

Thomas F. Coleman, Esq.
1800 North Highland Avenue
Suite 106
Los Angeles, CA 90028
Soc. Sec. No. 367-50-0175

L.A. No. 30901

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

PRYOR
v.
MUNICIPAL COURT

SUPREME COURT
FILED
MAY 3 1980
G. E. BISHEL, Clerk

Deputy

Good cause appearing therefor, THOMAS F. COLEMAN is hereby appointed nunc pro tunc February 16, 1978 to represent petitioner, Don Barry Pryor, in the above entitled proceeding.

Pursuant to section 1241 of the Penal Code, the reasonable fee of THOMAS F. COLEMAN, appointed by this court as attorney for petitioner is fixed at \$1000 and he is also allowed \$225.00 for expenses in connection with the appointment.

BIRD,

Chief Justice

Law Offices

THOMAS F. COLEMAN

Thomas F. Coleman

Jay M. Kohorn, Of Counsel

1800 North Highland Avenue
Suite 106
Los Angeles, California 90028

(213) 464-6666

California Supreme Court
4050 State Building
350 McAllister Street
San Francisco, CA 91402

Attention: Mr. Kavanagh, Chief Deputy

Re: Pryor v. Municipal Court, Supreme Court No. LA 30901
Opinion filed September 7, 1979

Dear Mr. Kavanagh:

Pursuant to our conversation today, I am submitting a request for the following:

- 1) Appointment to represent Mr. Pryor, nunc pro tunc; and
- 2) Payment of attorneys fee and reimbursement for costs.

On August 13, 1976, I was appointed to represent Mr. Pryor by the Appellate Department of the Los Angeles Superior Court because Mr. Pryor was indigent and was in need of an attorney to handle his appeal from an adverse ruling by the Municipal Court on the constitutionality of Section 647(a) P.C. (See order attached hereto.)

On December 20, 1977 the Appellate Department upheld the judgment of the Municipal Court under compulsion of several Court of Appeal decisions, e.g., Silva v. Municipal Court (1974) 40 C.A.3d 733, People v. Williams (1976) 59 C.A.3d 225, etc. (See copy of that order which is attached hereto.)

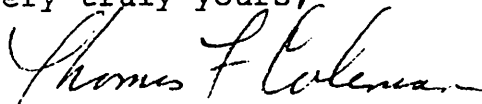
In furtherance of my representation of Mr. Pryor, I sought further review of the Municipal and Superior Court decisions by the only vehicle that seemed appropriate, i.e., Petition for a Writ of Prohibition. In that Petition I requested the Supreme Court to appoint me to represent Mr. Pryor. (See final paragraph of Petition.) On February 16, 1978 the Court issued an alternative writ. Unfortunately, it appears that the Court overlooked my request for appointment. I therefore request the Court to appoint me pursuant to my initial request and to award me attorneys fees and costs. I am attaching hereto an itemization of time and costs spent on the Petition and subsequent proceedings in the Supreme Court and would appreciate your bringing my request to the attention of the Court.

page two of
letter to
J.L. Kavanagh

The time I spent on behalf of Mr. Pryor in the Supreme Court proceedings, which includes research, writing, conferences, oral argument and preparation therefor -- as well as work done with respect to the Petition for Modification, was 64 hours. The costs incurred, including photocopying, postage, long distance calls, and typing services, were \$225.00.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, CA this April 4, 1980.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Coleman".

THOMAS F. COLEMAN

Enclosures

Time Spent on Pryor v. Municipal Court

Response to Petition for Modification:

September 25, 1979 to October 2, 1979
research, consultations, and
writing of response 9 hours

Analysis of Opinion of Supreme Court

September 8, 1979 to September 12, 1979
reading, consultations with
City Attorney 6 hours

Oral Argument and Preparation

June 6, 1978
appearance for argument 2 hours

June 1, 1978 to June 5, 1978
review of briefs, outline of
arguments, consultations with
amici, preparation for argument 10 hours

Petitioner's Answer to Briefs of San Diego and L.A.
City Attorney Offices

April 21, 1978 to April 27, 1978
research, consultations with
associates and amici, writing 10 hours

Return of L.A. City Attorney to Alternate Writ

March, 1978
meetings with representatives of the
L.A. City Attorney to argue why they
should not dismiss the Municipal Court
case thereby making the Supreme Court
case moot, and why they should make
certain concessions as to why the statute
is overbroad -- result: success on both
issues 4 hours

Lodging Documents with Court

March 1, 1978
selection and preparation 2 hours

Preparation and Service of Alternate Writ

February, 1978 2 hours

Preparation of Petition

January, 1978
preparation of petition 7 hours
enlistment of amici and consultations
with amici 12 hours

TOTAL: 64 hours

APPELLATE DEPARTMENT OF THE SUPERIOR COURT

APPELLATE DEPARTMENT OF THE SUPERIOR COURT
108 1/2 E. 1st St. Los Angeles, CA 90012
108 1/2 E. 1st St.
LOS ANGELES, CALIF. 90012

APPELLATE DEPARTMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,
vs.
DON BARRY PRYOR,
Defendant and Appellant.

