

POST-CONVICTION RELIEF

1

Petition for Post-Conviction Relief

(Instructions and Forms)

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CRPCR1 - 5428 - 122023

Petition for Post-Conviction Relief

Checklist

You may use the forms and instructions in this packet if . . .

- ✓ You want to file for post-conviction relief, AND
- ✓ This filing is part of the original criminal action with the same case number, AND
- ✓ You are raising the issue issues in this petition for the first time, AND
- ✓ You understand that you must file a Notice Requesting Post-Conviction Relief before you file the Petition for Post-Conviction Relief.
- ✓ You have read the post-conviction relief statutes (A.R.S. § 13-4231 and those that follow), and you are eligible for relief under the statutes.

Do not use the forms in this packet if:

- ✗ You previously petitioned for post-conviction relief, OR
- ✗ You previously raised the issues in this petition before on appeal, OR
- ✗ You have appealed this case to a higher court.

Read Me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

Law Library Resource Center

Post-Conviction Relief

Part 1 – Instructions and Forms

This packet contains instructions and forms to file for Post-Conviction Relief. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

| Order | File Number | Title | # Pages |
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General information about post-conviction relief

Post-conviction relief:

- Is a process for raising an issue unknown at trial or for some reason not available at trial;
- Provides a formal setting for the defendant to establish facts underlying a claim for relief when those facts have not been previously shown in court, and
- Provides a formal setting to eliminate confusion and avoid repetitious and successive applications for relief while protecting the Petitioner's constitutional rights.

The purpose of a statute or rule providing for post-conviction relief is:

- To provide a means to question the alleged constitutional problem of a judgment or sentence, and
- To afford a simple and efficient remedy to any defendant who claims that his or her conviction was obtained by disregarding a fundamental fairness essential to the very concept of justice; and
- To determine if the trial court's judgment was clearly erroneous, and to give the trial court that made the initial determinations an opportunity to correct any irregularities that may have occurred at trial or sentencing.

It is not the purpose of a state post-conviction relief statute or rule:

- To provide a substitute for direct appeal;
- To provide a second appeal (Thus, allegations of trial error involving constitutional violations are not able to be judicially heard in a motion for post-conviction relief without a showing of exceptional circumstances for not raising the constitutional grounds on direct appeal.); or
- To provide an alternative method of reviewing mere errors in the conduct of the trial, or an opportunity for a belated Petition for rehearing.

Note: A person unable to pay costs of this post-conviction relief proceeding and to obtain the services of an attorney should:

- 1) indicate financial hardship and request counsel in Question 8 of the Notice form, and
- 2) execute the Declaration of Indigency on the last page of the Notice form.

Read me: Consulting a lawyer before filing documents with the court may help prevent unexpected results.



The state law explaining how to begin a post-conviction relief proceeding may be found in 16A A.R.S. Rules Crim. Procedure, Rule 32.4.

Instructions: How to complete the forms and steps in the post-conviction relief process

STEP 1: In black ink, please complete the forms in this packet using instructions below:

Form: Notice Requesting Post-Conviction Relief

Heading

- At the top of the form, please fill in your name, street address, city, state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney.)
- Put a check mark in the box if you are representing yourself.
- If you have an attorney representing you, place a check mark in that box.
- Write your first and last name on the line above "defendant."
- Write in your case number on the line at the upper right side of the page.

Items A and B

- Complete the personal information requested.
- Information about your conviction may be found online at the Maricopa County Superior Court website. The case history lists the name of the crime, and the associated statute number. You may also find information about your sentence in the case history.
- Remember to fill in your case number on the top right side of each page of the form
- Place a check mark in the boxes that apply to you.

Item C

- Read the Rules in the box about Post Conviction Relief.
- Make sure you know the difference between a claim under Rule 32.1 and a claim under Rule 33.1 as you complete the rest of the forms.
- Place a check mark in the boxes that apply to you.
- If you need more space to state your facts and reasons, write "Continued on attached sheet," label the attached sheet with the item number from the form and attach it to the Notice.

