
NAME

CRIMINAL CASE NUMBER

PRISON NUMBER

PLACE OF CONFINEMENT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

(Full Name))

Petitioner)

v.)

(Name of Warden, Superintendent,
Jailor, or authorized person having
custody of petitioner))

Respondent)

Civil Action No. _____
(To be supplied by Clerk
United States District Court)

(If petitioner has a sentence to be served in the future under a Federal judgment which he wishes to attack, he should file a motion in the Federal Court which entered the judgment)

PETITION FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN CUSTODY
IN THE DISTRICT OF COLUMBIA OR IN LORTON REFORMATORY

INSTRUCTIONS--PLEASE READ CAREFULLY

- (1) This petition must be legibly handwritten or typewritten and signed by the petitioner. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt, your petition will be filed if it is in proper order and is accompanied by a \$5.00 filing fee. Your check or money order should be made payable to: Clerk, U.S. District Court.

If you cannot afford to pay the filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the affidavit on the last page, setting forth information establishing your inability to pay the costs. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. However, if your prison account exceeds \$100.00 you will not be considered as eligible to proceed in forma pauperis and must pay the \$5.00 filing fee.

Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts you must file separate petitions as to each court.

Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.

When the petition is fully completed, it must be mailed to the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, N.W., Washington, D.C. 20001.

Petitions which do not conform to these instructions may be returned with a notation as to the deficiency.

PETITION

(1) Name and location of court which entered the judgment of conviction under attack _____
_____.

(2) Date of judgment of conviction _____.

(3) Length of sentence _____.

(4) Nature of offense involved (all counts) _____

_____.

(5) What was your plea? (Check one)

- (a) Not guilty ()
- (b) Guilty ()
- (c) Nolo contendere ()

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

(6) Kind of trial: (Check one)

- (a) Jury ()
- (b) Judge only ()

(7) Did you testify at the trial?

Yes () No ()

(8) Did you appeal from the judgment of conviction?

Yes () No ()

(9) If you did appeal, answer the following:

- (a) Name of court _____
- (b) Result _____
- (c) Date of result _____

(10) Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any courts?

Yes () No ()

(11) If your answer to 10 was "yes", give the following information:

- (a) (1) Name of Court _____
- (2) Nature of the proceedings _____

- (3) Grounds raised _____

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

Yes () No ()

- (5) Result _____
- (6) Date of result _____

(b) As to any second petition, application or motion give the same information:

- (1) Name of court _____
- (2) Nature of proceeding _____

- (3) Grounds raised _____

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

Yes () No ()

- (5) Result _____
- (6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

- (1) Name of court _____
- (2) Nature of proceeding _____

- (3) Grounds raised _____

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

Yes () No ()

(5) Result _____

(6) Date of result _____

(d) Did you appeal to the highest court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes () No ()

(2) Second petition, etc. Yes () No ()

(3) Third petition, etc. Yes () No ()

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you were convicted in a District of Columbia court, you must ordinarily first exhaust your District of Columbia court remedies as to each ground on which you request action by the Federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may also raise any grounds which you may have other than those listed if you have exhausted your District of Columbia court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which 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 which was unconstitutionally selected and impaneled.
- (I) Denial of effective assistance of counsel.

(j) Denial of right of appeal.

A. Ground one: _____
Supporting FACTS (tell your story briefly without citing cases or law): _____

B. Ground two: _____
Supporting FACTS (tell your story briefly without citing cases or law): _____

C. Ground three: _____
Supporting FACTS (tell your story briefly without citing cases or law): _____

D. Ground four: _____
Supporting FACTS (tell your story briefly without citing cases or law): _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, District of Columbia or Federal, state briefly what grounds were not so presented, and give your reasons for not presenting them _____

14. Do you have any petition or appeal pending in any court, either, District of Columbia or Federal, as to the judgment under attack?

Yes () No ()

15. Give the names and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing _____

- (b) At arraignment and plea _____

- (c) At trial _____

- (d) At sentencing _____

- (f) In any post-conviction proceeding _____

- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes () No ()

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes () No ()

- (a) If so, give name and location of court which imposed sentence to be served in the future: _____

- (b) And give date and length of sentence to be served in the future: _____

- (c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes () No ()

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

I certify under penalty of perjury that the foregoing is true and correct.

Date

Petitioner's Signature