

KATZ RANDALL WEINBERG & RICHMOND

ATTORNEYS AT LAW

SUITE 1800
333 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60606-1288
TELEPHONE 312.807.3800
FACSIMILE 312.807.3903

DEANE B. BROWN
312.845.2519
dbrown@krw.com

January 15, 2002

Stuart Friedman
843 Penniman Avenue
Plymouth, Michigan 48170

Re: William Hetherington's Habeas Petition
KRWR File No.: 09941.00100

Dear Stuart:

Per my voicemail message to you, enclosed is the Court's Order of January 9, 2002, setting aside its previous Order To Show Cause, concluding that we "presented allegations that may justify extending/tolling the statute of limitations" and stating that the Court will not, on its own motion, dismiss our Habeas Petition for failure to comply with the one-year statutory period. However, the Court has ordered the Respondent, Attorney General for the State of Michigan, to file a brief addressing the statute of limitations issue by March 22, 2002.

Thank you for your assistance with our Response. I would like to discuss the Attorney General's Response with you when we receive it.

Yours very truly,



Deane B. Brown

Enclosure

cc: Warren Lupel (w/o encl.)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM J. HETHERINGTON,

Petitioner,

**CIVIL ACTION NO. 01-CV-73675-DT
HONORABLE BERNARD A. FRIEDMAN**

HENRY N. GRAYSON,

Respondent.

**ORDER SETTING ASIDE SHOW CAUSE ORDER
AND REQUIRING RESPONSIVE PLEADING**

Petitioner William Hetherington, a state prisoner currently confined at the Parnall Correctional Facility in Jackson, Michigan, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 alleging that he is incarcerated in violation of his constitutional rights. The habeas petition, filed by counsel, states that Petitioner was convicted of first-degree criminal sexual conduct for the rape of his wife following a jury trial in the Genesee County Circuit Court in 1986. He was sentenced to 15-30 years imprisonment. Petitioner made various unsuccessful attempts to pursue an appeal as of right with the Michigan Court of Appeals from 1986 through 1993. *See* Brief in Support of Petition, pp. 18-22. Petitioner apparently did not seek leave to appeal with the Michigan Supreme Court. *Id.*

On January 26, 1998, Petitioner filed a motion for post-conviction relief with the trial court, which was denied on March 31, 1998. *See* Petition, p. 3; Exh. 46. The trial court denied Petitioner's motion for reconsideration on May 20, 1998. Petitioner filed an amended application for leave to appeal with the Michigan Court of Appeals, which was denied. *People v. Hetherington*, No. 218462

orders filed in this matter on the Attorney General for the State of Michigan by certified mail as provided in Rule 4.

IT IS FURTHER ORDERED that, as an initial matter, Respondent shall file a brief addressing the statute of limitations issue by **MARCH 22, 2001**. As part of the answer, Respondent shall file with the Clerk a copy of any prior decision, pleading, brief and/or transcript of a previous proceeding in Petitioner's case needed to adjudicate the issues presented. A separate index listing the materials being submitted shall also be filed.



PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

DATED: January 9, 2002