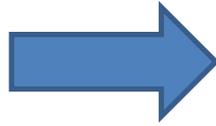


CALIFORNIA APPEAL PROCESS

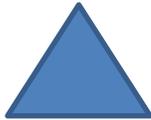
U. S. SUPREME COURT
Within time limits, petition for certiorari filed in U.S. Supreme court. If denied in U.S. Supreme Court, or after time for filing petition for certiorari expires, direct review process completed.



FEDERAL DISTRICT COURT
§2254 and §2255 petitions
Within federal time limits of the AEDPA, defendant files a “pro se” (without an attorney) petition for writ of habeas corpus. Court considers only issues first presented in the state supreme court. New claims not allowed. Court denies petition or appoints an attorney.

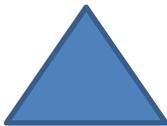


CALIFORNIA SUPREME COURT
Defendant’s appointed attorney files a petition for review. Review is either granted or denied. If denied, direct review (appeal) in state court is finished.



9TH CIRCUIT COURT OF APPEAL
If the district court denies the petition, a motion for certificate of appealability may be filed in the 9th Circuit Court of Appeal. Defendant files notice of appeal within 30 days of denial. The district court may also grant a certificate of appealability on one or more issues.
If the 9th Circuit Court of Appeal grants a certificate of appealability, the court certifies which issues may be raised on appeal. Under Ninth Circuit Rule 22-1(d), a petitioner/defendant has 35 days from the district court’s denial of a request for a certificate of appealability to file a motion for certificate of appealability in the 9th Circuit. The 9th Circuit usually appoints an attorney for the defendant/petitioner if it grants a certificate of appealability. If the appeal is unsuccessful, a motion for reconsideration by the panel and/or full 9th Circuit panel may be filed. If denied reconsideration, the next step is filing in the U.S. Supreme Court, if appropriate.

STATE COURT OF APPEAL
After conviction(s), defendant appeals. Notice of appeal filed. Court appoints attorney for appeal (unless defendant hires private attorney). Convictions are affirmed. Alternatively, convictions reversed or partially reversed on separate issues, such as, sentencing.



STATE SUPERIOR COURT
Felony charges filed in state superior court. Defendant receives a court-appointed attorney or hires a private attorney. Trial occurs; jury finds defendant guilty on one or more charges. Defendant is sentenced to state prison.



U.S. SUPREME COURT
Within timelines, defendant files a petition for certiorari in U.S. Supreme Court.

START

FINISH