

SUPREME COURT OF CALIFORNIA

In re Samuel Zamudio Jimenez on Habeas Corpus

50 Cal. 4th 951, 114 Cal. Rptr. 3d 605, 237 P.3d 1004 (Cal. 2010) · No. S167100 · Decided August 30, 2010

SUMMARY

The California Supreme Court addresses whether a capital defendant may defer consideration of a cursory habeas corpus petition to allow appointed counsel time to investigate and file an amended petition. The court holds that, under the extraordinary circumstances caused by the delayed appointment of capital habeas counsel and federal exhaustion and tolling concerns, departure from the usual single-petition requirement is appropriate. The court grants leave to amend and orders the amended petition filed as of June 28, 2010.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Kennard, J.; George, C.J.; Werdegarr, J.; Chin, J.; Moreno, J.; Corrigan, J.; Baxter, J.
JURISDICTION	California
DECIDED	August 30, 2010
DOCKET	S167100
DISPOSITION	other
PROCEDURAL POSTURE	A capital prisoner petitioned the Supreme Court of California for habeas corpus relief and requested that the court defer consideration of a cursory petition until appointed habeas corpus counsel could complete its investigation and file an amended petition. The Attorney General opposed the request and sought denial of the initial petition.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding statewide precedent, subject to the narrow extraordinary-circumstances exception described by the court.
PARTIES	Samuel Zamudio Jimenez v. State of California

TOPICS

- state post-conviction relief
- habeas corpus
- successive petitions
- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Court of California should defer consideration of a cursory capital habeas corpus petition to permit appointed counsel to complete its investigation and file an amended petition.
2. Whether the court's general requirement that habeas corpus claims be presented in a single petition permits an exception under extraordinary circumstances caused by delayed appointment of capital habeas counsel and the resulting federal limitations-period dilemma.

HOLDINGS

1. Under the extraordinary circumstances presented, a departure from the general requirement that habeas corpus claims be presented in a single unamended petition is appropriate, and the petitioner may amend the cursory petition after appointed counsel has had a reasonable opportunity to investigate and develop additional claims.
2. The court treated petitioner's request to postpone consideration as a motion for leave to amend, granted that motion, denied the Attorney General's opposition, and ordered the amended petition filed as of June 28, 2010.

KEY QUOTATIONS

"We here hold only that a departure from that requirement is appropriate under the extraordinary circumstances presented." (50 Cal. 4th at 958)

"We grant petitioner's motion, we deny the Attorney General's motion in opposition, and we order the amended petition filed as of June 28, 2010." (50 Cal. 4th at 959)

FACTUAL BACKGROUND

A jury convicted Samuel Zamudio Jimenez of two counts of robbery and two counts of murder and found four special-circumstance allegations true. The trial court imposed a sentence of death in 1998. Because of a shortage of qualified capital habeas counsel, counsel was not appointed until eight and one-half years after the judgment of death. Counsel filed a cursory habeas petition before completing the investigation, seeking to preserve potential federal habeas corpus remedies while later filing an amended petition.

PROCEDURAL HISTORY

A jury convicted petitioner of two robberies and two murders, found multiple special circumstances true, and the trial court imposed a death sentence on October 5, 1998. The Supreme Court of California later affirmed the convictions and death judgment except that it vacated one multiple-murder special circumstance. Habeas corpus counsel was appointed in June 2007, and petitioner filed a cursory habeas petition in September 2008. While the request to defer consideration was pending, petitioner filed an amended petition on June 28, 2010; the court granted leave to amend and ordered the amended petition filed as of that date.

DISPOSITION

other

CASES CITED

- In re Morgan (2010) 50 Cal. 4th 932
- People v. Zamudio (2008) 43 Cal. 4th 327, 75 Cal. Rptr. 3d 289, 181 P.3d 105
- Bowen v. Roe (9th Cir. 1999) 188 F.3d 1157, 1159-1160
- In re Clark (1993) 5 Cal. 4th 750, 780-781, 797
- People v. Duvall (1995) 9 Cal. 4th 464, 474, 37 Cal. Rptr. 2d 259, 886 P.2d 1252

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