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: _____

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: _____

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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).

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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.)

_____

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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

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☐ 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.)

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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 (Rule 32.1(f) or 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 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).)

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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.)

_____

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_____

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

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