Last Page

- Request for Post-Conviction Relief. Check your work. If everything you wrote in the Notice form is true, sign and date your signature on the lines under the "Notice Requesting Post-Conviction Relief" portion of the form
- Request for an Attorney and Declaration of Indigency: If you are requesting an attorney and cannot afford to pay one, write today's date, and sign your name after the "Request for an Attorney and Declaration of Indigency." Your signature represents a declaration under penalty of perjury that everything you wrote is true and correct.

Form: Petition for post-conviction relief

General

- In order for this Petition to be considered by the court, you must first file the form Notice of Post-Conviction Relief.
- Each numbered item in the Petition must be answered fully and concisely in legible handwriting or by typing. When necessary, an answer to a particular question may be completed on an additional blank page, making clear to which question the continued answer refers.
- Any false statement of fact made and sworn to under oath in this Petition could serve as the basis for prosecution and a perjury conviction. Therefore, be careful to assure that all answers are true and correct.
- For this Petition, you may not use an issue which has already been raised and decided on appeal or in a previous Petition.
- Be careful 1) to include every new reason for relief you know of, and 2) that the new reason being used in the Petition has not been raised and decided before this Petition.
- Remember, if you raise an issue or reason for relief that has already been heard by the court or appealed, you may not use the same reason for this Petition.

Heading

- At the top of the form, please fill in your name, street address, city, state, zip code, telephone number (if not protected), attorney bar number (if you are represented by an attorney).
- Put a check mark in the box if you are representing yourself.
- If you have an attorney representing you, place a check mark in that box.
- Write your first and last name on the line above "defendant".
- Write in your case number on the line at the upper right side of the page.

Item 1

- Complete the personal information requested on the lines given.
- Information about your sentence and conviction may be found online at the Maricopa County Superior Court website. The case history lists the name of the crime, and the associated statute number. You may also find information about your sentence in the case history.
- Remember to fill in your case number on the top right side of each page of the form.

Item 2

- Carefully read the list of reasons for Rule 32 post-conviction relief.
- Then go back to the top of the list and place a check mark in the box(es) that apply to you.

Item 3

- Carefully read the list of reasons for Rule 33 post-conviction relief.
- Then go back to the top of the list and place a check mark in the box(es) that apply to you.

Item 4 - Supporting Facts and Documents

- Write the facts that support the reasons you believe you should be granted post-conviction relief. Supplement the facts with relevant statutory authority (state law) in support of your request.
- If you need more space than the lines provide,
 - Mark the box next to the sentence that begins “I attached a sheet labeled #4 A...”
 - Continue the facts on an attached sheet, clearly marked “Petition – #4 A – Attachment.”
- Part B: Follow the instruction on the form concerning newly discovered material.
- Part C: On the lines provided, note the exhibit numbers of all affidavits, transcripts, documents, and other supporting evidence you are attaching as exhibits in support of this Petition.
- Part D: Briefly list the reasons why you have no affidavits, transcripts, documents or other evidence supporting your claim for post-conviction relief.

Item 5

- Place a check mark in the appropriate box(es) to tell the court the other actions you have taken to get post-conviction relief. If you have not taken any of these actions, leave the boxes blank.

Item 6

- Place a check mark in the box that describes the kind of post-conviction relief you want the court to order.

Declaration

- If everything you wrote in the Petition form is true, sign and date your signature on the lines provided for the Defendant.

Form: Defendant’s Request for the Court Record

Top of Page

- Complete the personal information and your case number on the lines provided.

Document Request for the Clerk of Superior Court

- If you want the Clerk of Superior Court to produce documents for your Post-conviction case, place a mark in the box on the left.
- If the Defendant wants to omit items in the presumptive record, list the specific documents on the lines provided.
- If the Defendant requests specific items in the presumptive record, list the specific documents on the lines provided.

Transcript Request of Court Proceedings

- Be aware of the difference between 1 and 2 of this item.
- Number 1 involves Defendant's Notice under Rule 32: Mark the box(es) that show which transcripts you request.
- Number 2 involves Defendant's Notice under Rule 33: Mark the box(es) that show which transcripts you request under Rule 33.
- Number 3 requires your thoughts about whether you may need any transcripts from the proceedings in the list. Mark the box(es) that show which proceeding transcript(s) you request.
- Be aware that Rules 32.8(b) and 33.8(b) permit the court to order the preparation of only those transcripts deemed necessary for resolving issues you specified in the Notice Requesting Post-Conviction Relief. You must explain why you believe the requested transcripts are necessary.

