

NORTHERN DISTRICT OF INDIANA

28 U.S.C. § 2254 HABEAS CORPUS PETITION BY A PERSON IN STATE CUSTODY

Name (under which you were convicted):	Cause No. (assigned by clerk after filing)
Prisoner Number:	
Place of Confinement :	

In this petition, you may only challenge one State criminal case or one probation/parole revocation proceeding. If you want to challenge other judgments or proceedings, you must file a separate petition for each one. If you are challenging a federal conviction or a prison disciplinary proceeding, you need a different form. If you do not fill out this form properly, you may be asked to submit additional or corrected information. **Please type or neatly print your responses.**

CONVICTION AND SENTENCE

- (a) Name of the State court that entered the conviction you are challenging or for which your probation/parole was revoked: _____
 (b) Criminal case number: _____
 (c) Date of sentencing: ____/____/____ (d) Length of sentence: _____
 (e) Did you plead guilty? Yes No (f) Did you have a jury trial? Yes No
- List the crime(s) of which you were convicted in this case: _____

PROBATION/PAROLE REVOCATION

- Are you challenging a probation/parole revocation?
 Yes, the revocation hearing was held on: ____/____/____ by _____
 No (skip question 4)
- List the reason(s) your probation/parole was revoked: _____

(For challenges to probation/parole revocation proceedings, list only direct appeals, post-conviction, and other collateral attacks that were associated with challenging the probation/parole violation.)

DIRECT APPEAL (do not include post-conviction relief petitions or other collateral attacks in this section)

- Did you take a direct appeal to the Indiana Court of Appeals? Yes No
 (a) Case number: _____ (b) Date of result: ____/____/____
 (c) Result: _____
- Did you directly appeal (or petition to transfer) to the Indiana Supreme Court? Yes No
 (a) Case number: _____ (b) Date of result: ____/____/____
 (c) Result: _____
- Did you file a petition for certiorari in the United States Supreme Court? Yes No
 (a) Case number: _____ (b) Date of result: ____/____/____
 (c) Result: _____

FIRST POST-CONVICTION RELIEF PETITION

8. Did you file a post-conviction relief petition in a State circuit or superior court? Yes No

(a) Name of the court: _____

(b) Case number: _____ (c) Date of filing: ____/____/____

(d) Result: _____ (e) Date of result: ____/____/____

9. Did you appeal to the Indiana Court of Appeals? Yes No

(a) Case number: _____ (b) Date of result: ____/____/____

(c) Result: _____

10. Did you appeal (or petition to transfer) to the Indiana Supreme Court? Yes No

(a) Case number: _____ (b) Date of result: ____/____/____

(c) Result: _____

11. Did you file a petition for certiorari in the United States Supreme Court? Yes No

(a) Case number: _____ (b) Date of result: ____/____/____

(c) Result: _____

OTHER COLLATERAL ATTACKS

12. Other than the proceedings listed above, have you filed in State court any other petitions, applications, or motions challenging this conviction or revocation proceeding? Yes No

(a) Name of the court: _____

(b) Case number: _____ (c) Date of filing: ____/____/____

(d) Result: _____ (e) Date of result: ____/____/____

(f) Did you appeal (or petition to transfer) to the Indiana Supreme Court? Yes No

(g) Case number: _____ (h) Date of result: ____/____/____

(i) Result: _____

13. Have you previously challenged this conviction or revocation in a federal court? Yes No

(a) Name of the federal court: _____

(b) Nature of the proceeding: _____

(c) Federal case number: _____ (d) Date of result: ____/____/____

(e) Result: _____

14. Do you have any case or appeal challenging this conviction or revocation now pending (filed and not decided yet) in any federal or State court? Yes No

(a) Name of the court (reprint the information here even if you have listed it previously on this form): _____

(b) Nature of the proceeding: _____

(c) Case number: _____ (d) Date of filing: ____/____/____

GROUND S RAISED IN THIS HABEAS CORPUS PETITION

For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Write the facts supporting each ground. Attach additional pages if needed. You do not need to cite law. If you want to submit a legal brief or arguments, attach a separate memorandum.

CAUTION: If you do not present every ground in this petition, you may be barred from doing so later.

15. **GROUND ONE:** _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you present Ground One to the Indiana Supreme Court? Yes - Explain how. No - Explain why not.

GROUND TWO: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you present Ground Two to the Indiana Supreme Court? Yes - Explain how. No - Explain why not.

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you present Ground Three to the Indiana Supreme Court? Yes - Explain how. No - Explain why not.

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you present Ground Four to the Indiana Supreme Court? Yes - Explain how. No - Explain why not.

TIMELINESS OF PETITION

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

16. Explain why this petition is timely under the provisions of 28 U.S.C. § 2244(d).

PRAYER FOR RELIEF

Therefore, petitioner asks that the Court grant the following relief: _____

_____ or any other relief to which petitioner may be entitled.

There is a \$5.00 fee for filing this habeas corpus petition. If you have more than \$15.00 in your inmate trust account or if you received an average of \$15.00 a month during the past six months, you must pay the filing fee. If you cannot pay the fee, you may ask to have the fee waived. To do that, you must fill out an *in forma pauperis* petition and attach a copy of your inmate trust fund ledger for the past six months. When you have completed this form, send the original to the appropriate District Court Clerk's Office:

1300 S. Harrison St.	5400 Federal Plaza	204 S. Main St, Room 102	P.O. Box 1498
Fort Wayne, IN 46802	Hammond, IN 46320	South Bend, IN 46601	Lafayette, IN 47902

DECLARATION AND SIGNATURE

I declare under penalty of perjury that I have truthfully answered all of the foregoing questions to the best of my ability and that this Petition for Writ of Habeas Corpus was signed and placed in the prison mailing system on ____/____/_____. (month, date, year).

Signature