

Appellate Courts Case Information

1st Appellate District

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Docket (Register of Actions)

In re N.H. on Habeas Corpus

Division 4

Case Number A145433

Date	Description	Notes
06/19/2015	Petition for a writ of habeas corpus filed.	
06/19/2015	Filed proof of service.	
06/22/2015	Order filed.	The petition for writ of habeas corpus will be considered together with the appeal in People v. N.H., A143130.

10/14/2015	Order filed.	In this habeas proceeding, petitioner has articulated a prima facie case for relief concerning his claim trial counsel rendered ineffective assistance of counsel in a Welfare and Institutions Code section 602 wardship proceedings by misadvising him during the plea bargaining process and by failing to move to withdraw his plea. Good cause appearing from the verified petition for writ of habeas corpus on file in this action, IT IS ORDERED that the Chief Deputy Secretary for the Division of Juvenile Justice in the Department of Corrections and Rehabilitation show cause returnable before the Presiding Judge of the Contra Costa County Superior Court, or his or her designee, when the matter is placed on calendar, why the relief requested in the petition should not be granted on the grounds trial counsel rendered ineffective assistance during the plea bargaining process and by failing to move to withdraw petitioner's plea. The Clerk of this court shall serve a certified copy of this order to show cause on petitioner, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the Office of the Attorney General, the Office of District Attorney, and the Presiding Judge of the Contra Costa County Superior Court. Service shall be complete upon mailing by the Clerk, which shall occur on or before October 16, 2015. Petitioner shall forthwith serve copies of all pleadings and exhibits filed herein on respondent, the Department of Corrections and Rehabilitation, Juvenile Justice Division, and on the Presiding Judge of the Contra Costa County Superior Court, and file proof of service of same in this court and in the superior court on or before October 23, 2015. Respondent shall serve and file a return in the Contra Costa County Superior Court within 30 days of the date of this order. (Cal. Rules of Court, rule 4.551(d).) Petitioner may file a denial or traverse within 30 days thereafter. (Id., rule 4.551(e).) Any requests for shortening or extensions of time shall be made by application to the Contra Costa County Superior Court. (Id., rule 4.551(h).) This Order to Show Cause vests jurisdiction over the cause in the superior court. (Cal. Rules of Court, rule 8.385(e).) The superior court must proceed under California Rules of Court, rule 4.551, and following such proceedings the superior court shall issue a decision on the petition. (Pen. Code, §§ 1484, 1508, subd. (b); see People v. Romero (1994) 8 Cal.4th 728, 739-740.) (Before Reardon, Acting P.J., Ruvolo, J., and Rivera, J.)
10/22/2015	Filed proof of service.	Proof of service, showing he has served copies of all pleadings and exhibits filed herein on respondent, the Department of Corrections and Rehabilitation, Juvenile Justice Division, and on the Presiding Judge of the Contra Costa County Superior Court Filed by William Daley, attorney for petitioner N.H.
12/16/2015	Email sent to:	Contra Costa Superior Court, re status of OSC
12/17/2015	Email received from:	Contra Costa Superior Court; hearing in this case set for 12/15/15; continued to 1/12/16, in Contra Costa Superior Court
01/22/2016	Email sent to:	Contra Costa Superior Court, re status of case/OSC hearing
01/26/2016	Email received from:	Contra Costa Superior Court; hearing on habeas petition has been continued to 2/25/16
04/07/2016	Filed letter from:	Judge Thomas M. Maddock, dated 4/4/16. Progress report. Hearing held on 2/25/16 and 3/18/16. Continue hearing to 3/14/17.
03/20/2017	Filed letter from:	Judge Maddock; dated 3.15.17; 2nd & final progress report;
08/15/2017	Email sent to:	attorney Daley; query dismissal request;
09/14/2017	Filed letter from:	Daley; undated; "[b]oth the appeal and the Petition for Writ are now Moot."; filed under A143130 only;
09/25/2017	Opinion filed.	(Signed Unpublished) The appeal in case number A143130 and the related habeas corpus proceeding in case number A145433 are dismissed as moot.
11/28/2017	Note:	remittitur issued in the appeal; no remittitur in this habeas petn.;

11/28/2017	Case complete.	
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