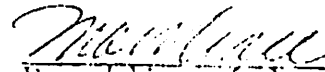
Superior Court No. CR A 14551
Municipal Court of the
Los Angeles Judicial District
No. 31544398
ORDER APPOINTING COUNSEL AND
GRANTING RELIEF FROM DEFAULT


Appellant's Request for Appointment of Counsel and
Declaration of Financial Condition filed August 2, 1976
having been duly considered, and pursuant to communication between
THOMAS F. COLEMAN, attorney at law,
3701 Wilshire Boulevard, Los Angeles, CA 90010
telephone 386-7855, and the clerk of the court, and
said attorney having consented to serve,


IT IS ORDERED that THOMAS F. COLEMAN
is hereby appointed to represent appellant in this case.

IT IS FURTHER ORDERED upon this court's own motion that
appellant is relieved from default in failing to serve and file a
proposed statement on appeal within the time provided by Rule 134,
California Rules of Court, and may serve and file with the clerk
of the Municipal Court a proposed statement on appeal herein,
including notice of intention to file a reporter's transcript, if
such be the case, within fifteen days from the date of this order,
and that when so served and filed, said statement shall have the

2 Nothing in this order shall be deemed to entitle appellant
3 to a reporter's transcript at government expense. Any application
4 for such must be addressed to the trial court and meet the require-
5 ments set forth in Colbert v. Municipal Court [1972] 24 Cal.App. 3d
6 497; Cleveland v. Municipal Court [1971] 18 Cal.App.3d 207; Marshall v.
7 Municipal Court [1972] 7 Cal.3d 422.

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11 Presiding Judge

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13 Judge

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15 Judge

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IN THE APPELLATE DEPARTMENT OF THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

Superior Court No. CR A 14551

Trial Court No. 31544-98 **FILED**

DEC 20 1977

John J. Corcoran
E. L. SYART, DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff and Respondent,
.....
vs.
DON BARRY PRYOR,
Defendant and Appellant.

ON APPEAL
from the
MUNICIPAL COURT
of the
Los Angeles
Judicial District,
County of Los Angeles,
State of California.
Alan G. Campbell, Judge

This cause having been submitted for decision, and fully considered, judgment is ordered as follows:

It is ORDERED and ADJUDGED that the judgment

..... made and entered in the
Municipal Court of the Los Angeles Judicial District, County
of Los Angeles, State of California, in the above entitled cause be and the same is hereby affirmed

The judgment is affirmed under the compulsion of Silva v. Municipal Court [1974] 40 Cal.App.3d 733, People v. Williams [1976] 59 Cal.App.3d 225, People v. Mesa [1968] 265 Cal.App.2d 746, and People v. Deyhle [1977] CR A 14585 and CR A 14586. (certified for publication).

Alan G. Campbell
A *John J. Corcoran* Presiding Judge
John J. Corcoran Judge
John J. Corcoran Judge

I concur in the result:

EXHIBIT A



Appellate Department
OF
The Superior Court

111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012

TELEPHONE
(213) 974-1234

September 19, 1979

Thomas F. Coleman, Esq.
1800 N. Highland Ave., Suite 106
Los Angeles, CA 90028

Re: People v. Pryor - CR A 14551 and
Pryor v. Municipal Court, Supreme Court No. LA 30901

Dear Mr. Coleman:

I have for reply your letter requesting advice as to how to proceed to procure fees for your services in Pryor v. Municipal Court. I am not sure how to respond. I gather that some six or eight weeks after the matter became final in this court you filed your successful petition in the Supreme Court. Our authority to appoint and compensate attorneys is based on Penal Code section 987.2 which provides for compensation to counsel "assigned in the superior court . . . to represent . . . a person in a criminal trial, proceeding or appeal". Your assignment was apparently at an end in this court when, on January 17, 1978, a minute order was entered authorizing the payment of \$2,500.00 to you.

My initial reaction would be that your application for fees should be addressed, at least in the first instance to the Supreme Court. I note that its opinion made an award of costs to your client.

At the same time there may be an argument that your duty to your client required you to undertake the independent writ proceedings and that since it stemmed from our initial appointment of you, the County of Los Angeles should be responsible for payment.

Accordingly, I believe you should file a formal motion in whatever court you deem proper in order to secure the payment of fees since it is the County of Los Angeles which would be responsible if this court determined to order fees to you. Any motion filed in this court should


Thomas F. Coleman, Esq.

-2-

September 19, 1979

be served on the county. For the same reason I am sending a copy of this letter together with a copy of your letter to me to the County Counsel.

