





INSTRUCTIONS FOR COMPLETING FORMS AND REQUESTING POST-CONVICTION RELIEF

	POST-CONVICTION RELIEF	<p>The process for requesting post-conviction relief is contained in Rules 32 and 33 of the Arizona Rules of Criminal Procedure (ARCRP).</p> <p>There are time limitations depending on the type of relief you are requesting. Generally, a defendant has 90 days after sentencing to file a Notice of a Petition for Post-Conviction Relief, or 30 days after an appellate mandate is issued. There are exceptions to these time limitations listed in Rules 32.4(b) and 33.4(b), ARCRP.</p>
	FOR ASSISTANCE	<p>You can find the trial court that imposed the judgment or sentence by using this website.</p> <p> Go to AZ Courts Locator or www.azcourts.gov/AZ-Courts/AZ-Courts-Locator</p>
	ALL FORMS	<p>Each numbered item in the form must be answered fully in legible handwriting or by typing.</p> <p>Fill in the case number at the top of the right side of all pages.</p>

STEP 1 – COMPLETE THE “NOTICE REQUESTING POST-CONVICTION RELIEF” FORM. (Criminal Rule 41 Form 24(b))

 You must complete and file the NOTICE REQUESTING POST-CONVICTION RELIEF with the court where you were sentenced before filing a petition requesting post-conviction relief.

HEADING

- At the top of the form, fill in the name of the court and the county.
- Fill in your name, street address (if not protected), city, state, zip code, telephone number, and email address.
- If you are representing yourself, check the box to the left of “Self.”
- If you have an attorney representing you, check the box to the left of “Attorney for.”
- If you have an attorney representing you, fill in your attorney’s bar number if you know it.
- Fill in your first name, middle initial and last name on the line above “Defendant.”

ITEMS A & B

- Complete the personal information.

- Complete the sentence information. You may obtain information about your sentence by contacting the court at which you were sentenced.
- Check the box or boxes that apply to you.

ITEM C

- Read Rules 32.1 and 33.1 to understand the difference between a claim under Rule 32.1 and a claim under Rule 33.1.
 - Rule 32.1 Petitions for Post-Conviction Relief are for defendants seeking relief after a trial or a contested probation violation hearing.
 - Rule 33.1 Petitions for Post-Conviction Relief are for defendants seeking relief after the defendant pled guilty or no contest to a criminal offense, admitted a probation violation, or had an automatic probation violation based on a plea of guilty or no contest.
- Check the box or boxes that apply to you.
- If you need more space to state your facts and reasons, fill in “Continued on attached sheet” and label the attached sheet “Notice Attachment Item C” and attach it to the Notice.

REQUEST FOR POST-CONVICTION RELIEF

- Read the request, and then sign and date this portion of the form.

REQUEST FOR AN ATTORNEY AND DECLARATION OF INDIGENCY

- If you are unable to pay for an attorney (you are “indigent”) and you would like the court to appoint an attorney to represent you in the post-conviction proceeding, then date this section and add your signature on the signature line. Your signature on this portion of the form confirms that the information in this section is true and correct, and that you are providing the information under penalty of perjury.



IF YOU ARE REQUESTING THE COURT APPOINT AN ATTORNEY TO REPRESENT YOU.



YOU WILL NEED TO FILE THE NOTICE FORM AND WAIT FOR THE COURT TO NOTIFY YOU ABOUT THE NEXT STEP IN THE PROCESS.

DO NOT CONTINUE TO STEP 2

STEP 2 – COMPLETE THE “PETITION FOR POST-CONVICTION RELIEF” FORM. (Criminal Rule 41 Form 25)



For this Petition to be considered by the court, you must first file Form 24(b), “NOTICE REQUESTING POST-CONVICTION RELIEF” with the court.

GENERAL

- Answer each numbered item in the Petition fully in legible handwriting or by typing.
- When necessary, you may use additional blank pages for completing your answers but fill in on only one side of the page and make clear which question you are answering.
- Ensure that all answers are true and correct. Any false statement of fact made and declared in this Petition could serve as the basis for prosecution and a perjury conviction.
- For this Petition, you may not use an issue that has already been raised and decided on appeal or in a previous Petition.

