

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 with instructions below:

FORM: NOTICE FOR 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 1 – 3

- 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.

Item 4

- Place a check mark in the boxes that apply to you.

Item 5

- Write in the name of the attorney who represented you during each part of your case named under part A.
- In part B, if you are claiming ineffective assistance of counsel, check mark the “yes” box.
- In part C, place a check mark in the appropriate box, and write the name of your attorney if you have one.
- If you have no attorney and you want the court to appoint one for this matter, place a check mark in the “yes” box in part D.

Item 6

- Do not answer this question if you are filing your Notice on time, or you have never filed a Rule 32 case.
- If you answered “yes” to the first question in item 6, continue on the following page and place a check mark in the box that best describes the reason for your claim. Next, on the lines provided, write out the facts that support your claim, and the reason(s) you did not raise the claim in the previous Petition or in a timely manner.

Item 7 and 8

- Notice Declaration: If everything you wrote in the Notice form is true, sign and date your signature on the lines under the “Declaration” portion of the form.
- Affidavit: 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 this Item 8 of the NOTICE form, and 2) Sign and date the Affidavit of Indigency in front of the Notary Public on the last page of the NOTICE form.

FORM: PETITION FOR POST-CONVICTION RELIEF

General

- In order for this Petition to be considered by the court, you must **first file** a **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 to include 1) 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.

Items 1 – 2

- 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 3

- Carefully read the list of reasons for 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

- Briefly write the facts that support the reasons you believe you should be granted post-conviction relief.
- If you need more space than the lines provide, continue the facts on an attached sheet, clearly marked “Petition – Item 4 – Attachment.”

Item 5

- Part A: On the line provided, note the exhibit numbers of all affidavits, records and other supporting evidence you are attaching as exhibits in support of this Petition.
- Part B: Briefly list the reasons why you have no affidavits, no records or other evidence supporting your claim for post-conviction relief.

Item 6

- 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 7

- On the lines provided, write the new issue(s) you raise in this Petition (issues which have never before been raised or decided) and explain WHY they are new issues.

Item 8

- 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: REQUEST FOR RECORDS FOR POST-CONVICTION RELIEF

Top of Page

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

Request for Preparation of Record

- For each record you need prepared (Superior Court record, transcripts, probation violation, etc.) place a check mark in the box beside the name of that record.

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,
 - Request for preparation of record

STEP 3: SEPARATE YOUR DOCUMENTS INTO FOUR (4) SETS:

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

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.

Clerk of the Superior Court South Court Tower 175 West Madison, 12 th floor* Phoenix, Arizona 85003	Clerk of the Superior Court Southeast Court Complex 222 East Javelina Avenue, 1 st floor Mesa, Arizona 85210
Clerk of the Superior Court Northeast Regional Court Center 18380 North 40 th Street Phoenix, Arizona 85032	Clerk of the 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 will stamp all the sets of papers, keep the originals, and return the copies to you.

- Keep one set of copies for your records, and (IMPORTANT!)
- **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 Office of the County Attorney.

NEXT: WAIT for the court to notify you about the next step in the process.