
(full name/prisoner number)

(complete mailing address)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

_____,

Petitioner,

v.

_____,

Respondent (Warden).

Case No.
(to be assigned by Court)

**PETITION FOR WRIT OF HABEAS
CORPUS**
(§ 2254 - state custody)

I request that the United States District Court grant my Petition and issue a Writ of Habeas Corpus to Respondent based on the following grounds.

I. CONVICTION OR SENTENCE BEING CHALLENGED:

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

(b) Criminal docket or case number (if you know): _____

(c) Date of the judgment of conviction (if you know): _____

(d) Date of sentencing: _____

(e) Length of sentence: _____

2. In this case, were you convicted of more than one count or crime? Yes No

3. Identify all counts/crimes of which you were convicted/sentenced in this case: _____

4. (a) What was your plea? (Check one) Not Guilty Guilty *Alford* Plea or No Contest

5. If you went to trial, what kind of trial did you have? (Check one) Jury Judge only

II. DIRECT APPEAL

1. Did you file a direct appeal from the judgment of conviction? Yes No

2. If you did appeal, provide the following:

(a) Name of court that heard your appeal: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Grounds raised: _____

(f) If the Idaho Court of Appeals decided your appeal, did you file a petition for review with the Idaho Supreme Court? Yes No Not applicable. If yes, answer the following:

(1) Result: _____

(2) Date of result (if you know): _____

(3) Grounds raised: _____

III. FIRST POST-CONVICTION ACTION

1 If you filed any post-conviction petition, application, or motion concerning this judgment of conviction or sentence in any state court, give the following information:

- (a) Name of court: _____
- (b) Date of filing (if you know): _____
- (c) Type of proceeding: _____
- (d) Grounds raised: _____
- _____
- _____

2. Did you file an appeal? Yes No If you did appeal, answer the following:

- (a) Name of court that heard your appeal: _____
- (b) Docket or case number (if you know): _____
- (c) Result: _____
- (d) Date of result (if you know): _____
- (e) Grounds raised: _____
- _____
- _____

(f) If the Idaho Court of Appeals decided your appeal, did you file a petition for review with the Idaho Supreme Court? Yes No Not applicable. If yes, answer the following:

- (1) Result: _____
- (2) Date of result (if you know): _____
- (3) Grounds raised: _____
- _____
- _____

IV. SECOND POST-CONVICTION ACTION

1. If you filed a second post-conviction petition, application, or motion concerning this judgment of conviction in any state court, give the following information:

(a) Name of court: _____

(b) Date of filing (if you know): _____

(c) Type of proceeding: _____

(d) Grounds raised: _____

2. Did you file an appeal? Yes No If you did appeal, answer the following:

(a) Name of court that heard your appeal: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Grounds raised: _____

(f) If the Idaho Court of Appeals decided your appeal, did you file a petition for review with the Idaho Supreme Court? Yes No Not applicable. If yes, answer the following:

(1) Result: _____

(2) Date of result (if you know): _____

(3) Grounds raised: _____

V. THIRD POST-CONVICTION ACTION

1. If you filed a third post-conviction petition, application, or motion concerning this judgment of conviction in any state court, give the following information:

(a) Name of court: _____

(b) Date of filing (if you know): _____

(c) Type of proceeding: _____

(d) Grounds raised: _____

2. Did you file an appeal? Yes No If you did appeal, answer the following:

(a) Name of court that heard your appeal: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Grounds raised: _____

(f) If the Idaho Court of Appeals decided your appeal, did you file a petition for review with the Idaho Supreme Court? Yes No Not applicable. If yes, answer the following:

(1) Result: _____

(2) Date of result (if you know): _____

(3) Grounds raised: _____

VI. CLAIMS FOR WHICH RELIEF IS REQUESTED IN THIS PETITION

For this petition, state every claim for which you allege that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four claims. State the legal basis/federal ground for your claim very briefly. Do not make extensive legal arguments on the petition form, but you may file a legal memorandum or brief either (1) with your

petition or (2) as your reply to the respondent's motion for summary dismissal or answer. Importantly, your petition should include all of the facts that support your claim.

1. First Claim

(a) Legal Basis: _____

(State federal ground for your claim by citation or explanation in words.)

(b) Supporting Facts: _____

(c) Did you bring this claim before the Idaho Supreme Court? Yes No

(1) If you answered yes, state whether you brought the claim on direct appeal or in a post-conviction application, petition, or motion: _____

(2) If you did not bring this claim before the Idaho Supreme Court, explain why:

2. Second Claim

(a) Legal Basis: _____
(State federal ground for your claim by citation or explanation in words.)

(b) Supporting Facts: _____

(c) Did you bring this claim before the Idaho Supreme Court? Yes No

(1) If you answered yes, state whether you brought the claim on direct appeal or in a post-conviction application, petition, or motion: _____

(2) If you did not bring this claim before the Idaho Supreme Court, explain why:

3. Third Claim

(a) Legal Basis: _____
(State federal ground for your claim by citation or explanation in words.)

(b) Supporting Facts: _____

(c) Did you bring this claim before the Idaho Supreme Court? Yes No

(1) If you answered yes, state whether you brought the claim on direct appeal or in a post-conviction application, petition, or motion: _____

(2) If you did not bring this claim before the Idaho Supreme Court, explain why:

4. Fourth Claim

(a) Legal Basis: _____
(*State federal ground for your claim by citation or explanation in words.*)

(b) Supporting Facts: _____

(c) Did you bring this claim before the Idaho Supreme Court? Yes No

(1) If you answered yes, state whether you brought the claim on direct appeal or in a post-conviction application, petition, or motion: _____

(2) If you did not bring this claim before the Idaho Supreme Court, explain why: _____

VI. OTHER FEDERAL COURT ACTIONS RELATED TO CONVICTION OR SENTENCE

If you have previously filed any type of petition, application, or motion in federal court regarding the conviction or sentence, state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result. Attach a copy of the decision if possible.

VII. PENDING COURT ACTIONS RELATED TO CONVICTION OR SENTENCE

If you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging, state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, and the current status.

VIII. REQUEST FOR APPOINTMENT OF COUNSEL

I do do not request the appointment of counsel. I believe counsel is necessary to assist me for the following reasons: _____

IX. PRAYER FOR RELIEF

Petitioner asks that the Court grant the following relief: _____
_____, and any other relief as justice so requires.

I declare (or verify) under penalty of perjury that the foregoing is true and correct, and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____.
(month, date, year)

Executed (signed) on _____.
(month, date, year)

(signature of petitioner)