Signature

- Review everything you wrote on the form.
- Sign and date your signature on the lines provided. You may sign on the line marked "attorney" if you do not yet have attorney representation.

STEP 2: Make Copies: You will need one set of originals plus 3 sets of copies.

- Make three (3) copies of the following forms:
 - Notice,
 - Petition, and
 - Request for Court record

STEP 3: Separate your documents into four (4) sets:

| | |
|---|--|
| SET 1 - ORIGINALS: for filing <ul style="list-style-type: none">• <i>Notice</i>• <i>Petition</i>• <i>Request for Court Record</i> | SET 3 – COPIES for County Attorney's Office: <ul style="list-style-type: none">• <i>Notice</i>• <i>Petition</i>• <i>Request for Court Record</i> |
| SET 2 - COPIES FOR JUDGE: <ul style="list-style-type: none">• <i>Notice</i>• <i>Petition</i>• <i>Request for Court Record</i> | SET 4 – COPIES for Your Records <ul style="list-style-type: none">• <i>Notice</i>• <i>Petition</i>• <i>Request for Court Record</i> |

STEP 4: Deliver

- Take your sets of originals and copies to the Clerk of Superior Court, Criminal Court Filing Counter in the county where the conviction occurred. If your case was in Maricopa County, you may go to any of the locations listed below. The Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. (See the locations below.)

| | |
|---|--|
| Clerk of Superior Court South Court Tower 175 West Madison, 12 th floor* Phoenix, Arizona 85003 | Clerk of Superior Court Southeast Court Complex 222 East Javelina Avenue, 1 st floor Mesa, Arizona 85210 |
| Clerk of Superior Court Northeast Regional Court Center 18380 North 40 th Street Phoenix, Arizona 85032 | Clerk of Superior Court Northwest Court Complex 14264 West Tierra Buena Lane Surprise, Arizona 85374 |

*You may also access the South Court Tower at the main Superior Court complex in downtown Phoenix by entering through the main court entrance at 201 W. Jefferson Street, and taking the escalator or elevator to the 3rd floor which connects to the South Court Tower.

The Clerk of Superior Court will stamp all the sets of papers, keep the originals, and return the copies to you.

- Keep one set of copies for your records.
- Deliver the remaining two sets to Criminal Court Administration at the South Court Tower address listed above, or mail to:

Criminal Court Administration, 201 W Jefferson Street, Phoenix, AZ 85003

Court Administration will distribute the copies to the Judge and to the Maricopa County Attorney's Office.

Next: Wait for the court to notify you about the next step in the process.

Person Filing: _____

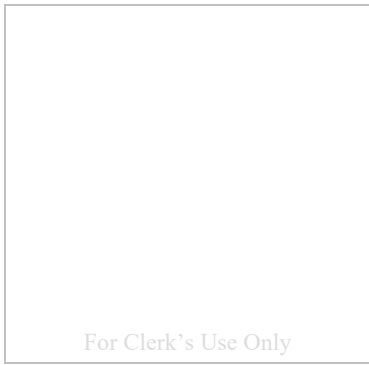
Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____



Representing Self, without a Lawyer OR Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

Case Number: _____

State of Arizona

v.

NOTICE REQUESTING
POST-CONVICTION RELIEF

Defendant (First, MI, Last)

If the Defendant was sentenced after a trial or after a probation violation hearing, or if the Defendant was sentenced to death, the Defendant must request relief under Rule 32 of the Arizona Rules of Criminal Procedure.

If the Defendant was sentenced after a plea of guilty or no contest, after the admission of a probation violation, or after an automatic violation of probation, the Defendant must request relief under Rule 33 of the Arizona Rules of Criminal Procedure.

There are time limits for filing this notice. See section C below. There are also time limits for filing a petition for post-conviction relief. See Rules 32.7 and 33.7.

