

ROBERT W. DOYLE
State Bar No. 007380
Attorney at Law
1010 E. Jefferson
Phoenix, Arizona 85034-2222
(602) 253-1010
Attorney for Petitioner



BY 7 (m) Doyle CLERK DEP.
FILED

95 MAY -3 AM 8:39

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,)	
)	No. CR 163419
Respondent,)	
)	MOTION TO EXTEND TIME
v.)	FOR A SUPPLEMENTAL
)	PETITION
SAMUEL VILLEGAS LOPEZ,)	
)	
Petitioner.)	(Assigned to the Honorable
_____)	Peter T. D'Angelo, Judge)

Counsel for Petitioner requests a reasonable extension of time to finish the investigation in this matter and to file a further supplemental petition should circumstances warrant. This unusual request is made pursuant to the attached Memorandum of Points and Authorities.

RESPECTFULLY SUBMITTED this 3rd day of May, 1995.

By Robert W. Doyle
ROBERT W. DOYLE
Attorney for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

In August 1994, counsel was appointed for Petitioner. After reviewing the file and interviewing a number of witnesses, counsel filed a Petition for Post Conviction Relief on December 19, 1994.

In February of 1995, volunteer lawyers approached counsel about Mr. Lopez's case. They proposed doing a further investigation on Mr. Lopez's behalf. Counsel had no objection at the time. Over the course of the next several months, volunteer lawyers working separately from Petitioner's counsel solicited and received hundreds of documents for counsel's consideration. Some of those documents and issues were presented to the court in the Supplemental Petition filed May 3, 1995. However, there are two specific areas where the work begun by these volunteers has not been completed.

The first of these areas involves attempting to get statements from Mr. Lopez's family and friends. Every lawyer that counsel has spoken to has noted Petitioner's unusual family circumstance. Of the eight Lopez brothers, four of the five eldest have only minimal criminal histories; the three youngest brothers (Samuel, Jose, and George) have all been convicted of homicide. Over the years, attempts to contact and learn more from family members has met with resistance. No members of the family came forward to help trial attorney Joel Brown before sentencing in 1986. No members of the family offered evidence when attorney George Sterling conducted the second sentencing in 1990. In the past several months, volunteers have made contact with several of Mr. Lopez's brothers, his mother, and a close friend who was involved in this case. For the first time, these people have expressed willingness to discuss Mr. Lopez, his background, and his current situation with counsel. Unfortunately, as of the date of the motion, none of them are willing to commit to signing affidavits. Due to the unusual

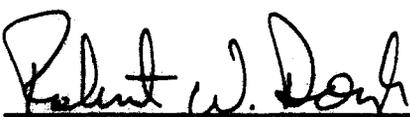
circumstances of the Lopez family, this information could be vitally important in finally understanding this situation.

Second, these volunteer lawyers have attempted to contact the trial jury in this case. One jury member granted a volunteer lawyer an interview. The report from that interview indicates that there are issues of juror misconduct to be explored. Interviews with the remaining jurors would serve to shed considerable light upon this situation.

CONCLUSION

Counsel for Petitioner has diligently searched the record and available sources of information to present both the Petition filed in December 1994 and the Supplement filed in May of 1995. Volunteer lawyers, working separately from Petitioner's counsel, have developed significant leads to potentially important new information. Counsel requests that the Court grant an extension of time to follow these leads to see if further issues develop. Counsel further requests that the Court, despite the time that has gone by, keep an open mind to considering a further supplement if and when further information warrants a filing. While counsel has used this hackneyed phrase before, this motion is made in good faith by Petitioner's counsel and is not made for the purposes of delay.

RESPECTFULLY SUBMITTED this 3rd day of May, 1995.

By 
ROBERT W. DOYLE
Attorney for Petitioner

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

APR 05 '95 APR 07 '95 6
DIST. CLERK OF THE SUPERIOR COURT

April 3, 1995

HON. PETER T. D'ANGELO

C. Bowen

Deputy

№ CR 163419

STATE OF ARIZONA

Attorney General

By: Dawn M. Northrup

v.

SAMUEL LOPEZ

Public Defender

By: Robert W. Doyle

Samuel Lopez
ASPC - CB6
ADOC #43833
P. O. Box 629
Florence, AZ 85232

Pursuant to Defendant's motion to extend and good cause appearing,
IT IS ORDERED extending the time to and including May 3, 1995 within
which to file a supplemental Petition for Post-Conviction Relief.

The Court notes that the Request for Post-Conviction Relief was filed on
May 24, 1995. Further, that Mr. Doyle was appointed on August 19, 1994. This is the
fourth extension on Defendant's behalf since that time. There will be no further extensions.

IT IS FURTHER ORDERED extending the time within which to file a
Response and Reply accordingly.