Sincerely yours,



John L. Cole
Presiding Judge

JLC:sd

cc: County Counsel

J. L. KAVANAGH
CHIEF DEPUTY)

DEPUTIES
REMO C. MATTEOLI
G. E. SCHNEIDER
JOHN C. ROSSI
ROBERTA NICCO
SAN FRANCISCO

ROBERT F. JOHNSON
R. D. BARROW
LOS ANGELES

OFFICE OF THE CLERK

Supreme Court of California

SAN FRANCISCO, CALIFORNIA

G. E. BISHEL, CLERK

415-557-0587

OFFICES

SAN FRANCISCO 94102
4250 STATE BUILDING

LOS ANGELES 90010
3580 WILSHIRE BLVD.

SACRAMENTO 95814
100 LIBRARY AND COURTS BUILDING

September 17, 1979

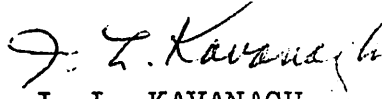
Thomas F. Coleman, Esq.
1800 North Highland Avenue
Los Angeles, California 90028

Re: L.A. 30901 - Pryor v. Municipal Court

Dear Mr. Coleman:

The recoverable costs on appeal are listed in Rule 26, California Rules of Court. It was the court's intent to permit recovery of such costs in the present action for writ of prohibition. (See Witkin, Cal. Procedure, vol. 5, p. 3937.)

Very truly yours,


J. L. KAVANAGH
Chief Deputy

JLK:ct

cc: Rec.

1 THOMAS F. COLEMAN
2 1800 N. Highland
3 Los Angeles, CA 90028
4 464-6666
5 Attorney for Appellant
6
7

8 APPELLATE DEPARTMENT
9 LOS ANGELES SUPERIOR COURT
10

11 PEOPLE OF THE STATE OF CALIFORNIA,)
12 Plaintiff and Respondent,) No. CR A 14551
13 -v-) REQUEST FOR PAYMENT
14) OF ATTORNEY'S FEE
15 DON BARRY PRYOR,)
16 Defendant and Appellant.)
17)

18 I, THOMAS F. COLEMAN, declare:

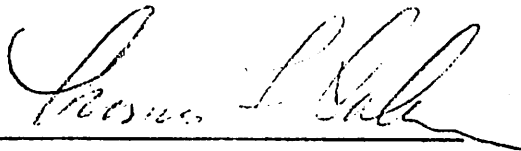
19 That I was appointed by this Court to represent Appellant. I
20 have done so and hereby request this Court to order payment to me
21 of attorney's fees.

22 My social security number is ~~XXXXXXXXXX~~

23 The following attachment is an accurate reflection of the time
24 I have spent on this case and the expenses I have incurred.

25 I declare under penalty of perjury that the foregoing is true
26 and correct.

27 Executed at Los Angeles, California this 23 day of December,
28 1977.

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31 THOMAS F. COLEMAN
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1	DATE:	WORK DONE:	TIME: (minutes)
2			
3	8-26-76	preparation of proposed statement	90
4	9-15-76	written request to reporter	15
5	9-27-76	conversation with reporter	15
6	9-29-76	motion for relief from default	60
7	10-15-76	consideration of city attorney motion to dismiss appeal	30
8	10-20-76	consideration of city attorney supplemental papers re motion to dismiss	30
9			
10	10-15-76	correspondence with city attorney re motion to dismiss appeal	30
11			
12	10-15-76	response to motion to dismiss	60
13	10-26-76	supplemental papers re motion to dismiss	30
14	10-28-76	appearance re motion to dismiss and relief from default	120
15			
16	11-2-76	appear in Div. 40 for postponement of re-trial	180
17	9-29-76	prepare motion for free transcript	180
18	11-4-76	notice of change of hearing date for free transcript	30
19			
20	11-10-76	hearing before Judge Campbell re free transcript	180
21			
22	11-15-76	supplemental declaration re free trans.	60
23	11-22-76	request for extension to file transcript	60
24	11-29-76	consideration of order denying transcript	60
25	12-10-76	prepare amended proposed statement	180
26	12-10-76	calls to municipal court	30
27	12-27-76	calls to city attorney re settled state- ment	45
28	1-7-77	appearance for hearing on settled state- ment	180
29			
30	2-1-77	appear in Div. 40 to postpone retrial	180
31	2-10-77	calls to municipal court re erroneous bail forfeiture	60
32			
33	1-12-77 & 1-13-77	preparation of writ against Judge Campbell for free transcript	480
34	1-27-77	appear in Superior Court to receive and serve writ	120
35			
36		(continued on next page)	

