

STATE OF ARIZONA vs. <hr/> Defendant DOB <hr/> Case # _____ Complaint# _____	PETITION FOR POST-CONVICTION RELIEF	File Stamp Only
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PETITION FOR POST-CONVICTION RELIEF

Instructions: **In order for this petition to receive consideration by the court, you should first file a NOTICE OF POST-CONVICTION RELIEF.**

Each applicable question in the Notice of Post-Conviction Relief must be answered fully but concisely in legible handwriting or by typing. When necessary, an answer to a particular question may be completed on the reverse side of the page or on an additional blank page, making clear to which question such continued answers refers.

Any false statement of fact made and sworn to under oath in this petition could serve as the basis for prosecution and conviction of perjury. Therefore, exercise care to assure that all answers are true and correct.

NO ISSUE WHICH HAS ALREADY BEEN RAISED AND DECIDED ON APPEAL OR IN A PREVIOUS PETITION MAY BE USED AS BASIS FOR THIS PETITION.

TAKE CARE TO INCLUDE EVERY GROUND FOR RELIEF WHICH IS KNOWN AND WHICH HAS NOT BEEN RAISED AND DECIDED PREVIOUSLY, SINCE FAILURE TO RAISE ANY SUCH GROUND IN THIS PETITION WILL BAR ITS BEING RAISED LATER.

When the petition is complete, mail it to the clerk of the court in which conviction occurred.

1. Petitioner's Name: _____

2. Petitioner is now: on Parole on Probation confined in _____

3. Petitioner is eligible for relief because of:

- The introduction at trial of evidence obtained pursuant to an unlawful arrest.
- The introduction at trial of evidence obtained by an unconstitutional search and seizure.
- The introduction at trial of an identification obtained in violation of constitutional rights.
- The introduction at trial of a coerced confession
- The introduction at trial of a statement obtained in the absence of a lawyer at a time when representation is constitutionally required.
- Any other infringement of the rights against self-incrimination.
- The denial of the constitutional right to representation by a competent lawyer at every critical stage of the proceeding.
- The unconstitutional suppression of evidence by the state.
- An unlawfully induced plea of guilty or no contest.
- Violation of the right not to be placed twice in jeopardy for the same offense
- The abridgment of any other right guaranteed by the constitution or the laws of the state, or the constitution of the United States, including a right that was not recognized as existing at the time of the trial if retrospective application of that right is required.
- The existence of newly-discovered material which require the court to vacate the conviction or sentence.
 [Specify when the petitioner learned of these facts for the first time, and show they would have affected the trial]

- The lack of jurisdiction of the court which entered the conviction or sentence.
- The use by the state in determining sentence of a prior conviction obtained in violation of the United States or Arizona Constitutions.

- Sentence imposed other than in accordance with the sentencing procedures established by rule and statute.
 - Being held beyond the term of sentence or after parole or probation has been unlawfully revoked.
 - The failure of the judge at sentencing to advise petitioner of his right and the procedures for doing so.
 - The failure of petitioner's attorney to file a timely notice of appeal after being instructed to do so.
 - The obstruction by state officials of the right of appeal
 - Any other ground within the scope of Rule 32, Rules of Criminal Procedure (please specify):
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4. The facts in support of the alleged error(s) upon which this petition is based are contained Attachment A. [State facts clearly and fully; citations or discussion of authorizes need not be included].

5. Supporting Exhibits:

A. The following exhibits are attached in support of the petition:

Affidavits [Exhibit(s) # _____]

Records [Exhibit(s) # _____]

Other supporting evidence [Exhibit(s) # _____]

B. No affidavits, records or other supporting evidence are attached because _____

6. Petitioner has taken the following actions to secure relief from his convictions or sentences:

A. Direct Appeal: Yes No (If yes, name the court in which such petitions were filed, dates, numbers, and results.)

B. Previous Rule 32 Proceedings: Yes No (If yes, name the court in which such petitions were filed, dates, number, and results, including all appeals from decisions on such petitions.)

C. Previous Habeas Corpus or Special Action Proceedings in the Courts of Arizona: Yes No (If yes, name the courts in which such petitions were filed, dates, number, and results, including all appeals from decisions on such petitions.)

D. Habeas Corpus or other Petitions in Federal Courts: Yes No (If yes, name the courts in which such petitions were filed, dates, number, and results, including all appeals from decisions on such petitions.)

7. The issues which are raised in this petition have not been finally decided nor raised before because: (state facts)

8. Because of the foregoing reasons, the relief which the petitioner desires is:

Release from custody and discharge

A new trial

Correction of sentence

The right to file a delayed appeal

Other relief (specify):

I declare under the penalty of perjury that the information contained in this form and in any attachment is true to the best of my knowledge or belief.

Defendant

Address

City, State, Zip Code

Telephone

State of _____

County of _____

Subscribed and sworn to or affirmed before me on:

Date

Notary or Court Clerk

My Commission Expires:

