

Dear _____,

I regret to advise you that the Court of Appeal has affirmed your conviction. Unfortunately, the court did not agree with the arguments raised on your behalf in the briefs. I am enclosing a copy of the Court's opinion for you to keep.

At this point, I do not feel any further action, such as a petition for rehearing or review would be successful. Even though in my professional opinion your case does not present issues which the Court of Appeal or the Supreme Court will review, you have the option of pursuing your case further on your own by filing a petition for rehearing in the Court of Appeal, or for review in the Supreme Court, or both. If you wish to proceed on your own, please bear in mind that the time limitations are crucial. The two options are as follows:

(1) You might want to file a petition for rehearing in the Court of Appeal, in which you ask the Court to reconsider and change its decision. These petitions are rarely successful, but the court might change its decision where: (a) the Court's opinion contains a material error of fact or law; (b) the opinion overlooks conflicting decisions, or it has been affected by some new case or statute the court did not consider; or (c) there is a serious question as to whether the court's opinion correctly decides the issues in the case.

If you file a petition for rehearing, it must be filed within 15 days of the court's opinion and thus, it would have to be filed by __[date]__. If you do file a petition for rehearing, you should address it to: [Provide address of Court of Appeal deciding the case]. The petition should give the name and case number of the case, and should state why the court should reconsider its opinion. If you can make copies of the petition, you should send the original plus four copies to the Court of Appeal, and also send a copy to the Attorney General. Also attach to your petition a page called "proof of service" stating that you have sent these copies (see the opening brief for a sample). If you cannot afford to make the copies of the petition, you can send the original to the court of appeal and include a letter stating that you do not have the funds to make the copies.

(2) You can file a petition for review in the California Supreme Court. If you file a petition for review it must be filed no earlier than __[date]__, and absolutely no later than __[date]__. The Court does not review all cases that come before it. Generally it accepts a case where (a) the questions of law are of statewide importance, or there are conflicting decisions of the Courts of Appeal on the issue; (b) the Court of Appeal had no jurisdiction to decide your case, or the Court of Appeal decision did not have a proper majority of judges who decided the case. I will not be filing a petition because I do not believe your case meets these criteria.

Please note: If you feel there is a federal issue in your case that you want to raise in federal court by a petition for writ of habeas corpus, you must file a petition for review in the California Supreme Court first. If you do not ask the Supreme Court to review the issue first, the federal court will refuse to hear it.

To file a petition for review, you should send it to:

California Supreme Court
Office of the Clerk, First Floor
350 McAllister Street
San Francisco, CA 94102

Put the case name and number in the petition. Your petition should contain a brief summary of the case and the issue you want considered on review. You must then state why the Supreme Court should hear your case (that is, why the issue is of statewide importance, etc.), and you should attach a copy of the Court of Appeal opinion to the petition. If you can afford to make copies, send the original petition plus 13 copies to the Supreme Court, and a copy to the Attorney General, one to the Court of Appeal, and one to the superior court which heard your case. Attach a page called "proof of service" showing that you have sent these copies. If you cannot afford to make copies, send the original to the Supreme Court and include a letter stating that you do not have the funds to make copies of the petition.

If you would like to see a sample of either petition, please let me know. Since my representation in your case is now concluding, I am enclosing your case transcripts for you to keep. I am sorry I could not do more for you. Please let me know if you have any questions.

Sincerely,

Nyob zoo _____,

Kuv tu siab los qhia rau koj tias lub Xam Nyom Xub Ntxiv tau los pom zoo rau txoj kev hais tias koj txhaum li yav tas. Hmoov tsis muaj, lub xam tsis pom zoo rau cov lus cav hais los pab koj hauv cov ntawv. Kuv muab ib daim ntawv tso rau sab hauv no uas yog daim ntawv txiav txim siab ntawm lub Xam rau koj khaws tseg.

Thaum txog qhov no lawm, kuv xav tias yuav ua lwm yam ntxiv, xws li ua ntawv thov kom rov los hmloog cov lus dua lossis rov los saib xyuas dua, yuav tsis tau li lub siab xav lawm. Txawm kuv txoj kev xav raws li tus neeg ua kws lij choj pom tau tias koj rooj lus no yuav tsis muaj ntsiab lus zoo kom lub Xam Nyom Xub Ntxiv lossis lub Xam Loj los saib xyuas dua, koj yeej muaj txoj kev los xub rooj lus no ntxiv tiamsis koj yuav tau ua koj kom tau daim ntawv thov los hais dua hauv lub Xam Nyom Xub Ntxiv lossis los saib xyuas dua hauv lub Xam Loj, lossis ob qho tib si. Yog koj xav ua koj tus kheej mus ntxiv, thov nco tias lub sij hawm koj muaj los ua yuav tseem ceeb heev. Ob txoj kev muaj yog rawsli nram qab no:

(1) Koj yuav xav tso ib daig ntawv thov kom los hmloog cov lus no dua hauv lub Xam Nyom Xub Ntxiv, qhov no koj yuav thov kom lub Xam rov los xav dua thiab los pauv nws txoj kev txiav txim siab. Cov ntawv thov zoo li no yuav tsis muaj ntau daim uas thiaj li yuav yeej, tiamsis lub xam tej zaum yuav pauv lawv lub siab yog tias: (a) lub Xam txoj kev txiav txim siab muaj ib qho uas yuam kev ntawm cov ntsiab lus lossis tsab cai; (b) txoj kev txiav txim siab ntawd xyuas tsis txog cov kev txiav txim uas ho sib nyom, lossis lwm tsab cai tshiab lossis rooj

lus tshiab ho raug rooj lus no thiab lub xam ho tsis tau muab qhov no los xav; lossis (c) muaj lus hais nug zoo txog lub xam txoj kev txiav txim siab seb txoj kev txiav txim ntawd puas txiav txim raug rau cov ntsiab teeb meem hauv rooj lus no.

