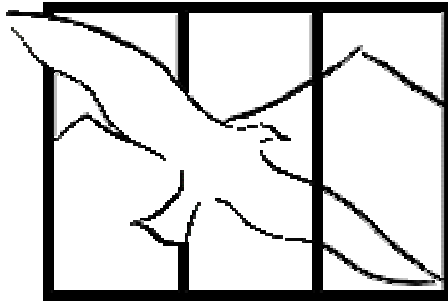


# **STATE HABEAS CORPUS PROCEDURE:**

## **A MANUAL FOR CALIFORNIA PRISONERS**



**November 2005**

**PRISON LAW OFFICE  
GENERAL DELIVERY  
SAN QUENTIN, CA 94964**

### Your Responsibility When Using the Information Provided Below:

When we wrote this Informational Material we did our best to give you useful and accurate information because we know that prisoners often have difficulty obtaining legal information and we cannot provide specific advice to all the prisoners who request it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to this material every time the law changes. If you want legal advice backed by a guarantee, try to hire a lawyer to address your specific problem. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the materials you need should be available in your institution law library.

## **STATE HABEAS CORPUS PROCEDURE: A MANUAL FOR CALIFORNIA PRISONERS**

### **INTRODUCTION: THE USES OF STATE HABEAS ACTIONS**

Traditionally habeas corpus actions have been used to inquire into the legality of a person's imprisonment or detention.<sup>1</sup> When a prisoner filed a "petition" for a writ of habeas corpus, a judge would issue a "writ", which was an order requiring the jail or prison officials to bring the prisoner before the court and give reasons to justify why the person was being detained.<sup>2</sup> After a court hearing, the judge would decide whether the imprisonment was legal, and either permit the continued imprisonment or free the person. This traditional use of habeas corpus allows prisoners to challenge their convictions and sentences. Life prisoners can also use habeas corpus to challenge denials of parole suitability by the Board of Parole Hearings (BPH) or the governor.

In modern times, state habeas corpus actions can also be used to review the legality of prison or jail conditions, even if the person complaining about the conditions is not challenging the validity of the criminal or civil commitment.<sup>3</sup> Examples of issues that can be raised include the need for safe housing, classification or worktime credit errors, medical care needs, visiting denials, disciplinary due process violations, and illegal parole conditions. Issues raised in state habeas corpus cases can be based on rights guaranteed by the federal or state constitutions, statutes or regulations. Through a habeas corpus proceeding, a prisoner can ask a court to order "injunctive relief" by requiring prison officials to do something or to stop doing something; however, awards of money damages are not available through habeas corpus actions.<sup>4</sup>

This manual contains a step-by-step guide to California state habeas corpus process, and includes court forms and sample briefs.

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<sup>1</sup> See In re Jackson (1964) 61 Cal.2d 500, 503 [39 Cal.Rptr. 220].

<sup>2</sup> See, e.g., Penal Code §§ 1476-1484.

<sup>3</sup> In re Davis (1979) 25 Cal.3d 384, 387 [158 Cal.Rptr.384].

<sup>4</sup> There are other ways to challenge conditions of confinement; for example, a prisoner can seek injunctive relief and/or money damages by filing a civil rights action under 42 U.S.C. § 1983 in federal or state court. However, habeas corpus is a relatively simple and speedy legal procedure, it is recommended that prisoners proceed by this method if they are seeking injunctive relief and are representing themselves.

## WHEN TO FILE

There is no set time limit for filing a state petition for writ of habeas corpus.<sup>5</sup> However, courts do require a person to be diligent in seeking relief when the facts and law supporting the petition are known or should be known.<sup>6</sup> When there has been a long delay before the petition was filed, the petition should explain in detail why the case was not filed earlier.<sup>7</sup>

Also, a court will usually dismiss a petition if the petitioner is no longer suffering from the wrong that is the subject of the petition. Such cases are said to be “moot.” However, courts have discretion to hear and decide cases that are moot, and should do so under certain circumstances.<sup>8</sup> In particular, courts should decide cases that will resolve important issues which are likely to come up repeatedly, but which may not otherwise get heard.<sup>9</sup> Such cases can arise when there are disputes or issues that usually are resolved by other means more quickly than the time it takes to complete the habeas process.<sup>10</sup>

In addition, prisoners who are challenging their criminal convictions or sentences via state habeas petitions should be aware that there are strict time limits for filing federal petitions for writ of habeas corpus.<sup>11</sup> Those time limits are “tolled” – meaning that the clock is not

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<sup>5</sup> In re James (1952) 38 Cal.2d 302.

<sup>6</sup> See In re Harris (1993) 5 Cal.4th 813 [21 Cal.Rptr.2d 373].

<sup>7</sup> In re Sanders (1999) 20 Cal.4th 1083 [84 Cal.Rptr.2d 403]; In re Clark (1993) 5 Cal.4th 750 [21 Cal.Rptr.2d 509]; In re Swain (1949) 34 Cal.2d 300; In re Moss (1985) 175 Cal.App.3d 913 [221 Cal.Rptr. 645].

<sup>8</sup> In re Fleury (1967) 67 Cal.2d 600 [63 Cal.Rptr. 298]; In re William M. (1970) 3 Cal.3d 16 [89 Cal.Rptr. 33]; In re Bye (1974) 12 Cal.3d 96 [115 Cal.Rptr. 382].

<sup>9</sup> See, e.g., In re Garcia (1998) 67 Cal.App.4th 841 [79 Cal.Rptr.2d 357]; In re Angel M. (1998) 58 Cal.App.4th 1498 [68 Cal.Rptr.2d 825]; People v. Superior Court (Hamilton) (1991) 230 Cal.App.3d 1592 [281 Cal.Rptr. 900].

<sup>10</sup> See In re Arias (1986) 42 Cal.3d 667, 673 [230 Cal.Rptr. 505]; In re Robin M. (1978) 21 Cal.3d 337, 341, n. 6 [146 Cal.Rptr. 352]; In re William M. (1970) 3 Cal.3d 16 [89 Cal.Rptr. 33].

<sup>11</sup> A federal habeas petition usually must be filed within one year of either: 1) the conclusion of the direct state appeal; 2) the date that an unconstitutional impediment to filing was removed; 3) the date a newly recognized retroactive right was recognized by the U.S. Supreme Court; or 4) the date that the facts behind the claim “could have been discovered” through “the exercise of due diligence.” 28 U.S.C. § 2244(d)(2). A separate manual on federal habeas corpus is available from the Prison Law Office upon request.

running – while a prisoner is pursuing a “properly filed” state habeas corpus petition.<sup>12</sup> Thus, although there is no set timeline for filing a state habeas petition, a prisoner who does not file his or her state petition soon enough may not be able to meet the deadlines to later file a habeas petition in federal court.<sup>13</sup>

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

A prisoner who is challenging a criminal conviction or sentence does not need to exhaust any “administrative remedies” before filing a habeas petition. However, where an issue could have been raised in a direct criminal appeal, the petitioner should try to explain to the court why the issue was not raised at that time.<sup>14</sup> On the other hand, if the issue was raised in a previous direct appeal, a court may not allow the prisoner to re-litigate the issue via a habeas petition unless there are new facts, law, or evidence that were not previously available and not in the record on appeal.<sup>15</sup> Still, violation of fundamental rights can be challenged on habeas corpus even when the claim was previously rejected on appeal if the petitioner can show that the defects so affected the trial and conviction “as to violate the fundamental aspects of fairness and result in a miscarriage of justice.”<sup>16</sup>

On the other hand, a prisoner who wishes to file a habeas corpus petition challenging prison or parole conditions usually must first “exhaust administrative remedies” by filing a grievance with the agency responsible for the matter.<sup>17</sup> Prisoners in the California Department of Corrections and Rehabilitation (CDCR) can do this by submitting a Form 602 Administrative

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<sup>12</sup> 28 U.S.C. § 2244(d)(2); Artuz v. Bennett (2000) 531 U.S. 4 [121 S.Ct. 361; 148 L.Ed.2d 213]; Smith v. Duncan (9th Cir. 2001) 274 F.3d 1245.

<sup>13</sup> See Webster v. Moore (11th Cir. 2000) 199 F.3d 1256; Saffold v. Newland (9th Cir. 2000) 224 F.3d 1087; Nino v. Galaza (9th Cir. 1999) 183 F.3d 1003.

<sup>14</sup> In re Walker (1974) 10 Cal.3d 764 [112 Cal.Rptr. 177]; In re Ronald E. (1977) 19 Cal.3d 315 [137 Cal.Rptr. 781] (court denied petition because of failure of petitioner to explain why challenge to plea bargain allegations were not raised on direct appeal). See also, In re Seward (1995) 10 Cal.4th 447 [41 Cal.Rptr.2d 695]; In re Antazo (1970) 3 Cal.3d 100 [89 Cal.Rptr. 255]; In re Fuller (1981) 124 Cal.App.3d 251 [177 Cal.Rptr. 233]. In some circumstances, issues that were not previously addressed in the trial court and/or on direct appeal can be raised in a habeas petition as a claim of ineffective assistance of counsel. (In re Seaton (2004) 34 Cal.4th 193 [17 Cal.Rptr.3d 633]).

<sup>15</sup> In re Gay (1998) 19 Cal.4th 771 [80 Cal.Rptr.2d 765]; In re Harris (1993) 5 Cal.4th 813 [21 Cal.Rptr.2d 373].

<sup>16</sup> In re Harris (1993) 5 Cal.4th 813 [21 Cal.Rptr.2d 373].

<sup>17</sup> In re Muszalski (1975) 52 Cal.App. 500, 503 [125 Cal.Rptr. 286].

Appeal all the way through the Third (Director's) Level of review before filing a petition in court. If a prisoner is challenging a condition involving disability rights or accessibility, he or she should start by submitting a Form 1824 Reasonable Modification or Accommodation Request instead of a 602 appeal; again, the prisoner should pursue the grievance through the Third (Director's) Level of Review.

A prisoner or parolee who is challenging an action of the Board of Parole Hearings (BPH),<sup>18</sup> does not generally need to exhaust administrative remedies; as of May 2004, the BPH does not have any general administrative appeal process. However, the BPH does have a process for requesting disability accommodations and appealing denials of such accommodations. Prisoners and parolees with disability-related issues should thus exhaust administrative remedies by filing Form 1073 ("Notice of Rights and Request for Reasonable Accommodation") and Form 1074 ("Review of Reasonable Accommodation Request and Grievance Process").

Courts are reluctant to allow exceptions to the requirement of exhaustion of administrative remedies. Furthermore, actions occasionally have been lost on appeal – even after a superior court ordered relief – because prisoners did not exhaust their administrative remedies. However, "the doctrine of exhaustion of administrative remedies has not hardened into inflexible dogma."<sup>19</sup> Thus, in an exceptional case, such as where the administrative remedy is inadequate,<sup>20</sup> pursuit of the remedy would be futile<sup>21</sup> or delay would result in irreparable injury,<sup>22</sup> a court has discretion to hear the case without requiring exhaustion of administrative remedies. Ultimately, the requirement of exhausting administrative remedies should not apply when "injustice might otherwise result."<sup>23</sup>

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<sup>18</sup> BPT actions include parole revocation decisions, denial of parole suitability for life prisoners, or parole conditions set by the BPT. CDC is responsible for some other aspects of parole, including determining location of parole and most parole conditions, and such actions should be appealed using the CDC 602 process.

<sup>19</sup> Ogo Associates v. City of Torrance (1974) 37 Cal.App 3d 830, 834 [112 Cal.Rptr. 761].

<sup>20</sup> Glendale City Employees' Assn., Inc. v. City of Glendale (1975) 15 Cal.3d 328, 342-343 [124 Cal.Rptr. 513].

<sup>21</sup> In re Dexter (1979) 25 Cal 3d 921 [160 Cal.Rptr. 118]; In re Thompson (1985) 172 Cal.App.3d. 256, 262-263 [218 Cal.Rptr. 192]; In re Reina (1985) 171 Cal.App.3d. 638, 642 [217 Cal.Rptr. 535]; but see In re Serna (1978) 76 Cal.App.3d. 1010 [143 Cal.Rptr. 350].

<sup>22</sup> See In re Serna (1978) 76 Cal.App.3d. 1010, 1015-1023 [143 Cal.Rptr. 350] (Stephens J., dissenting).

<sup>23</sup> Greenblat v. Munro (1958) 161 Cal.App.2d 596,606.

As a practical matter, prisoners are often faced with dilemmas about how to proceed, since administrative appeals are often lost or answered in an untimely fashion, delaying the prisoner's ability to apply to the courts for relief. To ensure that the court does not deny a habeas petition for failure to exhaust administrative remedies, yet to be heard by the court as soon as possible, the prisoner should always file a 602 administrative appeal right away. While the appeal is pending, the prisoner can prepare the petition. If the problem is not resolved through the administrative appeal process, the prisoner should attach the third level appeal response to the completed petition and file the documents in the appropriate court.

If it is vital that the problem be resolved promptly, but the CDCR is not meeting the administrative appeal response time limits and has not given notice that the appeal will be decided soon, the prisoner can consider filing the petition before receiving all of the appeal responses. The prisoner can argue that the court should hear the case because the appeal system is inadequate to resolve the problem in a timely fashion and irreparable injury will result if exhaustion is required. The prisoner should document all attempts that have been made to resolve the problem administratively; these attempts should be fully described to the court in the petition.

## **PREPARING THE PETITION AND SUPPORTING DOCUMENTS**

A habeas corpus proceeding starts when a prisoner files a petition for writ of habeas corpus. The petition must 1) describe the imprisonment and what makes it illegal, 2) identify the place of confinement and the person with authority over that prison or jail, 3) state whether any prior petitions for a writ have been made with regard to the illegality and describe those proceedings, and 4) be "verified."<sup>24</sup>

The courts have created a form for prisoners to use when filing a petition for writ of habeas corpus. ([Judicial Council Form MC-275 \[Rev. July 1, 2005\]](#).) The form is primarily designed for habeas corpus challenges to criminal convictions and sentences. This form is of little use to prisoners who are preparing petitions challenging conditions of confinement. However, a prisoner filing a petition in pro per (without an attorney) must use the form, regardless of the issues that are being raised.<sup>25</sup> Therefore, prisoners who are bringing their own cases should always fill out and file the form.

