

APPENDIX TABLE OF CONTENTS

	Page
Appendix A – Nebraska Court of Appeals, Order, September 14, 2023.....	App. 1
Appendix B – Douglas County District Court, Order, July 6, 2023	App. 3
Appendix C – Nebraska Supreme Court, Order, October 30, 2023.....	App. 6

App. 1

APPENDIX A

[SEAL] CLERK OF THE
NEBRASKA SUPREME COURT
AND NEBRASKA COURT OF APPEALS
2413 State Capitol, P.O. Box 98910
Lincoln, Nebraska 68509-8910
(402) 471-3731

September 14, 2023

Juan L Leonor #54664
NE Correctional Youth Facility
2610 North 20th Street
Omaha, NE 68110

IN CASE OF: A-23-000539, Leonor v. Sabatka-Rine
TRIAL COURT/ID: Douglas County District Court
CI23-895

The following filing: Mot. of Appellee for Summary
Affirmance

Filed on 08/23/23
Filed by appellee Diana Sabatka-Rine

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

Appellee's motion for summary affirmance is
sustained. See Neb. Ct. R. App. P. § 2-107(B)(2).
Appellant's action for habeas corpus is imper-
missible collateral attack on judgment of con-
viction and is also precluded by the law-of-
the-case doctrine. See, Sanders v. Frakes, 295

App. 2

Neb. 374, 888 N.W.2d 514 (2016); State v.
Price, 306 Neb. 38, 944 N.W.2d 279 (2020).

Sincerely,
Wendy A. Wussow
Clerk

www.supremecourt.ne.gov

APPENDIX B

IN THE DISTRICT COURT OF
DOUGLAS COUNTY, NEBRASKA

JUAN LUIS LEONOR,)	CI 23-895
Petitioner,)	ORDER
vs.)	(Filed Jul. 6, 2023)
DIANE SABATKA-RINE,)	
Interim Director of Nebraska)	
Department of Correctional)	
Services,)	
Respondent.)	

This matter comes before the Court on the petitioner Juan Luis Leonor's (Leonor) petition for writ of habeas corpus. The Court, being fully advised in the premises, finds the petition for writ of habeas corpus is frivolous and meritless.

Leonor was convicted following a jury trial of two counts of second degree murder, first degree assault and three counts of using a firearm in the commission of a felony. Leonor was sentenced to 20 years to life on each second degree murder count, 5 to 10 years on the first degree assault count, and 5 to 10 years on each using a firearm in the commission of a felony counts. All sentences were ordered to be served consecutively. His convictions and sentences were affirmed on direct appeal. *State v. Leonor*, 263 Neb. 86, 638 N.W.2d 798 (2002). Leonor has filed several motions for postconviction relief, and also several State habeas corpus

App. 4

actions that all have been overruled or denied. See A-03-1153, A-08-1117, S-12-394, S-12-552, S-21-784, S-151118, A-17-153 and S-23-153.

As the Supreme Court in *Peterson v. Houston*, 264 Neb. 861, 867, 824 N.W.2d 26, 32-33 (2012) stated:

A writ of habeas corpus in this state is quite limited in comparison to those of federal courts, which allow a writ of habeas corpus to a prisoner when he or she is in custody in violation of the federal Constitution, law, or treaties of the United States. Under Nebraska law, an action for habeas corpus is a collateral attack on a judgment of conviction. Only a void judgment may be collaterally attacked. Where the court has jurisdiction of the parties and the subject matter, its judgment is not subject to collateral attack. Thus, 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. A writ of habeas corpus is not a writ for correction of errors, and its use will not be permitted for that purpose. “[T]he regularity of the proceedings leading up to the sentence in a criminal case cannot be inquired into on an application for writ of habeas corpus, for that matter is available only in a direct proceeding.”

See also, *Sanders v. Frakes*, 295 Neb. 374, 888 N.W.2d 514 (2016).

App. 5

Leonor argues that his convictions and sentences for the two counts of second degree are void because the Nebraska Supreme Court has changed their interpretation of the crime of manslaughter. In *State v. Smith*, 282 Neb. 720, 806 N.W.2d 383 (2011), the Nebraska Supreme Court overruled their previous decision in *State v. Jones*, 245 Neb. 821, 515 N.W.2d 654 (1994), and held that manslaughter is the intentional killing upon a sudden quarrel or an unintentional killing during the commission of an unlawful act. The Court fails to see how this makes Leonor's convictions for second degree murder void. See *State v. Glass*, 298 Neb. 598, 905 N.W.2d 265 (2018). In fact, this argument has been rejected previously by the Nebraska Court of Appeals, and most recently, by the Nebraska Supreme Court. See S-23-153. The Court finds Leonor's argument to be frivolous and meritless.

IT IS THEREFORE ORDERED that the petition for writ of habeas corpus is denied as being frivolous and meritless.

IT IS SO ORDERED.

DATED this 6th day of July 2023.

BY THE COURT:

/s/ Timothy P. Burns
TIMOTHY P. BURNS
DISTRICT COURT JUDGE

App. 6

APPENDIX C

[SEAL] CLERK OF THE
 NEBRASKA SUPREME COURT
 AND NEBRASKA COURT OF APPEALS
 2413 State Capitol, P.O. Box 98910
 Lincoln, Nebraska 68509-8910
 (402) 471-3731

October 30, 2023

Juan L Leonor #54664
NE Correctional Youth Facility
2610 North 20th Street
Omaha, NE 68110

IN CASE OF: A-23-000539, Leonor v. Sabatka-Rine
TRIAL COURT/ID: Douglas County District Court
CI23-895

The following filing: Petition of Appellant for Further Review

Filed on 10/13/23

Filed by appellant Juan L Leonor #54664

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

Petition of Appellant for further review denied.

Sincerely,
Wendy A. Wussow
Clerk

www.supremecourt.ne.gov