STATEMENTS MADE TO THE COURT, UNDER OATH OR AFFIRMATION:

A. Information about me, the defendant:

1. Name (first, middle, and last): _____

2. Date of Birth: _____

3. Mailing Address: _____

City, State, Zip Code: _____

4. Is the Defendant currently in jail or prison? Yes No

If yes, the Defendant's inmate number is: _____

B. Information about the defendant's sentence:

1. Defendant was Sentenced on the following (date): _____, 20_____

2. Defendant was sentenced after: (Place a check mark in the box below that applies.)

- A Plea of Guilty or no contest.
- A Trial.
- An Admission of a Probation Violation
- Automatic Violation of Probation (Because the Defendant was convicted of another crime.)
- Probation Violation Hearing.

3. The Defendant was sentenced in this case for the following crime or crimes: _____

4. The Defendant received the following sentence:

5. The Defendant was represented by the following lawyer at sentencing: _____

6. After the Defendant was sentenced, the Defendant had an appeal Yes No

If yes, the appellate court issued its mandate on: _____

7. After the Defendant was sentenced, the Defendant had a previous post-conviction proceeding (under Rule 32 or 33): Yes No

If yes, that proceeding was final on the following date: _____

C. Post-Conviction Relief Claim:

Under Rule 32.1(a), a Defendant may request post-conviction relief after a trial or a contested probation violation hearing or after the Defendant was sentenced to death, if the Defendant's conviction was obtained, or the sentence was imposed, in violation of the United States or Arizona constitutions.

Under Rule 33.1(a), a Defendant may request post-conviction relief if the Defendant's guilty or no contest plea or admission to a probation violation was obtained, or the sentence was imposed, in violation of the United States or Arizona constitutions.

A claim of incompetent or ineffective assistance of counsel is raised under 32.1 (a) or Rule 33.1 (a).
Rule 32.4(b)(3)(D), governs extensions for filing a Rule 32 Notice Requesting Post-Conviction Relief.

1. Is the Defendant raising a claim under Rule 32.1(a)? Yes No

If yes, this notice is being timely filed:

within 90 days after the oral pronouncement of sentence,

OR

within 30 days after the issuance of the mandate in the direct appeal.

OR

This notice is not timely, but that is not the Defendant’s fault because:

(State the facts supporting the claim that it is not the Defendant’s fault. If you need more space, attach a sheet labeled “#C-1 Post-Conviction Relief” containing the rest of your explanation.)

2. Is the Defendant raising a claim under Rule 33.1(a)? Yes No

If yes, this notice is being timely filed:

within 90 days after the oral pronouncement of sentence,

OR

The Defendant is raising a claim that the Defendant received ineffective assistance of Rule 33 counsel in Defendant’s first Rule 33 proceeding.

AND

This notice is being filed:

No later than 30 days after the trial court’s final order in the first post-conviction proceeding.

OR

If the Defendant requested appellate review of that order, no later than 30 days after the appellate court issued its mandate in that proceeding.

OR

This notice is not timely, but that is not the Defendant’s fault because: (State the facts supporting the claim that it is not the Defendant’s fault. If you need more space, attach a sheet labeled “#C-2 Post-Conviction Relief” containing the rest of your explanation.)

3. Is the Defendant raising a claim under Rule 32.1(b)-(h) or Rule 33.1(b)-(h)? Yes No

If yes, check all the boxes that apply:

The court did not have subject matter jurisdiction to render a judgment or impose a sentence on the Defendant (Rule 32.1(b) or 33.1(b).)

The sentence as imposed is not authorized by law, or, if the Defendant entered a plea, the sentence is not authorized by the plea agreement. (Rule 32.1(c) or 33.1(c).)

The Defendant continues to be or will continue to be in custody after the sentence expires (Rule 32.1(d) or 33.1(d).)

- Newly discovered material facts probably exist, and those facts probably would have changed the judgment or sentence (Rule 32.1(e) or 33.1(e).)
- The failure to timely file a notice of appeal or a notice of post-conviction relief was not the Defendant’s fault (Rules 32.1(f), 33.1(f), or 32.4(b)(3)(D).)
- There has been a significant change in the law that, if applicable to the Defendant’s case, would probably overturn the Defendant’s judgment or sentence (Rule 32.1(g) or 33.1(g).)
- There is clear and convincing evidence that the facts underlying the claim would be sufficient to establish that no reasonable fact-finder would find the Defendant guilty of the offense beyond a reasonable doubt, or that no reasonable fact-finder would find the defendant eligible for the death penalty in an aggravation phase held pursuant to A.R.S. § 13-752. (Rule 32.1(h) or 33.1(h).)

