

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.