



Judicial Council of California

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Subject Details (With Text)

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Title

Criminal Procedure: Petition for Writ of Habeas Corpus (Action Required)

Summary

The Criminal Law Advisory Committee recommends revising the Judicial Council form used by noncapital petitioners to petition for a writ of habeas corpus to update the form's instructions on filing in the Supreme Court and Court of Appeal to reflect amendments to the appellate rules; replace or add authority that is more recent or more on point for the propositions they support; add language relevant to successive petitions and repetitive claims to include the court in which the petition is filed; and add citations as authority for the procedural bars of successiveness and repetitiveness.

Recommendation

The Criminal Law Advisory committee recommends that the council, effective January 1, 2019, revise form HC-001 to:

1. Update the instructions regarding filing in the Supreme Court and Court of Appeal to reflect amendments to the appellate rules;
2. Move the request in item 6(a) that the petitioner attach available documents supporting the claim to a new, standalone item 6(b) and reletter the current item 6(b) as item 6(c);
3. Add a request as item 7(b) that the petitioner attach available documents supporting the claim, and reletter the current item 7(b) as item 7(c);
4. Replace or add citations to authorities on the form with citations to authorities that are more recent or more on point for the propositions they support; and
5. Clarify that the procedural bars against successive and repetitive petitions include petitions that are filed in the same court.