take several years to resolve much of the uncertainty surrounding the new laws. Notwithstanding these changes HCRC will continue to meet its obligations to its clients, while at the same time providing support to the superior courts, now tasked to recruit, vet, and appoint qualified counsel, as well as provide comprehensive training and advice to qualified counsel who accept new capital case appointments.

## APPENDIX A

### List of cases in which HCRC is providing representation

(as of November 1, 2019)

Client Name	Cases Nos.	If pending more than 1 year in court, reason for the delay	Action taken to bring case to completion
Ashmus, Troy Adam	S221081 (Cal. Sup. Ct.)  SC015661A (San Mateo Cty. Super. Ct.)	Transferred to superior court on May 22, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Ashmus, Troy Adam	S004723 (Cal. Sup. Ct.)	N/A  (residual clemency appointment <sup>4</sup> )	
Ashmus, Troy Adam	A158011 (Cal. Ct. App., 1st Dist. Div. 2)	N/A  (case pending since Oct. 23, 2019)	N/A  (pending action by court)
Ashmus, Troy Adam	93-cv-00594 (N.D. Cal.)	Action stayed pending decision in S221081	N/A  (pending action by court)
Beck, James David	S206945 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)

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<sup>4</sup> In cases denoted as “residual clemency appointment,” HCRC was appointed by the California Supreme Court as counsel for habeas corpus and executive clemency proceedings, and the initial habeas corpus proceeding litigated by HCRC has concluded.

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Bell, Steven M.	S038499 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Bloom, Robert Maurice	S220961 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Bryant, Stanley	S200323 (Cal. Sup. Ct.)  A711739 (Los Angeles Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Carey, Dewayne Michael	S058489 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Casares, Jose Lupercio	S221519 (Cal. Sup. Ct.)  27503 (Tulare Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Coffman, Cynthia Lynn	S011960 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Contreras, George Lopez	S199915 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Cox, Tiequon Aundray	S004711 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Cox, Tiequon Aundray	S227186 (Cal. Sup. Ct.)  A758447 (Los Angeles Cty. Super. Ct.)	Transferred to superior court on May 22, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Cox, Tiequon Aundray	S238293 (Cal. Sup. Ct.)  A758447 (Los Angeles Cty. Super. Ct.)	Transferred to superior court on May 22, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Cunningham, John	S229645 (Cal. Sup. Ct.)	Informal briefing in progress	(pending filing of informal reply by HCRC)
Curl, Robert Zane	S180828 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Danks, Joseph Martin	S196398 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Danks, Joseph Martin	S032146 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Danks, Joseph Martin	11-cv-00223 (E.D. Cal.)	Action abeyed pending decision in S196398	N/A  (pending action by court)
DeHoyos, Richard Lucio	S034800 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Delgado, Anthony Gilbert	S221247 (Cal. Sup. Ct.)  99CM7335 (Kings Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; post-OSC briefing pending in superior court	N/A  (pending filing of return by district attorney/attorney general)
Dement, Ronnie Dale	S203626 (Cal. Sup. Ct.)  467951 (Fresno Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Duong, Anh The	S231153 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Edwards, Robert Mark	S214543 (Cal. Sup. Ct.)  93WF1180 (Orange Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Ervine, Dennis Newton	S054372 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Fudge, Keith Tyrone	S004790 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Fudge, Keith Tyrone	95-cv-05369 (C.D. Cal.)	Evidentiary hearing pending in district court; awaiting decision on scope of the hearing	N/A  (pending action by court)
Gamache, Richard Cameron	S186974 (Cal. Sup. Ct.)  CHCJS1900007 (San Bernardino Cty. Super. Ct.)	Transferred to superior court on Aug. 28, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Garcia, Randy Eugene	S199311 (Cal. Sup. Ct.)  BA077888 (Los Angeles Cty. Super. Ct.)	Transferred to superior court on Apr. 10, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Gay, Kenneth Earl	S130263 (Cal. Sup. Ct.)	Oral argument on December 4, 2019	N/A  (pending action by court)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Ghobrial, John Samuel	S218292 (Cal. Sup. Ct.)  98NF0906 (Orange Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Guerra, Jose Francisco	S134332 (Cal. Sup. Ct.)  SA004990 (Los Angeles Cty. Super. Ct.)	Post-OSC evidentiary hearing pending in superior court	Preparing an evidentiary presentation
Hajek, Stephen Edward	S204529 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Harris, Lanell Craig	S144756 (Cal. Sup. Ct.)  LA008803 (Los Angeles Cty. Super. Ct.)	Post-OSC evidentiary hearing pending in superior court	Preparing an evidentiary presentation
Hawthorne, Carlos Anthony	S176951 (Cal. Sup. Ct.)  BA137272 (Los Angeles Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a traverse by HCRC)
Henderson, Paul Nathan	S223461 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)



