

CLERK OF THE NEBRASKA SUPREME COURT  
AND NEBRASKA COURT OF APPEALS

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September 14, 2020

Daion J Williams #76527  
Penitentiary  
PO BOX 22500  
Lincoln, NE 68542-2500

APPENDIX A

IN CASE OF: A-20-000227, Williams v. Wilhelm  
TRIAL COURT/ID: Lancaster County District Court CI20-591

The following filing: Petition Appellant for Further Review  
Filed on 08/24/20  
Filed by appellant Daion J Williams #76527

Has been reviewed by the court and the following order entered:

Petition of Appellant for further review is denied.

Respectfully,

Clerk of the Supreme Court  
and Court of Appeals



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July 27, 2020

Daion J Williams #76527  
Penitentiary  
PO BOX 22500  
Lincoln, NE 68542-2500

APPENDIX B

IN CASE OF: A-20-000227, Williams v. Wilhelm  
TRIAL COURT/ID: Lancaster County District Court CI20-591

The following filing: Mot. of Appellee for Summary Affirmance  
Filed on 06/19/20  
Filed by appellee Michele Wilhelm

Has been reviewed by the court and the following order entered:

Appellee's motion for summary affirmance sustained. See Neb. Ct. R. App. P. § 2-107(B)(2). A writ of habeas corpus will not lie to discharge a person from a sentence of penal servitude where the court imposing the sentence had jurisdiction of the offense and the person of the defendant, and the sentence was within the power of the court to impose. Sanders v. Frakes, 295 Neb. 374, 888 N.W.2d 514 (2016). See Neb. Rev. Stat. 43-246.01(3) (Reissue 2016) (concurrent jurisdiction granted to juvenile court, county court, and district court over certain juvenile offenders).

Respectfully,

Clerk of the Supreme Court  
and Court of Appeals

## IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

DAION J. WILLIAMS,	)	Case No. CI 20-591
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
MICHELE WILHEM, Nebraska State	)	
Penitentiary Warden, and SCOTT	)	
FRAKES, Director, Department of	)	
Correctional Services,	)	
	)	
Respondents.	)	

This matter is before the Court on petitioner's Verified Petition for Writ of Habeas Corpus pursuant to Neb. Rev. Stat. §§29-2801, et. seq.

The petitioner is currently in the custody of the Nebraska Department of Correctional Services. Petitioner alleges that his judgment, sentence and commitment are absolutely void because the District Court of Douglas County had no jurisdiction of the parties or the subject matter. The petitioner asserts that all cases against a juvenile shall always begin in Juvenile Court and that the County Court should not have bound the matter over to District Court without first notifying the Juvenile Court. For this proposition, the petitioner relies on Neb. Rev. Stat. §§43-276, 29-1816 (2)(a), 43-261 and 43-247.

This is the petitioner's second application for writ of habeas corpus filed in the District Court of Lancaster County. The first application filed at CI 17-2536 was heard by the Honorable Judge Darla Ideus. In reviewing that petition, the allegations set forth therein, and the Court's order, it is clear that the petitioner's second petition raises issues identical to those raised in his first petition. See order dated July 13, 2018 (attached hereto.)

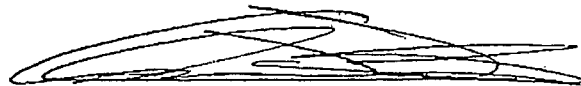
Petitioner's claim is not a jurisdictional defect, so it is not a proper ground for habeas relief. See *Sanders v. Frakes*, 295 Neb. 374, 379 (2016) ("[A] writ of habeas corpus will not lie to discharge a person from a sentence of penal servitude where the court imposing the sentence had jurisdiction of the offense and the person of the defendant, and the sentence was within the power of the court to impose."); see also *Peterson v. Houston*, 284 Neb. 861, 869 (2012) (mere errors or irregularities in the proceedings are not grounds for habeas relief.) The Douglas County District Court had jurisdiction over the offenses and petitioner, and the sentences were within its power to impose. See Neb. Rev. Stat. §43-247 (Supp. 2013) (district court and juvenile court had concurrent jurisdiction over any juvenile who committed a felony).

The petitioner has not shown by the facts that he is entitled to relief. Therefore, the petition for writ of habeas corpus is denied and this matter is dismissed. A copy of this order is sent to the petitioner.

SO ORDERED.

Dated March 5, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Andrew R. Jacobsen", written over a horizontal line.

Andrew R. Jacobsen  
District Court Judge