THE DEFENDANT:

has raised each claim within a reasonable time after learning of the claim,

OR

has failed to timely file a notice, but that is not the Defendant’s fault because:

(State the facts supporting the claim that it is not the Defendant’s fault. If you need more space, attach a sheet labeled “#C-3 Post-Conviction Relief” containing the rest of your explanation.)

REQUEST FOR POST-CONVICTION RELIEF:

- I am requesting post-conviction relief. I understand that my petition for post-conviction relief must include every ground for relief that is known to me that has not been previously raised and decided.

Date

Defendant's signature

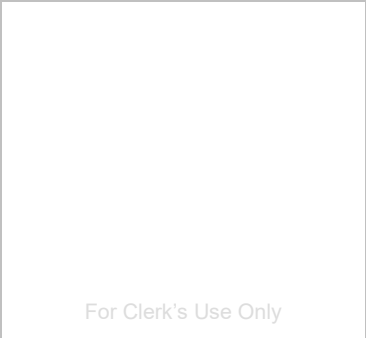
REQUEST FOR AN ATTORNEY AND DECLARATION OF INDIGENCY:

- I request the court to appoint an attorney to represent me in this post-conviction proceeding.
- I am indigent, and because of my poverty I am financially unable to pay a lawyer to represent me without incurring substantial hardship to myself or my family.
- I declare under penalty of perjury that the foregoing is true and correct.

Date

Defendant's signature

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____



Representing Self, without a Lawyer or Attorney for State or Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

State of Arizona

Case Number: _____

PETITION FOR POST- CONVICTION RELIEF Under

Rule 32 (after trial or probation violation hearing,
or after sentence of death)

Defendant's Name (First, MI, Last)

Rule 33 (after plea of guilty or no contest, after the
admission of probation violation, or after an
automatic violation of probation)

INSTRUCTIONS TO THE DEFENDANT

- (1) You must first file a Notice Requesting Post-Conviction Relief before you file this petition.
- (2) Answer the questions in this petition in readable handwriting or by typing. Use additional blank pages for completing your answers, if necessary, but write on only one side of the page.
- (3) Indicate above whether you are filing this petition under Rule 32 or Rule 33. If you are filing under Rule 32, answer question 2. If you are filing under Rule 33, answer question 3.
- (4) Do not raise issues you have already raised on your appeal (if any) or in a previous petition for post-conviction relief (if any). Include in this petition every ground for relief you are aware of and that has not been raised and decided previously. If you do not raise such a ground now, you may not be able to raise it later.
- (5) File your completed petition with the Clerk of Superior Court where you were convicted and sentenced (or mail it to the Clerk of Superior Court for filing).

There are time limits for filing the petition.

- If you file under Rule 32, see the time limits in Rule 32.7.
- If you file under Rule 33, see the time limits in Rule 33.7.

STATEMENTS MADE TO THE COURT, UNDER OATH:

1. Information about the defendant:

Name: _____

Current Status: On Probation Incarcerated On Parole On Community Supervision

Inmate Number (if any): _____

2. Rule 32 reason(s) for requested relief: Defendant claims the following grounds for relief: (Place a check mark next to the reason(s) that apply to your case):

- The Defendant's conviction was obtained, or the Defendant's sentence was imposed, in violation of the United States or Arizona constitutions (Rule 32.1 (a)), specifically:
- The Defendant was denied the constitutional right to representation by a competent and effective lawyer at every critical stage of the proceeding.
 - The State used evidence at trial it obtained during an unlawful arrest.
 - The State used evidence at trial it obtained during an unconstitutional search and seizure.
 - The State used an identification at trial that violated the Defendant's constitutional rights.
 - The State used a coerced confession at trial; used a statement obtained in the absence of a lawyer, at a time when representation by a lawyer was constitutionally required; or there was other infringement of the Defendant's right against self-incrimination.
 - The State suppressed favorable evidence.
 - The State used perjured testimony.
 - There was a violation of the Defendant's right not to be placed twice in jeopardy for the same offense or punished twice for the same act.
 - To determine the Defendant's sentence, the State used a prior conviction that was obtained in violation of the United States or Arizona constitutions or Arizona statutes.
 - The abridgement of any other right guaranteed by the constitution or the laws of this 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 court did not have subject matter jurisdiction to render a judgment or to impose a sentence on the Defendant. (Rule 32.1 (b).)
- The sentence is not authorized by law. (Rule 32.1 (c).)
- The Defendant continues to be or will continue to be in custody after his or her sentence expired. (Rule 32.1 (d).)