Yog koj yuav tso daim ntawv thov kom rov los hmloog cov lus no dua, koj yuav tsum tso kom txhob dhau 15 hnuv ntawm hnuv uas lub xam tau txiav txim siab, ces yog raws li no daim ntawv thov no yuav tsum tso kom txhob dhau lub __[date]__. Yog koj tso daim ntawv thov kom rov los hnov cov lus dua, koj yuav tsum xa mus rau: [Provide address of Court of Appeal deciding the case]. Daim ntawv thov yuav tsum muaj lub npe thiab tus lej rau rooj lus, thiab yuav tsum qhia tias yog vim li cas lub xam yuav tsum rov los xav txog nws txoj kev txiav txim siab dua. Yog koj luam tau daim ntawv thov, koj yuav tsum xa daim tseem thiab plaub daig luam mus rau lub Xam Nyom Xub Ntxiv, thiab xa ib tsab luam mus rau tus Kws Lij Choj rau lub Xeev (Attorney General). Ntxiv mus, lo ib daig ntawv hu ua daim "proof of service" (daim ntawv pov thawj tias xa qhia lawm) rau koj daim ntawv thov los qhia tias koj tau xa cov ntawv luam no lawm (saib daim qauv ntawm daim ntawv qhib hais). Yog koj tsis muaj nyiaj lo luam cov ntawv thov no, koj xa daim tseem mus rau lub xam nyom xub ntxiv thiab ib tsab ntawv hais qhia tias koj tsis muaj nyiaj los luam cov ntawv.

(2) Koj tso tau ib daig ntawv thov kom lub Xam Loj hauv Kaslisfausnias los saib xyuas. Yog koj yuav tso ib daig ntawv thov kom los saib xyuas ces koj yuav tsum tso kom tsis txhob ua ntej hnuv __[date]__, thiab kom tsis txhob dhau hnuv __[date]__. Lub Xam yuav tsis los xyuas txhua rooj lus uas tuaj rau hauv lub xam. Feem ntau, nws txais cov lus uas (a) tsab cai yuav hais no yog ib qhov uas tseem ceeb rau lub xeev tag nrho, lossis cov kev txiav txim siab hauv lub Xam Nyom Xub Ntxiv ho sib nyom txog cov ntsiab teeb meem no lawm; (b) lub Xam Nyom Xub Ntxiv tsis muaj txoj cai los txiav txim siab rau koj rooj lus, lossis lub Xam Nyom Xub Ntxiv txoj kev txiav txim siab tsis muaj cov huam nab xam kom feem ntau txaus los txiav txim siab. Kuv yuav tsis sau ib daig ntawv thov vim kuv ntseeg tias koj rooj lus yuav tsis muaj raws li cov no.

Thov saib: Yog koj xav tias koj rooj lus muaj ntsiab teeb meem uas yog ntawm nom tswv teb chaw thiab koj xav muaj koj los hais hauv lub xam rau teb chaw nrog daim ntawv thov hu ua "writ of habeas corpus" (daim ntawv thov kom cov nom tswv los xyuas seb puas muaj lus txaus los khuam ib tug neeg cia rau hauv nkuaj), koj yuav tsum tso daim ntawv thov kom los saib xyuas hauv lub Xam Loj hauv Kaslisfausnias ua ntej tso. Yog koj tsis thov lub Xam Loj no los saib xyuas cov ntsiab teeb meem ua ntej, lub xam rau teb chaw yuav tsis kam los hmloog li.

Yog yuav tso daim ntawv thov kom los saib xyuas, koj yuav tau xa mus rau:

California Supreme Court
Office of the Clerk, First Floor
350 McAllister Street
San Francisco, CA 94102

Tso rooj lus lub npe thiab tus lej rau ntawm daim ntawv thov. Koj daim ntawv thov yuav tsum muaj ib qhov kom qhia me ntsis txog rooj lus thiab cov ntsiab teeb meem uas koj xav kom los saib xyuas. Ces koj yuav tsum qhia tias vim li cas lub Xam Loj yuav tsum los saib xyuas koj rooj lus (txhais tias, seb yog vim li cas cov ntsiab teeb meem yuav yog ib yam tseem ceeb rau lub xeev tag nrho, lossis lwm yam), thiab koj yuav tsum luam ib tsab ntawv ntawm lub Xam Nyom Xub Ntxiv txoj kev txiav txim siab los lo rau. Yog koj muaj nyiaj los luam cov ntawv, ces xa daim tseem nrog rau 13 tsab uas luam mus rau lub Xam Loj, ib tsab luam mus rau tus Kws Lij Choj rau lub Xeev, ib tsab luam mus rau lub Xam Nyom Xub Ntxiv, thiab ib tsab luam mus rau lub xam uas hais koj rooj lus (superior court). Lo ib nplooj hu ua "proof of service" los qhia tias koj tau xa cov ntawv luam no lawm. Yog koj ho tsis muaj nyiaj los luam ntawv, ces xa daim tseem mus rau lub Xam Loj thiab ntxiv ib daig ntawv los hais tias koj tsis muaj nyiaj los luam ntawv rau daim ntawv thov no.

Yog koj xav pom ib daig qauv rau cov ntawv thov no, ces thov qhia rau kuv paub. Vim tias kuv txoj kev los sawv ces rau koj rooj lus no yuav xauv, kuv yuav muab cov ntawv ntaus kaw tseg rau koj rooj lus tso rau sab hauv no rau koj yuav. Kuv thov txim tias kuv ua tsis tau ntau tshaj qhov no rau koj. Thov qhia rau kuv paub yog koj ho muaj lus nug.

Sau dawb paug,