

Appendix A

FILED

September 25, 2018

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CASE NUMBER: S-18-0190

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2018

JOHN LESLIE CHAPMAN,

Petitioner,

v.

**ROBERT LAMPERT, Wyoming
Department of Corrections Director,
EDDIE WILSON, Wyoming Medium
Correctional Institution Warden, and
PETER K. MICHAEL, Wyoming
Attorney General,**

S-18-0190

Respondents.

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

This matter came before the Court upon a “Petition for Writ of State Habeas Corpus,” filed herein August 21, 2018. After a careful review of the petition, the materials attached thereto, “Respondents’ Motion to Dismiss Petition for Writ of Habeas Corpus,” “Petitioner’s Response to Respondent’s Motion to Dismiss Habeas Corpus,” and the file, this Court finds that the petition should be denied. This Court has limited the reach of habeas corpus to contesting the district court’s jurisdiction over the subject matter, jurisdiction over the person of the defendant, or its authority to render the particular judgment. *Ex parte Madson*, 25 Wyo. 338, 169 P. 336, 337 (Wyo. 1917); *Weldon v. Wyoming Dept. of Corrections*, 963 F.Supp. 1098, 1101 (D. Wyo. 1997), *aff’d* 127 F.3d 1110 (10th Cir. 1997); Wyo.Stat. Ann. § 1-27-125; *Nixon v. State*, 2002 WY 118, ¶ 12, 51 P.3d 851, 854 (Wyo. 2002) (“Review in a state habeas corpus action is not time limited, but is seriously limited in scope so that defendants may only raise a claim going to the subject matter or personal jurisdiction of the court. *Hovey v. Sheffner*, 16 Wyo. 254, 265-67, 93 P. 305, 307-08 (1908).”) Petitioner has not established that any of his claims are jurisdictional. See *Kitzke v. State*, 2002 WY 147, ¶¶ 8-9, 55 P.3d 696, 699 (Wyo. 2002).

Regarding the firearms advisement statute, Wyo.Stat. Ann. § 7-11-507, Petitioner has not pointed to anything in this Court’s precedent to establish that such a claim is jurisdictional. This Court has held that failure to give the firearms advisements required by Wyo.Stat. Ann. § 7-11-507 constitutes error under W.R.Cr.P. 32. *Starrett v. State*, 2012 WY 133, ¶¶ 11, 19, 286 P.3d

1033, 1037, 1040 (Wyo. 2012); see also *Linch v. Linch*, 2015 WY 141, ¶ 32, 361 P.3d 308, 316 (Wyo. 2015) (“a court does not lose subject matter jurisdiction over an action for failure to comply with statutory procedural requirements unless the statute contains an ‘unequivocal expression’ that failure to comply shall result in a loss of jurisdiction.”). The writ of habeas corpus is not designed “to interrupt the orderly administration of the criminal laws by a competent court while acting within its jurisdiction. The occurrence of mere errors or irregularities in a criminal case not affecting the jurisdiction of the trial court will not authorize a discharge of the accused upon habeas corpus.” *Hovey v. Sheffner*, 16 Wyo. 254, 93 P. 305, 308 (Wyo. 1908). It is, therefore,

ORDERED that John Leslie Chapman be allowed to proceed in this matter *in forma pauperis*; and it is further

ORDERED that the “Requesting Evidentiary Hearing on Habeas Corpus,” filed herein August 21, 2018, be and hereby is, denied; and it is further

ORDERED that the Petition for Writ of State Habeas Corpus, filed herein August 21, 2018, be and hereby is, denied.

DATED this 25th day of September, 2018.

BY THE COURT:

/s/

MICHAEL K. DAVIS
Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**