- Newly discovered material facts probably exist, and those facts probably would have changed the judgment or sentence. (Rule 32.1 (e).)
- The failure to timely file a notice of appeal was not the Defendant's fault. (Rule 32.1 (f).)
- There has been significant change in the law that, if applicable to the Defendant's case, would probably overturn the Defendant's conviction or sentence. (Rule 32.1 (g).)
- This petition demonstrates by clear and convincing evidence that the facts underlying the claim would be sufficient to establish that no reasonable fact-finder would find the Defendant guilty of the offense beyond a reasonable doubt, or that no reasonable fact-finder would find the defendant eligible for the death penalty in an aggravation phase held pursuant to A.R.S. § 13-752. (Rule 32.1 (h).)
- Any other ground within the scope of Rule 32, Arizona Rules of Criminal Procedure (Please specify the grounds below):
-
-

3. Rule 33 reason(s) for requested relief: Defendant claims the following reasons/grounds for relief. (Place a check mark next to the reason(s) that apply to your case):

- Rule 33.1(a): The Defendant's plea or admission to a probation violation was obtained, or the Defendant's sentence was imposed, in violation of the United States or Arizona constitutions.
- The Defendant was denied the constitutional right to representation by a competent and effective lawyer at every critical stage of the proceeding.
- There was a violation of the Defendant's right not to be punished twice for the same act.
- The abridgement of any other right guaranteed by the constitution or the laws of this 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 court did not have subject matter jurisdiction to render a judgment or to impose a sentence on the Defendant. (Rule 33.1 (b).)
- The sentence is not authorized by law or by the plea agreement. (Rule 33.1 (c).)
- The Defendant continues to be or will continue to be in custody after his or her sentence expired, (Rule 33.1 (d).)
- Newly discovered material facts probably exist, and those facts probably would have changed the judgment or sentence. (Rule 33.1 (e).)
- The failure to timely file a notice of post-conviction was not the Defendant's fault. (Rule 33.1 (f).)
- There has been a significant change in the law that, if applicable to the Defendant's case, would probably overturn the Defendant's conviction or sentence. (Rule 33.1 (g).)

This petition demonstrates by clear and convincing evidence that the facts underlying the claim would be sufficient to establish that no reasonable fact-finder would find the Defendant guilty of the offense beyond a reasonable doubt. (Rule 33.1 (h).)

4. Supporting facts and documents:

A. The Defendant submits the following facts and legal authorities in support of this petition. (If you need more space, attach a sheet labeled "#4 A Post-Conviction Relief" containing the rest of your explanation.)

B. Identify any newly discovered material facts in support of a claim for newly discovered evidence. Specify when the Defendant learned of these facts for the first time, and how they would have affected the trial or proceeding. (If you need more space, attach a sheet labeled "#4 B Post-Conviction Relief" containing the rest of your explanation.)

C. The following affidavits, transcripts, and documents are attached in support of the petition:

Affidavits [Exhibit(s) # _____

Transcripts [Exhibit(s) # _____

Documents [Exhibit(s) # _____

D. No affidavits, transcripts or other supporting documents are attached because:

5. Actions taken:

The Defendant has taken the following actions to secure relief from his conviction or sentence: (Place a check mark in the appropriate box below.)

A. Appeal? YES or NO (If yes, name the courts to which the appeals were taken, date of appeals, number, and result.)

B. Previous Post-Conviction Proceedings? YES or NO (If yes, name the court in which the previous petitions were filed, dates, and results. Include any appeals from decisions on those petitions.)

C. Previous Habeas Corpus or Special Action Proceedings in the Courts of Arizona?

YES or NO (If yes, name the court(s) in which such petitions were filed, dates, numbers, and results, including all appeals from decisions on such petitions.)