<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Howard, Demetrius Charles	S196958 (Cal. Sup. Ct.)  CHCJS1900008 (San Bernardino Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a return by the attorney general)
Hoyt, Ryan James	S217299 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Johnson, Joe Edward	S222737 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Johnson, Joe Edward	S238385 (Cal. Sup. Ct.)	Awaiting decision by court	N/A  (pending action by court)
Johnson, Lumord	S209679 (Cal. Sup. Ct.)  RIC1901889 (Riverside Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a traverse by HCRC)
Johnson, Michael Raymond	S203329 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Jones, Albert	S195943 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Jones, Bryan Maurice	S217284 (Cal. Sup. Ct.)	Informal briefing in progress	N/A  (pending filing of informal reply by HCRC)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Jones, Bryan Maurice	S255826 (Cal. Sup. Ct.)	N/A  Briefing in progress on district attorney petition for review	N/A  (pending filing of answer by HCRC)
Jones, Ernest Dewayne	S046117 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Jones, Ernest Dewayne	18-99003 (9th Cir.)	N/A  (case pending since Feb. 28, 2018)	N/A  (pending action by court)
Kelly, Douglas Oliver	S161036 (Cal. Sup. Ct.)  LA015339 (Los Angeles Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a return by district attorney)
Lancaster, Andrew	S154541 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Lee, Philian	S194609 (Cal. Sup. Ct.)  RIC1821311 (Riverside Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; post-OSC briefing pending in superior court	N/A  (pending action by court)
Leonard, Eric Royce	S054291 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Letner, Richard Lacy	S151222 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Lewis, John Irvin	S031603 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Lewis, John Irvin	11-cv-06395 (C.D. Cal.)	Awaiting decision by district court on applicability of 28 U.S.C. § 2254(d) to claims for relief (briefing complete)	N/A  (pending action by court)
Lopez, Michael Augustine	S212256 (Cal. Sup. Ct.)  H28492A (Alameda Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Marks, Delaney Geral	S040575 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Marks, Delaney Geral	17-99007 (9th Cir.)	Appellate briefing complete	N/A  (pending action by court)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Martinez, Michael Matthew	S180670 (Cal. Sup. Ct.)  H15696 (Alameda Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Maury, Robert Edward	S012852 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
McPeters, Ronald Avery	S226918 (Cal. Sup. Ct.)  318048 (Fresno Cty. Super. Ct.)	Transferred to superior court on May 22, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
McPeters, Ronald Avery	S004712 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
McPeters, Ronald Avery	95-cv-05108 (E.D. Cal.)	Litigation deadlines vacated pending decision in S226918	N/A  (pending action by court)
Merriman, Justin James	S249107 (Cal. Sup. Ct.)  CR45651 (Ventura Cty. Super. Ct.)	Transferred to superior court on May 22, 2019; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Merriman, Justin James	S097363 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Monterroso, Christian Antonio	S034473 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Morrison, Jesse	S115559 (Cal. Sup. Ct.)  A043591 (Los Angeles Cty. Super. Ct.)	Post-OSC evidentiary hearing pending in superior court	Preparing an evidentiary presentation
Mungia, John	S166477 (Cal. Sup. Ct.)  CR 59671 (Riverside Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a return by district attorney)
O'Malley, James Francis	S187622 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Parker, Gerald	S206006 (Cal. Sup. Ct.)  96ZF0039 (Orange Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Pearson, Michael Nevail	S058157 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Peterson, Scott Lee	S230782 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Rountree, Charles F.	S214433 (Cal. Sup. Ct.)	Informal briefing in progress	(pending filing of an informal reply by HCRC)
Sanchez, Juan	S249349 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing on limited issue complete)	N/A  (pending action by court)
Sanchez-Fuentes, Edgardo	S225373 (Cal. Sup. Ct.)  LA011426 (Los Angeles Cty. Super. Ct.)	N/A	N/A
Sanchez-Fuentes, Edgardo	B302632 (Cal. Ct. App., 2nd Dist. Div. A)	Order denying habeas petition appealed	N/A  (stayed by court)
Sanchez-Fuentes, Edgardo	B302679 (Cal. Ct. App., 2nd Dist. Div. a)	Awaiting action by court (habeas petition filed December 2, 2019)	N/A  (pending action by court)
Sims, Mitchell Carlton	S004783 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Sims, Mitchell Carlton	06-cv-00219, 06-cv-00926 (N.D. Cal.)	Ongoing multi-plaintiff litigation <sup>5</sup>	N/A  (HCRC not active in the litigation)
Snow, Prentice Juan	S121365 (Cal. Sup. Ct.)  A560682 (Los Angeles Cty. Super. Ct.)	Post-OSC reference hearing pending in superior court	Preparing an evidentiary presentation
Solomon, Morris, Jr.	S190702 (Cal. Sup. Ct.)	Informal briefing in progress	N/A  (pending filing of an informal reply by HCRC)
Streeter, Howard Larcell	S191287 (Cal. Sup. Ct.)  FVA07519 (San Bernardino Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a return by district attorney)
Tafoya, Ignacio Arriola	S120020 (Cal. Sup. Ct.)  93WFO692 (Orange Cty. Super. Ct.)	Post-OSC evidentiary hearing pending in superior court	Preparing an evidentiary presentation