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<sup>24</sup> Penal Code §§ 1474-1475. To "verify" the petition, the person making the application must declare under penalty of perjury that the facts stated in the petition are true. The person making the verification ordinarily will be the prisoner. However, in exceptional circumstances someone else can file an application to verify the petition as a "next friend." *In re Harrell* (1970) 2 Cal.3d 675, 689 [ 87 Cal.Rptr. 504]; but see *In re Davis* (1979) 25 Cal.3d 384, 389 [158 Cal.Rptr.384].

<sup>25</sup> California Rules of Court (CRC), rule 4.551(a)(1).

When a prisoner wants to add more information – particularly in a case involving prison or parole conditions – he or she should also submit a separate petition and memorandum of points and authorities.<sup>26</sup> Documents and sworn statements of supporting witnesses should also be attached to the petition as exhibits. [A sample petition for writ of habeas corpus is attached to this manual as Form B](#), and includes an explanation of how the pleading should be organized. This form also includes a sample verification and memorandum of points and authorities.

## WHERE AND HOW TO FILE THE PETITION

Generally, a petition challenging a prison policy or condition should first be filed in the county superior court.<sup>27</sup> A prisoner challenging a prison condition should file in the county in which he or she is incarcerated. A petition challenging a criminal conviction or sentence should be filed in the county in which the prisoner was convicted or sentenced. A petition by a life prisoner challenging a denial or rescission of parole should be filed in the county where the prisoner was convicted and sentenced.<sup>28</sup> [A list of court addresses, organized by county and stating which prisons are located in each county](#), is attached to this manual.

However, a prisoner really can't go wrong in choosing where to file, since a superior court must accept any petition for writ of habeas corpus. The court will then determine whether the petition states a possible case for relief. If there is a possible case for relief, and the petitioner has filed the case with the wrong court, the court will transfer the case to the appropriate superior court.<sup>29</sup>

The prisoner should file one copy of the petition with the superior court.<sup>30</sup> The petition can be “filed” simply by mailing it to the superior court clerk. However, it is good practice to

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<sup>26</sup> A prisoner who is challenging a conviction or sentence, and who may someday want to raise those issues in federal court, should make sure the state habeas petition preserves the federal nature of those claims. The prisoner should clearly say in the state petition if a claim is federal; citation of federal statutes, the U.S. Constitution or decisions of federal courts are also acceptable ways to make clear the federal nature of the claim. Peterson v. Lampert (9th Cir. 2002) 277 F.3d 1073.

<sup>27</sup> Griggs v. Superior Court (1976) 16 Cal.3d 341 [128 Cal.Rptr. 223]. The petition can also be filed initially with the Court of Appeal or even the California Supreme Court, if there are special reasons why those courts should hear it at once. Article VI, Sec. 10 of the California Constitution.

<sup>28</sup> In re Roberts (2004) 36 Cal.4th 575 [1 Cal.Rptr.3d 458].

<sup>29</sup> Griggs v. Superior Court (1976) 16 Cal.3d 341, 347 [128 Cal.Rptr. 223].

<sup>30</sup> The Superior Court will serve a copy of the petition on the Attorney General if it issues an Order to Show Cause or requests an informal response.

send the court a second copy of the petition with a self-addressed stamped envelope so the court can send the petitioner a stamped copy showing the date of filing and the assigned case number. If the prisoner cannot send an extra copy of the petition, he or she can at least ask the clerk to inform him or her of the assigned case number and judge. No fee is charged by the court for filing a writ of habeas corpus.

A petitioner should always try to keep a copy of the petition or any other document filed with the court, even if it is only a hand-written duplicate.

## **HOW TO ASK THE COURT TO APPOINT AN ATTORNEY**

Prisoners have no right to a court-appointed attorney in a habeas proceeding unless and until the court issues an Order to Show Cause (OSC), although it is possible that a court can appoint an attorney to prepare a habeas petition should it determine that such is necessary. However, if a prisoner files a petition in pro per, and if the court issues an Order to Show Cause, the court must then appoint counsel for any prisoner who requests an attorney but cannot afford to hire one.<sup>31</sup>

A petitioner can request an attorney by filing with the court a separate document entitled “Declaration of Indigency and Request for Appointment of Counsel.” [\(A sample request for counsel is attached to this manual as Form C.\)](#) A prisoner should also request appointment of an attorney in the “prayer for relief” portion of the petition.

## **THE COURT’S RESPONSE TO THE PETITION**

The court must act on a habeas petition within 60 days of its filing.<sup>32</sup> If a court does not act on a petition within 60 days, the petitioner should send a “notice and request for ruling” to the court. The notice must include a declaration stating the date the petition was filed and the date the notice is being filed, and indicating that the petitioner has not received a ruling; a copy of the original petition must be attached. Once the court receives a complete “notice and request for ruling,” the case should be assigned to a judge and calendared for a decision to be made within 30 days.<sup>33</sup>

When the court does act, it has several options for how to proceed. The court can:

- 1) Deny the petition. If the court denies a petition it must explain the reason for the

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<sup>31</sup> CRC, rule 4.551(c)(2).

<sup>32</sup> CRC, rule 4.551(a)(3)(A).

<sup>33</sup> CRC, rule 4.551(a)(3)(B).

denial. An order that merely states that the petition is denied is not sufficient.<sup>34</sup>

- (2) Request an informal response from the respondent or custodian of any relevant records.<sup>35</sup>
- (2) Issue an order to show cause.<sup>36</sup> This order will require the respondent to file a return showing any reasons why the relief requested by the petitioner should not be granted.

## **INFORMAL BRIEFING PROCEDURE**

If the court wants more information before proceeding, but doesn't want to issue an order to show cause, the court can request informal briefing. If the court asks for informal briefing, the court will send the Attorney General (or in some cases, the District Attorney) a copy of the petition.

The Attorney General's or District Attorney's informal response, which is usually in the form of a letter to the court, will generally be due 15 days after the court's request is issued. The Attorney General should send a copy of the informal response to the petitioner.

After an informal response is filed, the petitioner can then file an informal reply. The reply can be in the form of a letter to the court. The reply will normally be due 15 days after the date the informal response is served on the petitioner.<sup>37</sup> The petitioner should also send a copy of the reply letter to the Attorney General or District Attorney. Because the court has the power to deny the petition without any further briefing, the petitioner should draft a reply that disputes all factual errors and improper legal authorities and conclusions that are in the informal response.

## **THE ORDER TO SHOW CAUSE AND THE RETURN**

If the court decides that the case sets forth potentially valid grounds for relief, the court will issue an "order to show cause." The order to show cause can be issued either without prior

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<sup>34</sup> CRC, rule 4.551(a)(4)(B) and (g). See People v. Romero (1994) 8 Cal.4th 728, 737 [35 Cal.Rptr. 270] (discussing summary denials); In re Scott (1994) 27 Cal.App. 4th 946 [33 Cal.Rptr. 27].

<sup>35</sup> CRC, rule 4.551(a)(4)(C) and (b)(1).

<sup>36</sup> CRC, rule 4.551(a)(4)(A).

