

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p><b>Petition for Relief Under the Post-Conviction Remedies Act</b></p> <p>Utah Code Section 78B-9-101 et seq. Utah Rules of Civil Procedure 65C</p> <p>_____ Case Number</p> <p>_____ Judge</p>
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**Notice to the Petitioner:**

Before completing this form, please read it carefully. If you have any questions, contact an attorney. Court clerks are not allowed to give legal advice. Attach additional sheets of paper as necessary to complete your answers. Show the question number from this form on the additional sheet of paper.

**I. Name of Respondent** (check one)

- Conviction of Felony State of Utah
- Conviction of Misdemeanor or Ordinance County of: \_\_\_\_\_
- Conviction of Misdemeanor or Ordinance Municipality of: \_\_\_\_\_

**II. Identification of Current and Related Cases**

1. (a) Name of court that entered the judgment being challenged:

\_\_\_\_\_

(b) Location of court: \_\_\_\_\_

(c) Case number: \_\_\_\_\_

2. Date of judgment being challenged: \_\_\_\_\_

3. Sentence:

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

4. Nature of offense involved (all counts):

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

5. What was your plea? (check one)

- Not guilty
- Guilty
- No contest
- Guilty and mentally ill
- Not guilty by reason of insanity

6. If you entered a plea of guilty to some counts, and a not guilty plea to other counts, give your plea to each count:

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

7. If you plead not guilty or not guilty by reason of insanity, was the trial before a

Jury  Judge

8. Did you testify at the trial?

Yes  No

9. Did you appeal from the conviction or sentence?

Yes  No

10. If your answer is "yes," provide the following information:

(a) Name of Appellate Court: \_\_\_\_\_

(b) Case Number: \_\_\_\_\_

(c) Result:  
\_\_\_\_\_  
\_\_\_\_\_

(d) Date of result or citation of opinion: \_\_\_\_\_

(e) Grounds raised:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(f) Did you seek further review of this appeal?

Yes  No

(g) If your answer is "yes," provide the following information:

(1) Name of Reviewing Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result:  
\_\_\_\_\_  
\_\_\_\_\_

(4) Date of result or citation of opinion: \_\_\_\_\_

(5) Grounds raised:

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11. If you did not appeal from your conviction or sentence, why not?

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12. (a) Other than your direct appeal from your conviction or sentence, have you filed any petitions, applications, or motions with respect to this conviction or sentence in any court, state or federal?

Yes  No

(b) If your answer is "yes," provide the following information:

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result:

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(4) Date of result or citation of opinion: \_\_\_\_\_

(5) Grounds raised:

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(c) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(d) Did you appeal the decision on your petition, application, or motion?

Yes  No

(e) If your answer is "yes," provide the following information:

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result:

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

(4) Date of result or citation of opinion: \_\_\_\_\_

(5) Grounds raised:

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

13. (a) Other than the case described in question 12, have you filed any further petitions, applications or motions with respect to this conviction or sentence in any court, state or federal?

Yes  No

(b) If your answer is "yes," provide the following information:

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result:

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

(4) Date of result or citation of opinion: \_\_\_\_\_

(5) Grounds raised:

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

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

(c) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(d) Did you appeal the decision on your petition, application, or motion?

Yes  No

(e) If your answer is "yes," provide the following information:

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result:

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

(4) Date of result or citation of opinion: \_\_\_\_\_

(5) Grounds raised:

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

14. (a) Do you have any petition, appeal, or motion now pending in any court, state or federal, relating to the judgment being challenged?

Yes  No

(b) If your answer is "yes," provide the following information:

(1) Name of Court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Nature of Proceeding:

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

### III. Grounds for Relief

**Notice to the Petitioner:** You may be barred from presenting additional grounds in a future post-conviction petition if you fail to present any grounds that you could present here but do not.

The following is a list of the most frequently raised grounds for relief in post-conviction proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You should raise in this petition any of these grounds that apply **and any other grounds not listed** that you may have available.

**Do not merely check the grounds listed.** If you believe any of these grounds apply to you, **you must allege facts.** The petition will be returned to you if you merely check a ground and fail to list necessary facts or attach supporting documentation.

- (a) Conviction obtained by plea of guilty that was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
  - (b) Conviction obtained by use of coerced confession.
  - (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
  - (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
  - (e) Conviction obtained by a violation of the privilege against self-incrimination.
  - (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
  - (g) Conviction obtained by a violation of the protection against double jeopardy.
  - (h) Conviction obtained by action of a grand or petit jury that was unconstitutionally selected and impaneled.
  - (i) Denial of effective assistance of counsel.
  - (j) Conviction under an unconstitutional statute or constitutionally protected conduct.
  - (k) Denial of right to appeal.
15. State concisely every ground on which you claim you are entitled to post-conviction relief. Summarize briefly the facts supporting each ground. If necessary, you may attach additional pages stating additional grounds and facts supporting same.

(a) Ground One: \_\_\_\_\_

Supporting facts for Ground One (state briefly without citing law or making argument):

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

(b) Ground Two: \_\_\_\_\_

Supporting facts for Ground Two (state briefly without citing law or making argument):

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

(c) Ground Three: \_\_\_\_\_

Supporting facts for Ground Three (state briefly without citing law or making argument):

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

(d) Ground Four: \_\_\_\_\_

Supporting facts for Ground Four (state briefly without citing law or making argument):

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

16. If any of the grounds listed above were not previously presented in any other court, state or federal, state briefly which grounds were not presented and your reasons for not presenting them:

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17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment being challenged:

- (a) Preliminary hearing: \_\_\_\_\_
- (b) Arraignment and plea: \_\_\_\_\_
- (c) Trial: \_\_\_\_\_
- (d) Sentencing: \_\_\_\_\_
- (e) Appeal: \_\_\_\_\_
- (f) Post-conviction proceeding: \_\_\_\_\_
- (g) Appeal from post-conviction proceeding: \_\_\_\_\_

18. (a) Do you have any future sentence to serve after you complete the sentence imposed by the judgment being challenged?

Yes  No

(b) If your answer is "yes," give the following information:

- (1) Name of Court: \_\_\_\_\_
- (2) Location: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_

#### IV. Required Attachments

Notice to the Petitioner: If you do not attach the required copies or provide an explanation why you cannot provide them, this petition will not be filed and will be returned to you. You may then lose your right to file a petition if the statute of limitations expires before you file another petition.

19. Attach a copy of the following documents to this petition or provide an explanation why you cannot provide the copies.

- (a) The judgment and commitment being challenged.

- (b) Any decision issued by an appellate court from the direct appeal.
- (c) Any previously-filed petition for post-conviction relief, and any decision issued as a result.
- (d) Affidavits, records, or other documentary evidence that support your claim.
- (e) An affidavit of impecuniosity and certificate from Inmate Accounting Office, if you are requesting a waiver of the filing fee.
- (f) Memorandum of Points and Authorities.

**V. Petitioner's Verification Under Oath**

I, the undersigned petitioner, declare under penalty of perjury that the information I have provided in this petition is true and correct.

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_

I certify that \_\_\_\_\_, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or printed name (Court Clerk or Notary Public) \_\_\_\_\_

Notary Seal

**VI. Certification of Attorney (If the petitioner is represented by an attorney)**

I certify that I am the attorney for the petitioner, and that this petition complies with Rule 11, Utah Rules of Civil Procedure.

\_\_\_\_\_ Sign here ► \_\_\_\_\_

Date \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_