FORM FOR POST-CONVICTION RELIEF RULE 1 PETITIONS

IN THE _____ COURT OF _____ COUNTY
STATE OF INDIANA

_____ Full Name of Movant

_____ Case No. _____
Prison Number (if any) (To be supplied by the clerk of the court)

v.

State of Indiana, Respondent.

INSTRUCTIONS - READ CAREFULLY

In order for this motion to receive consideration by the court, it shall be in writing (legibly handwritten or typewritten), signed by the petitioner, and affirmed under penalties for perjury, and it shall set forth in concise form the answers to each applicable question. If necessary, petitioner may furnish his answer to a particular question on the reverse side of the page or an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

This motion must be filed in the court which imposed sentence.

Under the provisions of Rule PC 1, petitioner is required to include in this motion every ground known to him for vacating, setting aside or correcting his conviction and sentence. Be sure to include every ground.

Since every motion must be affirmed under penalty of perjury, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

If the motion is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that petitioner will be unable to pay costs of the proceedings. When the motion is completed, the *original and two copies* shall be mailed to the clerk of the court from which he was sentenced.

1. Place of detention, if detained

_____

_____

If not, present address

_____

_____

2. Name and location of court which, and name of judge who, imposed sentence

_____

_____

3. The case number and the offense or offenses for which sentence was imposed

_____

_____

4. The date upon which sentence was imposed and the terms of the sentence

_____

_____

5. Was the finding of guilty made:

( ) After a plea of guilty? OR
( ) After a plea of not guilty?

6. Did you appeal from the judgment of conviction?

( ) Yes ( ) No

7. If you answered "yes" to (6), list:

(a) The name of the court to which you appealed:

_____

_____

(b) The result in such court and the date of such result:

_____

_____

8. State concisely all the grounds known to you for vacating, setting aside or correcting your conviction and sentence. (See Rule PC 1, Sec. 1a)

(a) _____

_____

_____

(b) _____

_____

_____

(c) _____

_____

_____

(If you have more grounds, use reverse side or separate sheet. However, if this is a successive petition for post-conviction relief, you may submit no more than fifteen (15) additional pages, double-spaced, to provide supporting facts. You may also submit exhibits.)

9. State concisely and in the same order the facts which support each of the grounds set forth in (8).

(a) _____

_____

_____

(b) _____

_____

_____

(c) _____

_____

_____

10. Prior to this petition, have you filed with respect to this conviction:

(a) Any petition for post conviction relief pursuant to Rule PC 1 or PC 2?

( ) Yes ( ) No

(b) Any petitions for habeas corpus in state or federal courts?

( ) Yes ( ) No

(c) Any petitions in the United States Supreme Court for certiorari?

( ) Yes ( ) No

(d) Any other petitions, motions or applications in this or any other court?

( ) Yes ( ) No

11. If you answered "yes" to any part of (10), list with respect to each petition, motion or application:

(a) Its specific nature:

i. _____

ii. _____

iii. _____

(b) The name and location of the court in which each was filed:

i. _____

ii. _____

iii. _____

(c) The disposition of the petition, motion or 16 application and the date of disposition:

i. _____

ii. _____

iii. _____

(d) If known, citations of any written opinions or orders entered pursuant to each disposition:

i. _____

ii. _____

iii. _____

12. Has any ground set forth in (8) been previously presented to this or any other court, *state or federal*, in any petition, motion or application which you have filed?

( ) Yes ( ) No

13. If you answered "yes" to (12), identify:

(a) Which grounds have been previously presented:

i. _____

ii. _____

iii. _____

(b) The proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

14. Were you represented by an attorney at any time during the course of:

(a) Your preliminary hearing?

( ) Yes ( ) No

(b) Your arraignment and plea?

( ) Yes ( ) No

(c) Your trial, if any?

( ) Yes ( ) No

(d) Your sentencing?

( ) Yes ( ) No

(e) Your appeal, if any, from the judgment of conviction or the imposition of sentence?

( ) Yes ( ) No

(f) Preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

( ) Yes ( ) No

15. If you answered "yes" to one or more parts of (14), list:

(a) The name and address of each attorney who represented you:

i. _____

ii. _____

iii. _____

(b) The proceedings at which each such attorney represented you:

i. _____

ii. _____

iii. _____

(c) Was said attorney:
( ) Appointed by the court? OR
( ) Of your own choosing?

16. Have you completed service of the challenged sentence?

( ) Yes ( ) No

17. Have you retained an attorney to represent you in this proceeding?

( ) Yes ( ) No

18. If you are without sufficient funds to employ counsel and are incarcerated in the Indiana Department of Correction, the Public Defender may represent you. If you check "NO" you lose the right to representation by the State Public Defender for the duration of this proceeding, including any appeal therefrom.

(a) Do you wish to have the Public Defender represent you?

( ) Yes ( ) No

(b) If yes, have you completed the Affidavit of Indigency attached to this form, stating your salary, if any, amount of savings, and all property owned by you?

( ) Yes ( ) No

_____
Signature of Petitioner

I affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.

_____
Signature of Petitioner

AFFIDAVIT OF INDIGENCY

(*See instructions page 1 of this form*)

_____

_____

_____

_____

_____

_____
Signature of Petitioner

I affirm, under the penalties for perjury, that the foregoing representation(s) is (are) true.

_____
Signature of Petitioner