<sup>37</sup> CRC, rule 4.551(b).

informal briefing or after informal briefing has been submitted. If the Court did not previously order informal briefing, then the court will send the Attorney General (or in some cases, the District Attorney) a copy of the petition when the order to show cause is issued. The order to show cause will direct the respondent to set forth any legal or factual reasons why the relief requested by the petitioner should not be granted.

The order to show cause may not require the respondent to address issues that were not raised in the petition. However, if the court identifies potential issues that were not raised, the court can invite the petitioner to file a supplemental or amended petition with additional claims.<sup>38</sup>

In response to the order to show cause, the Attorney General will then file a “return.” The return is the legal document that explains why the respondents believe the petition should not be granted. Any allegation in the petition that is not disputed in the return is deemed true.

The Attorney General must be given at least 24 hours to file the return,<sup>39</sup> though the usual practice is to give 30 days.<sup>40</sup> The Attorney General should send the petitioner a copy of the return.

## **THE DENIAL AND EXCEPTION (OR TRAVERSE)**

After the Attorney General files a return, the prisoner should file a “denial and exception to the return.” The denial and exception (sometimes also called a “traverse”) is used by the petitioner to answer and deny any false allegations or points of law in the return.<sup>41</sup> Any claim or argument that is made in the return, and that is not denied, is deemed to be true. Usually the petitioner is given 30 days to file the denial.<sup>42</sup> The petitioner should also “serve” the denial by mailing a copy to the Attorney General at the same time it is mailed to the court, and attaching a “declaration of proof of service” to both copies. [A sample denial is attached to this manual as](#)

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<sup>38</sup> Board of Prison Terms v. Superior Court (Ngo) (2005) 130 Cal.App.4th 1212, 1241-1242 [31 CalRptr.3d 70].

<sup>39</sup> Penal Code, § 1475; CRC, rule 4.551(d); See People v. Duvall (1995) 9 Cal.4th 464, 475-476 [37 Cal.Rptr. 259] (discussing standards governing a return).

<sup>40</sup> CRC, rule 4.551(d).

<sup>41</sup> “The [petitioner]...may deny or controvert any of the material facts or matters set forth in the return, or except to the sufficiency thereof, or allege any fact to show either that his imprisonment or detention is unlawful, or that he is entitled to his discharge.” Penal Code § 1484. See People v. Duvall (1995) 9 Cal.4th 464, 477[37 Cal.Rptr. 259].

<sup>42</sup> CRC, rule 4.551(e). The rule further provides, however, that “the court may shorten or extend the time for doing any act under this rule.” Thus, a prisoner who cannot meet the timeline should ask the court to grant an extension of time.

Form D. A sample proof of service is attached as Form E.

## EVIDENTIARY HEARING AND DISCOVERY

After a denial or informal reply is filed, the court has 30 days to decide the petition or to order an evidentiary hearing.<sup>43</sup> An evidentiary hearing is required only if there is a reasonable likelihood that the petitioner may be entitled to relief and the court finds the case depends on the resolution of an issue of fact.<sup>44</sup> If the court does hold a hearing, then after the hearing the court will decide whether to grant or deny relief. If the court does not hold a hearing, the judge usually will go ahead and decide the case based on the pleadings and exhibits.

A petitioner who wants to force the respondent to produce evidence that he or she thinks will benefit the case can ask the court to order the respondent to provide “discovery” of such information. Examples of information that can be obtained during discovery are copies of official documents or answers to questions posed by the petitioner. The power to order discovery in a habeas case generally arises only after the court has issued an order to show cause.<sup>45</sup>

## THE DECISION

The next step is for the court to issue a decision. If no evidentiary hearing is ordered, the court has 30 days after the traverse is filed to decide whether to grant or deny the petition.<sup>46</sup> The court rules do not say how quickly a court must decide a case after an evidentiary hearing.

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<sup>43</sup> CRC, rule 4.551(f).

<sup>44</sup> See People v. Romero (1994) 8 Cal.4th 728, 739 [35 Cal.Rptr. 270] (discussing standards for evidentiary hearings).

<sup>45</sup> In re Scott (2003) 29 Cal.4th 783, 814 [129 Cal.Rptr.2d 605]; In re Avena (1996) 12 Cal.4th 694, 730 [49 Cal.Rptr.2d 413]; Board of Prison Terms v. Superior Court (Ngo) (2005) 130 Cal.App.4th 1212, 1241-1242 [31 Cal.Rptr.3d 70] (consideration for review on court’s own motion pending as of Sept. 15, 2005). However, in cases where the proceeding challenges a conviction for which the sentence is death or life in prison without the possibility of parole, a court may order discovery prior to the filing of a habeas petition upon a showing of unsuccessful good faith efforts to obtain the requested discovery materials from trial counsel. Penal Code § 1054.9; In re Steele (2004) 32 Cal.4th 682, 691 [10 Cal.Rptr.3d 536].

<sup>46</sup> CRC, rule 4.551(f).

If the petition is granted, the petitioner should make sure that the prison or parole officials receive a certified copy of the order from the court. A petitioner can sometime resolve problems with enforcement by contacting the deputy Attorney General who worked on the case and explaining that the prison officials have not received or complied with the court order.

## **AFTER SUPERIOR COURT: THE COURT OF APPEAL**

### 1. If the petition is granted

If the superior court issues an order granting relief to the petitioner, the respondent may decide to appeal. While the appeal is pending, the respondent can request that the order be “stayed” so that it does not take effect while the appeal is pending; either the superior court or the Court of Appeal may grant such a stay.<sup>47</sup> If no stay is issued, then the relief ordered by the superior court should be carried out while the appeal is pending.

If the state does file a notice of appeal, the petitioner should apply to the Court of Appeal for appointment of counsel to defend against the appeal; the appellate courts routinely appoint counsel in these circumstances.

### 2. If the petition is denied

If the petition is denied in the superior court, the petitioner has no right to appeal. Instead, the petitioner can file a new petition with the Court of Appeal. This involves starting the habeas process all over again by writing another petition containing the same claims as the first petition. The petitioner should attach the lower court’s decision as an exhibit to the new petition and include in the “facts” portion of the petition a statement showing that the petitioner has already applied to the lower court for relief.

A pro se petition in the Court of Appeal may be submitted in generally the same form as the superior court petition. If possible, the petitioner should file an original petition and four copies with the Court of Appeal. If it is not possible to obtain copies, a petitioner can try to file just the original with a brief explanation of why additional copies could not be obtained. It is also good practice to mail a copy of the petition to the Attorney General and attach a proof of service to the petitions that are filed with the court.

Once the petition is filed with the Court of Appeal, the procedure for briefing and hearing the case is similar to that for a petition filed in the superior court.

## **AFTER THE COURT OF APPEAL: THE STATE SUPREME COURT**

If the petition was denied in the Court of Appeal and the petitioner still wants to

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<sup>47</sup> Penal Code § 1506.

continue, he or she can present the case to the California Supreme Court. This can be done in one of two ways.

The preferred method for presenting the case to the California Supreme Court is to file a petition for review.<sup>48</sup> If a petition for review is accepted, the entire record of the Court of Appeal will be sent to the Supreme Court and the petitioner will not have to supply new copies of the exhibits. The petition for review should focus on why the legal issue is important enough for the Supreme Court to hear the case.<sup>49</sup> The petition must be filed within 10 days of a denial without opinion by the Court of Appeal and within 40 days of a denial with an opinion. If possible, the petitioner should file the original petition for review plus 13 copies, and should serve both the Attorney General and the Court of Appeal with a copy of the petition.<sup>50</sup> If sufficient copies cannot be obtained, the petitioner should explain why.