D. Habeas Corpus or Other Petitions in Federal Courts: YES or NO (If yes, name the districts in which petitions were filed, dates, court numbers – civil action or miscellaneous, and results, including all appeals from decisions on such petitions.)

E. If the answers to one or more of the questions 5A, 5B, 5C, or 5D are “yes,” explain why the issues that are raised in this petition have not been finally decided or raised before. (State facts.)

6. Relief requested: Because of the foregoing reasons, the relief which the Petitioner/Defendant requests is: (Place a check mark in the appropriate box):

A. Release from custody and discharge.

B. A new trial.

C. Correction of Sentence.

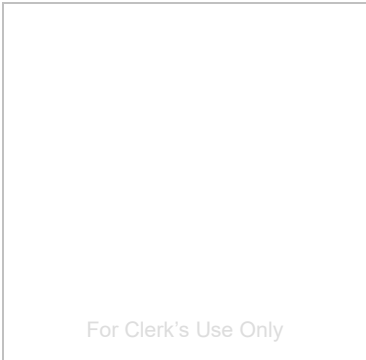
D. The right to file a delayed appeal.

E. Other relief (specify):

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

Date

Defendant's Signature



For Clerk's Use Only

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____

Representing Self, without a Lawyer or Attorney for State or Defendant

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

State of Arizona

Case Number: _____

DEFENDANT'S REQUEST for THE COURT RECORD

Defendant's Name (First, MI, Last)

NOTE: The court's record includes all documents filed with the Clerk of Superior Court. The court's record also includes transcripts of oral proceedings conducted in the courtroom. A defendant who requests copies of items admitted into evidence must make the request by a separate motion.

The Defendant has filed a Notice Requesting Post-Conviction Relief under Rule 32 (or) Rule 33.

The Defendant now requires items from the court's record to prepare the Defendant's petition for post-conviction relief.

Defendant requests the items checked below. The Defendant's signature below affirms that the defendant has not previously received the requested items.

The defendant requests documents filed with the clerk:

The filed documents presumptively include the charging documents, motions and responses to motions and replies, minute entries, presentence reports and other reports to the court, and court orders. This is referred to as "the presumptive record."

If the Defendant wants to omit items in the presumptive record, list them here:

If the Defendant requests items in addition to what is in the presumptive record, list them here:

The defendant requests transcripts of court proceedings:

1. Rule 32 Proceedings: If the Defendant's Notice Requesting Post-Conviction Relief was filed under Rule 32, the Defendant requests transcripts of the following:

Evidentiary hearings.

Specify the subjects of the evidentiary hearings, or indicate "all":

Trial. If this box is checked, specify whether the Defendant requests transcripts of: (Check all that apply.)

Hearings on pretrial motions

Jury selection

Opening statements

Testimony of witnesses

Final arguments

Hearings on legal issues during trial

Hearings on Post-Trial Motions

Settlement Conference

Sentencing, including any presentence hearing

Rule 11 hearings

Other (specify): _____

2. Rule 33 Proceedings: If the Defendant's Notice Requesting Post-Conviction Relief was filed under Rule 33, the Defendant requests transcripts of the following:

- Change of Plea
- Presentence Hearing
- Sentencing
- Probation Revocation Arraignment
- Probation Violation Hearing
- Probation Violation Disposition Hearing
- Rule 11 Hearing
- Settlement Conference
- Other (specify): _____

3. Omitted Proceedings. The court will not provide transcripts of the following proceedings unless the Defendant checks a box requesting one or more specific items.

- Hearings on Motions to Continue
- Hearings Concerning Conditions of the Defendant's Pre-trial Release
- Arraignments
- Pretrial Conferences
- Trials in which no verdict was returned

4. Basis for Transcript Request. Rules 32.8(b) and 33.8(b) permit the court to order the preparation of only those transcripts deemed necessary for resolving issues the defendant has specified in the Notice Requesting Post-Conviction Relief. Please explain why the requested transcripts are necessary for resolving the issues raised in this post-conviction relief proceeding:

Dated this _____ day of _____, 20_____

Defendant or Attorney for Defendant

Copy of the foregoing Mailed this _____ day of _____, 20_____ to:

