

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

For Clerk's Use Only

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

## SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

\_\_\_\_\_  
State of Arizona

Case Number: \_\_\_\_\_

### PETITION FOR POST- CONVICTION RELIEF

\_\_\_\_\_  
Defendant's Name (First, MI, Last)

### STATEMENTS MADE TO THE COURT, UNDER OATH:

**1. INFORMATION ABOUT ME, the DEFENDANT / PETITIONER:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Prison/Inmate Number (if any): \_\_\_\_\_

**2. CURRENT INFORMATION ABOUT MY SENTENCE:** Defendant / Petitioner is now:

- On Community Supervision
- On Parole
- On Probation
- Confined in (name of prison/jail): \_\_\_\_\_

**3. REASON(S) FOR REQUESTED RELIEF:** Defendant / Petitioner is eligible for relief because of the following reason(s) (Place a check mark next to the reason(s) that apply to your case):

- The introduction at trial of evidence obtained pursuant to an unlawful arrest.
- The introduction at trial of evidence obtained by an unconstitutional search and seizure.
- The introduction at trial of an identification obtained in violation of constitutional rights.
- The introduction at trial of a coerced confession.

- The introduction at trial of a statement obtained in the absence of a lawyer at a time when representation is constitutionally required.
- Any other infringement of the right against self-incrimination.
- The denial of the constitutional right to representation by a competent lawyer at every critical stage of the proceeding.
- The unconstitutional suppression of evidence by the state.
- The unconstitutional use of perjured testimony by the state.
- An unlawfully induced plea of guilty or no contest.
- Violation of the right not to be placed twice in jeopardy for the same offense.
- 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 existence of newly discovered material which requires the court to vacate the conviction or sentence. [Specify when the defendant / petitioner learned of these facts for the first time, and show how they would have affected the trial.]

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- The lack of jurisdiction of the court which entered the conviction or sentence.
- The use by the state in determining sentence of a prior conviction obtained in violation of the United States or Arizona constitutions.
- Sentence imposed other than in accordance with the sentencing procedures established by rule and statute.
- Being held beyond the term of sentence or after parole or probation has been unlawfully revoked.
- The failure of the judge at sentencing to advise defendant / petitioner of his/her right to appeal, and the procedures for doing so.
- The failure of defendant / petitioner's attorney to file a timely notice of appeal after being instructed to do so.
- The obstruction by state officials of the right to appeal.
- Any other ground within the scope of Rule 32, Arizona Rules of Criminal Procedure (Please specify the grounds below):

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**4. SUPPORTING FACTS:** The facts in support of the alleged error(s) upon which this petition is based are contained below and in the Attachment: [State facts clearly and fully; citations or discussions of authorities need not be included].

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**5. SUPPORTING EXHIBITS:**

**A.** The following exhibits are attached in support of this Petition:

- Affidavits (Exhibit(s) # \_\_\_\_\_
- Records (Exhibit(s) # \_\_\_\_\_
- Other Supporting evidence (Exhibit(s) # \_\_\_\_\_

**B.** No affidavits, records, or other supporting evidence are attached because (state reason(s) below):

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**6. OTHER ACTIONS TO SECURE RELIEF:** The Petitioner / Defendant has taken the following actions to secure relief from his/her convictions or sentences: (Place a check mark in the appropriate box below)

**A.**  Direct Appeal: YES  or NO  If YES, list the courts to which the appeals were taken, date of appeals, number, and result:

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**B.**  Previous Rule 32 Proceedings: YES  or NO  If YES, name the court in which such petitions were filed, dates, numbers, and results including all appeals from decisions on such petitions:

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**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:

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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:

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\_\_\_\_\_

7. **NEW ISSUE(s):** The issue(s) which are raised in this petition have not been raised nor finally decided *before this time* because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **POST-CONVICTION RELIEF REQUESTED:** Because of the reasons stated in the above Petition, the relief which I the Defendant / Petitioner request 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