If a petitioner cannot meet the deadline for filing a petition for review or wants to include new information or exhibits not filed below, the petitioner can file a new petition for writ of habeas corpus in the California Supreme Court. The format can be similar to the petitions filed in the lower courts. If possible, the petitioner should file the original plus 10 copies of the petition<sup>51</sup> and send a copy to the Attorney General. Filing the petition will start the whole general habeas procedure once again.

The Supreme Court ruling will usually be the end of the case. If there are federal issues, a petition for writ of certiorari could be filed with the United States Supreme Court, but such petitions are rarely granted and are almost always futile. In cases involving prison conditions, a prisoner who has brought an unsuccessful habeas case in state court may be barred from raising the same issues in federal court.<sup>52</sup> On the other hand, if the state habeas corpus case challenges a criminal conviction or the length of the sentence and raises a federal issue, the petitioner may be able to file a habeas corpus petition in federal court.<sup>53</sup>

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<sup>48</sup> A petition for review is preferred if the Court of Appeal has ordered that the opinion in the case be published in the case law books. In re Michael E. (1975) 15 Cal.3d 183, 193, fn. 15 [123 Cal.Rptr.103].

<sup>49</sup> CRC, rule 29.

<sup>50</sup> CRC, rules 28 and 44.

<sup>51</sup> CRC, rule 44(b).

<sup>52</sup> Silverton v. Department of Treasury (9th Cir. 1981) 644 F.2d 1341, 1346; Sperl v. Deukmejian (9th Cir. 1981) 642 F.2d 1154.

<sup>53</sup> Federal courts have an independent responsibility to interpret federal law. Williams v. Taylor (2000) 529 U.S. 362 [120 S.Ct. 1495; 146 L.Ed.2d 389]. However, federal courts may not grant a habeas petition on a claim that has been denied in state court, unless the state court

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decision was: (1) was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the United States Supreme Court; or (2) was based on an unreasonable application of the facts in light of the evidence. 28 U.S.C. § 2254; Baker v. City of Blaine (9th Cir. 2000) 205 F.3d 1138; Moore v. Calderon (9th Cir. 1997) 108 F.3d 261.

## CHECKLIST

Before mailing pleadings to the court, check this list to ensure that all necessary documents have been included.

When filing a petition for writ of habeas corpus, include a:

1. Judicial Council form [this form alone may be sufficient for a petitioner who is attacking a criminal conviction or sentence]
2. Petition
3. Verification
4. Supporting Memorandum of Points and Authorities
5. Request for Appointment of Counsel and Declaration of Indigency [optional].

If the Court issues a request for informal briefing, and the Attorney General files an informal response, then file an:

1. Informal Reply Letter, with proof of service on the respondent

If the court issues an order to show cause, and the Attorney General files a return, then file a:

1. Denial and Exception to the Return
2. Supporting Memorandum of Points and Authorities
3. Proof of service on the respondent

**FORM B**

[Place Your Name Here]  
[Your Mailing Address]  
In Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

[If you are challenging a prison or parole condition, file in the county in which you are housed; if you are attacking your conviction or sentence, then you should file in the county in which you were convicted or sentenced]

<p>In re</p> <p>[Place your name here]</p> <p>On Habeas Corpus</p>
--

No.  
  
PETITION FOR WRIT OF  
HABEAS CORPUS AND  
MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
SUPPORT THEREOF.

I.

INTRODUCTION

[Place here a brief explanation to the court of what the petition is about. If possible, the petition should be typed and double-spaced; if it is hand-written, please write it neatly.]

**EXAMPLE:**

1. Petitioner was found guilty at a prison disciplinary hearing of \_\_\_\_\_. Petitioner contends that he was denied his due process rights under Wolff v. McDonnell (1974) 418 U.S. 539, Penal Code section 2932, subdivision (a)(3) and Title 15, Cal.Admin.Code section 3315(e) to have witnesses present at his hearing. He further contends that the failure of prison officials to appoint a staff assistant violated his due process rights as protected by Title 15, Cal.Admin.Code sections 3315(d) and 3318(b) and the State and Federal Constitutions.

II.

PARTIES

[Identify yourself, the prison in which you are being held, and the name of the warden, director of the department of corrections or any other prison officials who are involved in the issue.]

**EXAMPLE:**

2. Petitioner [place your name and institutional number here], is a prisoner of the State of California incarcerated at [place name of the prison here]. [There may be more than one petitioner.]
3. [Place name of warden or superintendent of prison here] is the warden of \_\_\_\_\_ prison and the legal custodian of petitioner.
4. \_\_\_\_\_ is the Director of the California Department of Corrections (CDC) and is responsible for the operation of each of its state prisons, including the operation of \_\_\_\_\_ prison.

### III.

#### STATEMENT OF FACTS

[This is the most important part of the petition. Give a complete description of the situation, including all the relevant facts. Include exact dates and full names. Describe the facts of your problem in the order that they occurred, starting with the first relevant event and going up through the exhaustion of administrative remedies. Number each paragraph in order.]

Include all relevant documents. Documents that you may need to attach can include prison or court records, medical records, or sworn statements (called “declarations”) made “under penalty of perjury” by witnesses or experts. Whenever you state a fact that can be backed up by a document, describe the document right after stating the fact, and attach the document to the end of the memorandum as an exhibit. For example after telling about what happened at a classification hearing, you should state: "See classification chrono, CDC form 128-G, dated 4/27/87, attached as Exhibit A."] Number or Letter the Exhibits in Order; if there are a lot of Exhibits you should also include a page listing all the exhibits.]

### IV.

#### CONTENTIONS

[List the main legal arguments that you will be making]

#### **EXAMPLE**

1.

PETITIONER WAS DENIED HIS DUE PROCESS RIGHTS UNDER WOLFF V. MCDONNELL (1974) 418 U.S. 539, PENAL CODE SECTION 2932 SUBDIVISION (a)(3) AND TITLE 15, CAL. ADMIN. CODE SECTION 3315(e) TO HAVE INMATE PRESENT AS A WITNESS AT HIS DISCIPLINARY HEARING.

2.

2

THE FAILURE OF PRISON OFFICIALS TO APPOINT A STAFF ASSISTANT VIOLATED PETITIONER'S RIGHT TO A FAIR HEARING AS PROTECTED BY TITLE 15, CAL. ADMIN. CODE SECTIONS 3315(d) AND 3318(b) AND THE DUE PROCESS CLAUSES OF THE STATE AND FEDERAL CONSTITUTIONS.

V.

PRAYER FOR RELIEF

[Describe what you want the court to do.]

**EXAMPLE:**

Petitioner is without remedy save by writ of habeas corpus.

WHEREFORE, petitioner prays the Court:

1. issue a writ of habeas corpus;
2. declare the rights of the parties;
3. reverse the guilty finding of the disciplinary charge;
4. restore the 150 days of lost behavior credits to petitioner;
5. expunge all" references to the disciplinary charge from petitioner's central file;
6. appoint counsel award reasonable attorney fees; and
7. grant any other and further relief the Court deems proper.

DATED:

Respectfully submitted,

[Signature] \_\_\_\_\_  
[Type your name here]

VERIFICATION

I, [Place full name here], state:

I am the petitioner in this action. I have read the foregoing petition for writ of habeas corpus and the facts stated therein are true of my own knowledge, except as to matters that are therein stated on my own information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at [place name of city where you are located] on [place date here].

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Number

## MEMORANDUM OF POINTS AND AUTHORITIES

[Along with the petition and verification, you should file a legal memorandum discussing the law and how the facts that have been described show that your rights were violated. Although the Penal Code does not require that you submit a memorandum of points and authorities – and a court can issue a writ upon the filing of the petition alone – a memorandum that describes the legal basis for the claims and demonstrates the existence of a legal right will strengthen your case. This document does not have to be very long or fancy, and it should stick to the most important and relevant legal doctrines. It should also show how the general legal principles apply to your case. The example below is for reference purposes only. Do not copy this memorandum because it may not apply to your situation or the law that is cited may become outdated.]

### **EXAMPLE:**

#### I.

PETITIONER WAS DENIED HIS DUE PROCESS RIGHTS UNDER WOLFF V. MCDONNELL (1974) 418 U.S. 539, PENAL CODE SECTION 2932 SUBDIVISION (a)(3) AND TITLE 15, CAL.ADMIN.CODE SECTION 3315(e) TO HAVE INMATE \_\_\_\_\_ PRESENT AS A WITNESS AT HIS DISCIPLINARY HEARING.

In Wolff v. McDonnell (1974) 418 U.S. 539, 566, the Supreme Court stated that "[an] inmate facing disciplinary proceedings should be allowed to call witnesses and present documentary evidence in his defense when permitting him to do so will not be unduly hazardous to institution safety or correctional goals." The United States Supreme Court has affirmed the constitutional right of an inmate to present friendly witnesses unless his disciplinary board had a legitimate basis for excluding them in Ponte v. Real (1985) 105 S.Ct. 2192, 2201. The Court further held that the Due Process Clause of the Fourteenth Amendment does require prison

officials to state their reasons for refusing to call witnesses requested by an inmate at a disciplinary hearing. (Id. at p. 2193)

While recognizing that the right to call witnesses can be limited where institutional safety or correctional goals would be compromised, Ponte cautioned that the Wolff requirement of witnesses would be undermined if the practice of denying witnesses without explanation was condoned:

[T]o hold that the Due Process Clause confers a circumscribed right on the inmate to call witnesses at a disciplinary hearing and then conclude that no explanation need ever be vouched for the denial of that right...would change an admittedly circumscribed right into a privilege conferred in the unreviewable discretion of the disciplinary board. We think our holding in Wolff, supra, meant something more than that. (Ponte v. Real, supra, at p. 2197.)

Penal Code section 2932, subdivision (a)(3) is a codification of the Supreme Court's holding in Wolff and requires that the reasons for the denial of witnesses "shall be set forth in writing and a copy of such document shall be presented to the prisoner." This statute reflects the Legislature's recognition of the importance of establishing the written record at the time of the hearing to insure the exclusion of witnesses was not arbitrary.

Further, Title 15, Cal. Admin. Code section 3315(e) requires the presence of both friendly and adverse witnesses when called by the inmate to a disciplinary hearing "unless the person conducting the hearing has specific reasons to deny this request." Additionally, under section 3315(e), the reasons for denial must be documented on the rule violation report.

Respondents denied petitioner's request for a witness without giving any reason for this action. This action was later found appropriate because "it is doubtful the witness could have observed the incident from several cells away..." (See Exhibit D.) This reasoning cannot

support a denial of a witness where Wolff v. McDonnell, supra at p. 566, requires, the presence of a witness when called by an inmate unless the testimony of a witness would be "unduly hazardous to institutional safety or correctional goals."

In petitioner's case, the disciplinary hearing became a classic swearing match: Officer \_\_\_\_\_ offered his version of the facts and petitioner offered his. Under these circumstances, testimony from an observer of the incident is critical, perhaps even dispositive of the question of whether petitioner was, in fact, intent on being an aggressor in the incident. The denial of inmate \_\_\_\_\_ testimony at petitioner's hearing was improper and prejudicial to his defense.

## II.

### THE FAILURE OF PRISON OFFICIALS TO APPOINT A STAFF ASSISTANT VIOLATED PETITIONER'S RIGHT TO A FAIR HEARING AS PROTECTED BY TITLE 15, CAL. ADMIN. CODE SECTIONS 3315(d) AND 3318(b) AND THE DUE PROCESS CLAUSES OF THE STATE AND FEDERAL CONSTITUTIONS.

The United States Supreme Court in Wolff v. McDonnell, supra, at p. 570 established that prisoners are entitled to counsel-substitute when a particularized need for such can be demonstrated. Accordingly, minimal due process rights in the context of a disciplinary hearing have been set forth by the Department of Corrections in section 3315, et seq. of Title 15 of the California Administrative Code.

Section 3315 of that code reflects a recognition that a prisoner who is placed in segregation pending a disciplinary hearing is seriously disabled in his ability to collect evidence on his behalf. Therefore, subsection (d) of that section provides for the assignment of an investigative employee and/or staff assistant where "[t]he inmate's housing status makes it unlikely that he or she can collect and present the evidence necessary for an adequate comprehension of the case..."

In this case, petitioner was in segregation at the time of the incident and was transferred to a higher security unit immediately after the incident occurred. (See Exhibit A.) Petitioner

continued to be housed in segregation pending the disciplinary hearing and, thus, had no opportunity to collect information and/or talk to witnesses in his behalf. Petitioner was assigned neither an investigative employee nor a staff assistant, and discovered only by fluke that inmate had witnessed the incident and had described to Officer \_\_\_\_\_ what he had seen. (See Exhibit A.)

When charged with a serious rule violation and housed in a lockup unit, a prisoner is unable to collect information to build a defense. He was, therefore, clearly entitled to counsel-substitute either in the form of an investigative employee, a staff assistant, or both, to help him prepare his case. (Title 15, Cal. Admin. Code sections 3315(d), 3318(a) and (b).)

An investigative employee would have been required to gather information, question staff and inmates, screen prospective witnesses and submit a written report to the disciplinary committee. (Section 3318(a).) However, an investigative employee does not represent a prisoner's position at the hearing, insure that it is understood, or insure that the prisoner understands the decision reached. Nor does he otherwise assist or advise the prisoner in preparation for the hearing. On the contrary, an investigative employee acts "as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the inmate." (Section 3318(b)(5).)

In addition, the investigative employee is not subject to any provision of confidentiality.

(Id.)

Starting with the assumption that an inmate has already been determined to be unable competently to pursue the matter without assistance, it can hardly be considered "adequate" that he is provided with a staff member whose duties as well as his loyalties require that he report important items of information to the inmate's adversary. An inmate cannot reasonably be expected to reveal such information to the staff assistant on pain of further punishment or other measures; yet the prison itself has already determined that the inmate is not competent to proceed on his own. (Clutchette v. Enomoto (N.D. Cal. 1979) 471 F.Supp. 1113,1117.)