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<sup>5</sup> HCRC intervened in the ongoing federal lethal injection litigation in order to obtain a stay of execution for Mr. Sims pending the State's implementation of a constitutional lethal injection protocol. HCRC was appointed to represent Mr. Sims in state habeas corpus and executive clemency proceedings. The federal litigation is being undertaken by non-HCRC counsel, and HCRC has performed no substantive work on the case since implementation of Proposition 66. The case is currently in settlement negotiations.

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Tate, Gregory O.	S189049 (Cal. Sup. Ct.)  93308 (Alameda Cty. Super. Ct.)	Transferred to superior court on Oct. 10, 2018; awaiting decision by superior court (informal briefing complete)	N/A  (pending action by court)
Taylor, Robert Clarence	S025121 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Taylor, Robert Clarence	07-cv-06602 (C.D. Cal.)	Awaiting decision by district court on applicability of 28 U.S.C. § 2254(d) to claims for relief (briefing complete)	N/A  (pending action by court)
Thomas, Regis Deon	S204700 (Cal. Sup. Ct.)	Informal briefing in progress	N/A  (awaiting filing of an informal response by attorney general)
Thornton, Mark Scott	S046816 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Trujeque, James	S065877 (Cal. Sup. Ct.)	Presumptively timely habeas petition due to be filed	Preparing a petition for filing by court-approved filing date



<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Valencia, Alfredo	S167195 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	N/A
Wall, Randall Clark	S226530 (Cal. Sup. Ct.)  CR133745 (San Diego Cty. Super. Ct.)	Post-OSC briefing pending in superior court (Order to Show Cause issued on June 24, 2019)	N/A  (pending filing of a traverse by HCRC)
Ward, Carmen Lee	S142694 (Cal. Sup. Ct.)  A647633 (Los Angeles Cty. Super. Ct.)	Post-OSC evidentiary hearing pending in superior court	Preparing an evidentiary presentation
Weaver, Ward Francis, Jr.	S004665 (Cal. Sup. Ct.)	N/A  (residual clemency appointment)	
Wilson, Andre Gerald	S166315 (Cal. Sup. Ct.)  NA029224 (Los Angeles Cty. Super. Ct.)	N/A  (residual clemency appointment)	N/A
Wilson, Andre Gerald	B299089 (Cal. Ct. App., 2nd Dist. Div. 3)	Order denying habeas petition appealed; HCRC appointed on Aug. 18, 2019	N/A  (stayed by court)
Wilson, Andre Gerald	B299069 (Cal. Ct. App., 2nd Dist. Div. 3)	Awaiting action by court (habeas petition filed July 15, 2019)	N/A  (pending action by court)

<b>Client Name</b>	<b>Cases Nos.</b>	<b>If pending more than 1 year in court, reason for the delay</b>	<b>Action taken to bring case to completion</b>
Wilson, Byron	S229561 (Cal. Sup. Ct.)	Awaiting decision by court (informal briefing complete)	N/A  (pending action by court)
Zamudio, Samuel Jimenez	S167100 (Cal. Sup. Ct.)  VA036217 (Los Angeles Cty. Super. Ct.)	Post-OSC briefing pending in superior court	N/A  (pending filing of a return by district attorney)