Thomas F. Coleman, Esq.
1800 North Highland Avenue
Suite 106
Los Angeles, CA 90028

L.A. No. 30901

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

PRYOR

v.

MUNICIPAL COURT

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.

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,

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

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 184, California Rules of Court, and may serve and file with the clerk of the Municipal Court a proposed statement on appeal hereto, 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

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

Presiding Judge

Judge

Judge

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. 31544398

FILED
DEC 20 1977
John L. Corcoran, County Clerk
By [illegible], ETHEL STUART, 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).

[signature] Presiding Judge

Judge

I concur in the result: [signature]

Judge

EXHIBIT A

76R279A (Rev. 6-76) 12-76

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

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

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

J. L. KAVANAGH
Chief Deputy

JLK:ct

cc: Rec.

THOMAS F. COLEMAN
1800 N. Highland
Los Angeles, CA 90028
464-6666

Attorney for Appellant

APPELLATE DEPARTMENT

LOS ANGELES SUPERIOR COURT

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff and Respondent, -v- DON BARRY PRYOR, Defendant and Appellant.	No. CR A 14551 REQUEST FOR PAYMENT OF ATTORNEY'S FEE

I, THOMAS F. COLEMAN, declare:

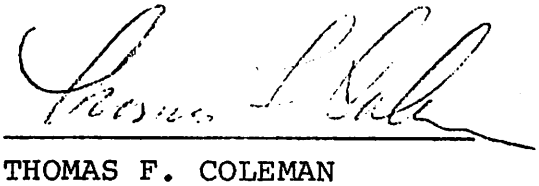
That I was appointed by this Court to represent Appellant. I have done so and hereby request this Court to order payment to me of attorney's fees.

My social security number is [redacted].

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

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

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



THOMAS F. COLEMAN

DATE:	WORK DONE:	TIME: (minutes)
8-26-76	preparation of proposed statement	90
9-15-76	written request to reporter	15
9-27-76	conversation with reporter	15
9-29-76	motion for relief from default	60
10-15-76	consideration of city attorney motion to dismiss appeal	30
10-20-76	consideration of city attorney supplemental papers re motion to dismiss	30
10-15-76	correspondence with city attorney re motion to dismiss appeal	30
10-15-76	response to motion to dismiss	60
10-26-76	supplemental papers re motion to dismiss	30
10-28-76	appearance re motion to dismiss and relief from default	120
11-2-76	appear in Div. 40 for postponement of re-trial	180
9-29-76	prepare motion for free transcript	180
11-4-76	notice of change of hearing date for free transcript	30
11-10-76	hearing before Judge Campbell re free transcript	180
11-15-76	supplemental declaration re free trans.	60
11-22-76	request for extension to file transcript	60
11-29-76	consideration of order denying transcript	60
12-10-76	prepare amended proposed statement	180
12-10-76	calls to municipal court	30
12-27-76	calls to city attorney re settled statement	45
1-7-77	appearance for hearing on settled statement	180
2-1-77	appear in Div. 40 to postpone retrial	180
2-10-77	calls to municipal court re erroneous bail forfeiture	60
1-12-77 & 1-13-77	preparation of writ against Judge Campbell for free transcript	480
1-27-77	appear in Superior Court to receive and serve writ	120

(continued on next page)

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

(continue on next page)

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.

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,

Thomas F Coleman

THOMAS F. COLEMAN

I, G. E. [illegible]
State of California, [illegible]
is a true copy of an [illegible]
the records of my [illegible]
Witness my hand and the seal of the Court this
day of FEB 16 1978 A.D. 19
Clerk
By Deputy Clerk

SUPREME COURT
FILED
FEB 16 1978
G. E. [illegible] Clerk
Deputy

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.

Bird
Chief Justice