The structures thus put upon an accused with no independent means to gather evidence in his behalf due to his "lockup" status are hardly conducive to the kind of "fair hearing" envisioned in Wolff v. McDonnell, supra. (Id.)

Assignment of a staff assistant, on the other hand, would have assured petitioner of the confidentiality of any information concerning the incident be disclosed to the assistant and would have provided him with advice and assistance preparatory to the hearing. The staff assistant would have represented his position at the hearing and insured that his position was understood and that he understood the decisions reached. (Section 3318(b)(2).)

Petitioner, in particular, was in need of assistance by someone he could trust and with whom he could enjoy a confidential relationship. Not only was he completely inhibited from discovering/interviewing potential witnesses or otherwise gathering evidence on his own behalf, he was in need of someone to confide his version of the circumstances of the incident without fear his statements or other evidence uncovered by investigation would be used against him at the disciplinary hearing. A staff assistant could have conducted a full investigation of the events that led up to the incident, as well as the incident itself, under the direction of petitioner and would have been able to present this evidence at the hearing.

The failure of prison officials to assign a staff assistant was prejudicial and requires the reversal of the guilty finding.

#### CONCLUSION

For the above-stated reasons, the relief sought in the petition should be granted.

DATED:

Respectfully submitted;

[Signature] \_\_\_\_\_

[Type your name here]

In Pro Per

**FORM C**

[Place Your Name Here]

[Your Mailing Address]

In Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

In re

[Place your name here]

On Habeas Corpus

No.

REQUEST FOR APPOINTMENT  
OF COUNSEL AND DECLARATION  
OF INDIGENCY

I, [place name here], declare that I am a petitioner to the above-referenced matter, that I am incarcerated at [place prison here], and that I am indigent and unable to afford counsel. My total assets are \$\_\_\_\_\_ and my income is \$\_\_\_\_\_ per month.

I hereby request that counsel be appointed in this matter so that my interests may be protected by the professional assistance required. In addition, when a court issues an order to show cause, counsel must be appointed for an indigent petitioner who requests counsel.

California Rules of Court, rule 4.551 (c)(2).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on [place date here].

[Signature]\_\_\_\_\_

**FORM D**

[Place Your Name Here]

[Your Mailing Address]

In Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

<p>In re</p> <p>[Place your name here]</p> <p>On Habeas Corpus</p>
--

No. [Enter case number]

DENIAL AND EXCEPTION  
TO THE RETURN AND  
MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
SUPPORT THEREOF.

For [his/her] denial and exception to the return to the order to show cause petitioner states:

EXCEPTION

Respondent has failed to set forth sufficient facts or law to show cause why the relief requested in the petition should not be granted.

DENIAL

[In separate paragraphs, petitioner should specifically address, either admitting or denying, the statements in each paragraph of the Attorney General's return.]

**EXAMPLE:**

I.

Petitioner admits for purposes of this action only the allegations contained in paragraph I of the return, except that petitioner is lawfully incarcerated at X prison; petitioner denies this allegation.

II.

Petitioner denies the allegations contained in paragraph II of the return.

III.

Petitioner admits the allegations contained in paragraphs III, IV, and V of the return.

[Add any further allegations which are appropriate and not already included in the petition.]

Petitioner realleges and incorporates by reference herein all the allegations and contentions set forth in the petition.

WHEREFORE, petitioner requests that the relief prayed for in the petition be granted.

DATED:

Respectfully submitted,

[Signature]\_\_\_\_\_

[Type your name here]

[Attach a Memorandum of Points and Authorities to the Denial and Exception to the Return.

This Memorandum should address the legal arguments made by the Attorney General or District Attorney. For a model format, please refer to the sample Memorandum of Points and Authorities included in Form B. Mail a copy of the denial to the court and a copy to the Attorney General or District Attorney who filed the Return. Attach a proof of service form.]

**FORM E**

Proof of Service by Mail

[Case Name and Court Number]

I declare that:

I am a resident of \_\_\_\_\_ in the county of \_\_\_\_\_,  
California. I am over the age of 18 years. My residence address is:

\_\_\_\_\_.

On \_\_\_\_\_, I served the attached \_\_\_\_\_ on the  
\_\_\_\_\_ in said case by placing a true copy thereof enclosed in a  
sealed envelope with postage thereon fully paid, in the United States mail at

\_\_\_\_\_

addressed as follows:

\_\_\_\_\_

\_\_\_\_\_.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct, and that this declaration was executed on \_\_\_\_\_ [date],  
at \_\_\_\_\_, California.

\_\_\_\_\_  
[Type or Print Name]

\_\_\_\_\_  
[Signature]

**CALIFORNIA STATE COURTS**  
(and state prisons in those court districts)  
updated 9/15/05

**California State Superior Courts**

**Alameda County Superior Court**  
1225 Fallon Street, #209  
Oakland, CA 94612-4293

**Alpine County Superior Court**  
14777 State Route 89  
PO Box 518  
Markleeville, CA 96120

**Amador County Superior Court**  
108 Court Street  
Jackson, CA 95642-2396  
Mule Creek State Prison

**Butte County Superior Court**  
One Court Street  
Oroville, CA 95965

**Calaveras County Superior Court**  
891 Mountain Ranch Road  
San Andreas, CA 95249-9709

**Colusa County Superior Court**  
532 Oak St.  
Colusa, CA 95932-2495

**Contra Costa County Superior Court**  
1020 Ward Street  
Martinez, CA 94553

**Del Norte County Superior Court**  
450 "H" Street, Room 209  
Crescent City, CA 95531  
Pelican Bay State Prison

**El Dorado County Superior Court**  
495 Main Street  
Placerville, CA 95667-5699

**Fresno County Superior Court**  
1100 Van Ness  
Fresno, CA 93724-0002  
Pleasant Valley State Prison

**Glenn County Superior Court**  
526 West Sycamore Street  
Willows, CA 95988

**Humboldt County Superior Court**  
825 Fifth Street  
Eureka, CA 95501-1153

**Imperial County Superior Courts**  
939 West Main Street  
El Centro, CA 92243-2842  
Calipatria State Prison, Centinela State Prison

**Inyo County Superior Court**  
168 Edwards Street  
Independence, CA 93526-0618

**Kern County Superior Court**  
1415 Truxtun Avenue  
Bakersfield, CA 93301-4172  
Cal. Correctional Institution, Kern Valley State Prison, North Kern State Prison, Wasco State Prison

**Kings County Superior Court**  
1426 South Dr.  
Hanford, CA 93230-5997  
Avenal State Prison, CSP-Corcoran, Substance Abuse Treatment Facility

**Lake County Superior Court**  
255 North Forbes Street  
Lakeport, CA 95453-4759

**Lassen County Superior Court**  
220 South Lassen Street, Suite 6  
Susanville, CA 96130-4390  
California Correctional Center, High Desert State Prison