HEADING

- At the top of the form, fill in the name of the court and the county.
- Fill in your name, street address (if not protected), city, state, zip code, telephone number, and email address.
- If you are representing yourself, check the box to the left of “Self.”
- If you have an attorney representing you, check the box to the left of “Attorney for.”
- If you have an attorney representing you, fill in your attorney’s bar number if you know it.
- Fill in your first name, middle initial and last name on the line above “Defendant.”

ITEM 1 – INFORMATION ABOUT THE DEFENDANT

- Complete the personal information requested.
- Check the status box that applies to you.
- Fill in your inmate number, if any.

ITEM 2 – RULE 32 GROUNDS FOR RELIEF

- Carefully read the list of reasons for Rule 32 post-conviction relief.
- Then go back to the top of the list and check the box or boxes that apply to you.

ITEM 3 – RULE 33 GROUNDS FOR RELIEF

- Carefully read the list of reasons for Rule 33 post-conviction relief.
- Then go back to the top of the list and check the box or boxes that apply to you.

ITEM 4 – SUPPORTING FACTS AND DOCUMENTS

- Fill in the facts that support the reasons you believe you should be granted post-conviction relief. Include any relevant state laws with the facts in support of your request.
- If you need more space than the lines provided, fill in “I attached a sheet labeled Petition - #4A – Attachment.” Continue the facts on an attached sheet, clearly marked “Petition – #4A – Attachment.” Make sure to include all relevant documents supporting your claim as attachments.

- Part B: Follow the instructions 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: If you are not attaching affidavits, transcripts, documents, or other evidence supporting your claim for post-conviction relief, list the reasons why.

ITEM 5 – ACTIONS TAKEN

- Check the box or boxes to tell the court the other actions you have or have not taken to get post-conviction relief.

ITEM 6 – RELIEF REQUESTED

- Check the box that describes the kind of post-conviction relief you want the court to order.
- If everything you wrote in the Petition form is true, sign and date on the lines provided.

STEP 3 – COMPLETE THE “DEFENDANT’S REQUEST FOR THE COURT RECORD” FORM. (Form 26)

HEADING

- At the top of the form, fill in the name of the court and the county.
- Fill in your name, street address (if not protected), city, state, zip code, telephone number, and email address.
- If you are representing yourself, check the box to the left of “Self.”
- If you have an attorney representing you, check the box to the left of “Attorney for.”
- If you have an attorney representing you, fill in your attorney’s bar number if you know it.
- Fill in your first name, middle initial and last name on the line above “Defendant.”

THE DEFENDANT REQUESTS DOCUMENTS FILED WITH THE CLERK

- If you want the Clerk of Superior Court to produce certain filed documents (“the presumptive record”) for your post-conviction case, check the box on the left.
- If you want to omit items in the presumptive record, list the specific documents you want omitted on the lines provided.
- If you want to request specific items in addition to the presumptive record, list those specific documents on the lines provided.

THE DEFENDANT REQUESTS TRANSCRIPTS OF COURT PROCEEDING

- Be aware of the difference between Number 1 and Number 2 of this item:

▶ Number 1 involves Defendant's Notice under Rule 32: Mark the box(es) that show which transcripts you request under Rule 32.

▶ Number 2 involves Defendant's Notice under Rule 33: Mark the box(es) that show which transcripts you request under Rule 33.

- Number 3 – you must check the box for any of the listed proceedings for which you would like a transcript.

NOTE: 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.

SIGNATURE

- Verify the information entered is true and accurate.
- Sign and date if representing yourself. If you are represented by an attorney, have them sign and date.

STEP 5 – FILE YOUR FORMS WITH THE CLERK OF THE COURT WHERE YOU WERE SENTENCED. IF THAT COURT HAS ADDITIONAL INSTRUCTIONS, FOLLOW THOSE INSTRUCTIONS.

STEP 6 – WAIT FOR THE COURT TO NOTIFY YOU ABOUT THE NEXT STEP IN THE PROCESS.