	DATE:	WORK DONE:	TIME:
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3	1-21-77	Supplemental declaration in support of writ	120
4	2-4-77	appear for another hearing to settle statement	240
5			
6	2-4-77	visit to Judge Nebron because of Judge Campbell's refusal to obey writ	30
7			
8	2-8-77	telephone call from county counsel	30
9	2-10-77	receipt of return of writ	10
10	3-30-77	motion to strike improper settled statement	90
11	3-31-77	pick up transcripts	60
12	4-3-77	read and study transcripts	180
13	4-4-77	appear in Div. 40 to postpone retrial	180
14	4-5-77	calls to municipal court re transcript	20
15	4-5-77	call from appellate department re motion to strike settled statement	15
16			
17	4-14-77	appear to certify transcript	90
18	5-2-77	receipt of order striking settled statement	10
19	6-6-77	request to be relieved from default	60
20	5-6-77	letter to city attorney	15
21	6-24-77	receipt of order granting relief from def.	10
22	6-28-77	prepare and file certified statement	60
23	8-31-77	read transcript and prepare brief	480
24	9-1-77	prepare brief	480
25	9-2-77	prepare brief	300
26	9-3-77	prepare brief	300
27	9-7-77	prepare brief	120
28	9-9-77	prepare brief	300
29	9-10-77	prepare brief	240
30	9-11-77	prepare brief	240
31	9-13-77	proof read brief	60
32	9-19-77	prepare another statement on appeal	90
33	11-23-77	study respondent's brief	120
34	11-25-77	prepare reply brief	180
35	12-5-77	appear in Div. 40 to postpone retrial	120
36	12-15-77	appear for oral argument	120

(continue on next page)

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TOTAL TIME: 6875 minutes = 115 hours
(fees)

Costs advanced:
typing fees.....\$200.00
xerox..... 100.00
attorney service.... 30.00
travel and park..... 50.00
Total.....\$380.00

Law Offices

THOMAS F. COLEMAN

Thomas F. Coleman

Jay M. Kohorn, Of Counsel

1800 North Highland Avenue
Suite 106
Los Angeles, California 90028

(213) 464-6666

September 15, 1979

Appellate Department
Los Angeles Superior Court
111 N. Hill Street
Los Angeles, CA 90012

Re: People v. Pryor, CR A 14551 and
Pryor v. Municipal Court, Supreme Court No. L.A. 30901

Dear Presiding Judge and
Associate Judges:

On August 13, 1976 this Court appointed me to represent Mr. Pryor in his appeal to this Court from an adverse ruling in the Municipal Court on the constitutionality of Section 647(a). See Order Appointing Counsel, attached.

On December 20, 1977 this Court upheld the judgment of the lower court under the compulsion of Silva, Williams, Mesa, and Deyhle. See copy of judgment, attached.

In furtherance of my representation of Mr. Pryor, I did not accept your decision, but instead, sought relief in the Supreme Court of California. Not having an appeal to that Court as a remedy, I filed a Petition for a Writ of Prohibition in February, 1978 (as soon as I could prepare the paperwork after your decision) and on February 16, 1978 the Supreme Court issued an alternative writ.

The opinion of the Supreme Court in the Pryor case was filed on September 7, 1979 (a copy is enclosed for your information). The Court disapproves of all of the cases you felt compelled to follow.

In December, 1977 I filed a request for payment of attorney fees for work done to that date. I would now like to request payment for the additional legal services I rendered on behalf of Mr. Pryor in furtherance of protecting his rights. How should I proceed with this request? Should I just submit a letter to this Court detailing the additional work I did? I estimate that the additional work would probably not exceed 40 hours.

page two of
letter to
Appellate Department

I know that several cases involving 647(a) are now pending before this Court. I suppose it would be wise to postpone consideration of those appeals until we see whether the Supreme Court decides the issue of sex registration.

Please let me know how to proceed on my request for payment of additional fees in this case.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas F. Coleman". The signature is written in dark ink and is positioned below the typed name.

THOMAS F. COLEMAN

I, G. E. PIERCE, Clerk of the Supreme Court of the State of California, do hereby certify that this is a true copy of the original as shown by the records of my office.

Witness my hand and the seal of the Court this

_____ day of FEB 16 1978

Clerk
By [Signature]
Deputy Clerk

SUPREME COURT
FILED
FEB 16 1978
G. E. Pierce
[Signature]
Clerk

L. A. No. 30901

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
IN BANK

PRYOR, Petitioner,

v.

THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT,
Respondent;

PEOPLE, Real Party in Interest.

Let an alternative writ of prohibition issue, limited to the proceedings in the municipal court related to retrial of the charge of violating section 647, subdivision (a), of the Penal Code, to be heard before this court when the proceeding is ordered on calendar.

The alternative writ is to be issued, served and filed on or before February 22, 1978.

The written return to the writ is to be served and filed on or before March 10, 1978.

Clark, J., and Richardson, J., are of the opinion that the petition should be denied.

[Signature]
Chief Justice