**Los Angeles County Superior Court (north)**  
42011 4th St West  
Lancaster, CA 93534  
CSP-Los Angeles County

or

**Los Angeles County Superior Court (main)**  
111 North Hill Street  
Los Angeles, CA 90012-3014

**Madera County Superior Court**  
209 West Yosemite Avenue  
Madera, CA 93637-3596

**Marin County Superior Court**  
3501 Civic Center Drive, PO Box 4988  
San Rafael, CA 94913-4988  
CSP-San Quentin

**Mariposa County Superior Court**  
5088 Bullion Street, PO Box 28  
Mariposa, CA 95338-0028

**Mendocino County Superior Court**  
100 North State Street, Rm 108  
Ukiah, CA 95482-0996

**Merced County Superior Court**  
627 West 21<sup>st</sup> Street  
Merced, CA 95340-3744

**Modoc County Superior Court**  
205 South East Street  
Alturas, CA 96101

**Mono County Superior Court (south)**  
PO Box 1037  
Mammoth Lakes, CA 93546  
or

**Mono County Superior Court (north)**  
PO Box 537  
Bridgeport, CA 93517

**Monterey County Superior Court**  
1200 Aguajito Road  
Monterey, CA 93940  
Correctional Training Facility, Salinas Valley  
State Prison

**Napa County Superior Court**  
825 Brown Street  
Napa, CA 94559

**Nevada County Superior Court**  
201 Church Street, #7  
Nevada City, CA 95959-2505

**Orange County Superior Court**  
Room L 100  
P.O. Box 22024  
Santa Ana, CA 92702-2024

**Placer County Superior Court**  
101 Maple Street  
Auburn, CA 95603-5012

**Plumas County Superior Court**  
520 Main Street, Room 104  
Quincy, CA 95971

**Riverside County Superior Court**  
4100 Main Street  
Riverside, CA 92501-3626  
or

**Riverside County Superior Court (Blythe)**  
265 North Broadway  
Blythe, CA 92225  
California Rehabilitation Center  
Chuckawalla Valley State Prison, Ironwood  
State Prison

**Sacramento County Superior Court**  
720 9<sup>th</sup> Street  
Sacramento, CA 95814-1398  
Folsom State Prison

**San Benito County Superior Court**  
440 5<sup>th</sup> Street, Room 205  
Hollister, CA 95023-3892

**San Bernadino County Superior Court, Chino**  
13260 Central Avenue  
Chino, CA 91710  
California Institution for Men,  
California Institution for Women  
or

**San Bernadino County Superior Court, Main**  
351 N. Arrowhead  
San Bernardino, CA 92415-0240

**San Diego County Superior Court**  
PO Box 122724  
San Diego, CA 92112-2724  
Richard J. Donovan Correctional Facility

**San Francisco County Superior Ct (crim)**  
850 Bryant Street  
San Francisco, CA 94103

**San Joaquin County Superior Court**  
222 East Weber Avenue #303  
Stockton, CA 95202-2777  
Deuel Vocational Institution

**San Luis Obispo County Superior Court**  
1035 Palm Street, Room 385  
San Luis Obispo, CA 93408  
California Men's Colony

**San Mateo County Superior Court**  
400 County Center  
Redwood City, CA 94063-1655

**Santa Barbara County Superior Court**  
PO Box 21107  
Santa Barbara, CA 93121-1107

**Santa Clara County Superior Court**  
191 North First Street  
San Jose, CA 95113-1090

**Santa Cruz County Superior Court**  
701 Ocean Street  
Santa Cruz, CA 95060-4086

**Shasta County Superior Court**  
1500 Court Street  
Redding, CA 96001-1686

**Sierra County Superior Court**  
100 Courthouse Square  
PO Box 476  
Downieville, CA 95936

**Siskiyou County Superior Court**  
311 4th St.  
P.O. Box 1026  
Yreka, CA 96097-2998

**Solano County Superior Court**  
600 Union Avenue  
Fairfield, CA 94533  
California Medical Facility, CSP-Solano

**Sonoma County Superior Court**  
600 Administration Drive, #107J  
Santa Rosa, CA 95403-2818

**Stanislaus County Superior Court**  
PO Box 828  
Modesto, CA 95353

**Sutter County Superior Court**  
446 2<sup>nd</sup> Street  
Yuba City, CA 95991-5525

**Tehama County Superior Court**  
445 Pine Street  
PO Box 1170  
Red Bluff, CA 96080-1170

**Trinity County Superior Court**  
101 Court Street  
PO Box 1258  
Weaverville, CA 96093-1258

**Tulare County Superior Court**  
County Civic Center, Room 201  
Visalia, CA 93291-4580

**Toulumne County Superior Court**  
41 West Yaney Avenue  
Sonora, CA 95370-4611  
Sierra Conservation Center

**Ventura County Superior Court**  
800 South Victoria Avenue  
PO Box 6489  
Ventura, CA 93006

**Yolo County Superior Court**  
725 Court Street  
Woodland, CA 95695

**Yuba County Superior Court**  
215 Fifth Street, Suite 200  
Marysville, CA 95901-5794

## State Courts of Appeal

### First District Court of Appeal

350 McAllister Street  
San Francisco, CA 94102-3600  
Pelican Bay State Prison, San Quentin State Prison, California Medical Facility, CSP-Solano  
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Mendocino, Napa, San Francisco, San Mateo, Solano, and Sonoma counties

### Second District Court of Appeal

300 Spring Street, Floor 2  
North Tower, Los Angeles, CA 90013-1213  
CSP-Los Angeles County  
Los Angeles, Santa Barbara, Ventura, and San Luis Obispo counties

### Third District Court of Appeal

900 N Street, Room 400  
Sacramento, CA 95814-4869  
Mule Creek State Prison, California Correctional Center, High Desert State Prison, Folsom, Deuel Vocational Institution  
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba counties

### Fourth District Court of Appeal, Division 1

750 B Street, Suite 300  
San Diego, CA 92101-8189  
Richard J. Donovan Corr. Fac., Centinela State Prison, Cal. Rehabilitation Center, Calipatria State Prison  
Imperial and San Diego counties

### Fourth District Court of Appeal, Division 2

3389 12<sup>th</sup> Street  
Riverside, CA 92501  
California Institute for Women, California Institute for Men, Chuckawalla Valley State Prison, Valley State Prison for Women, Ironwood State Prison, California Men's Colony  
Inyo, Riverside, and San Bernardino counties

### Fourth District Court of Appeal, Division 3

925 N. Spurgeon Street  
Santa Ana, CA 92701-3700  
Orange County

### Fifth District Court of Appeal

2525 Capitol Street  
Fresno, CA 93721-2227  
CSP-Corcoran, Substance Abuse Treatment Facility, Sierra Conservation Center, Pleasant Valley State Prison, California Correctional Institution, Kern Valley State Prison, North Kern State Prison, Wasco State Prison, Central California Women's Facility, Valley State Prison for Women, Avenal State Prison  
Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Toulumne counties

### Sixth District Court of Appeal

333 West Santa Clara Street, #1060  
San Jose, CA 95113-1717  
Correctional Training Facility, Salinas Valley State Prison  
Santa Clara, Santa Cruz, Monterey and San Benito counties

## California State Supreme Court

<b>California Supreme Court</b>	or	<b>California Supreme Court</b>	or	<b>California Supreme Court</b>
350 McAllister Street		300 S. Spring Street, Floor 2		900 "N" Street, #470
San Francisco, CA 94102		Los Angeles, CA 90013-1233		Sacramento, CA 95814-3520

# Embedded Secure Document

The file <http://www.courtinfo.ca.gov/forms/documents/mc275.pdf> is a secure document that has been embedded in this document. Double click the pushpin to view.

