# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for prisoners to challenge <u>one</u> State court conviction or <u>one</u> probation/parole revocation proceeding.

If you want to challenge more than one, you must file a separate form for each one.

If you are challenging a prison disciplinary proceeding or a federal conviction, you need a different form.]

## 28 U.S.C. § 2254 HABEAS CORPUS PETITION BY A PERSON IN STATE CUSTODY

Name (under which you were convicted):	Case No. [For a new case in this court, leave blank.  The court will assign a case number.]
Place of Confinement :	<b> </b>
[Once you know your case number, it is <u>VERY IMPORTANT</u> the <u>DO NOT</u> send more than one copy of anything to the court. <u>N</u>	at you include it on <u>everything</u> you send to the court for this case. <u>EATLY</u> print in ink (or type) your answers.]
CONVICTION AND SENTENCE	
1. What State court entered the judgment you are challengin	g?
Criminal case number:	Did you plead guilty? O Yes. O No.
Length of sentence:	Date of sentencing://
PROBATION/PAROLE REVOCATION  2. Are you challenging a probation/parole revocation? \( \infty \) Note that the probation \( \infty \) is the probation \( \infty \).	o. O Yes, the revocation hearing was held on://
	was revoked because
byand it	vas revokeu because
	t appeals, post-conviction relief petitions, and other collateral with challenging the revocation.]
DIRECT APPEAL [Do not include post-conviction relief petit	ions or other collateral attacks in this section.]
3. Did you directly appeal to the Court of Appeals of Indiana?	○ No. ○ Yes, case number:
Result:	Date of result:/
	o. Yes, case number:
Result:	Date of result:/
	e Court? O No. O Yes, case number:
Result:	. Date of result: / /

## FIRST POST-CONVICTION RELIEF PETITION

4. Did you file a post-conviction relief petition in State court? $\bigcirc$ No. $\bigcirc$ Yes, case num	ber:
Name of court:	Date of filing:/
Result:	Date of result:/
Did you appeal to the Court of Appeals of Indiana? $\bigcirc$ No. $\bigcirc$ Yes, case number: $\_$	
Result:	Date of result:/
Did you seek transfer to the Indiana Supreme Court? ONo. Yes, case number:	
Result:	Date of result:/
OTHER COLLATERAL ATTACKS	
5. Other than the cases listed above, have you filed anything else in <u>State</u> court challer	nging this conviction or revocation?
○ No. ○ Yes, I filed:	Case number:
Name of court:	Date of filing:/
Result:	Date of result:/
Did you appeal to the Court of Appeals of Indiana? ONo. Yes, case number: _	
Result:	Date of result:/
Did you appeal to the Indiana Supreme Court? O No. Yes, case number:	
Result:	Date of result:/
6. Have you challenged this conviction or revocation in <u>federal</u> court?  ONO.  Yes,	case number:
Name of court: Result:	
7. Have you challenged this conviction or revocation in any other case or appeal?   listing the nature of the proceeding, court, case number, file date, judgment of	•
FILING FEE [The fee for filing this habeas corpus petition is \$5.00.]	
8. Are you paying the \$5.00 filing fee?	
$\bigcirc$ Yes, I have authorized prison officials to deduct the money from my prisoner tru	st fund account and send it to the court.
$\bigcirc$ No, I have attached a separate Prisoner Motion to Proceed In Forma Pauperis AN for the past six months BECAUSE I have less than \$15.00 now AND I have received a during the past six months.	,, ,

## **GROUNDS RAISED IN THIS HABEAS CORPUS PETITION**

[State every ground on which you are being held in violation of the Constitution, laws, or treaties of the United States. Write the facts supporting each ground. Use simple English words and sentences. Do not use legal terms or quote from cases or statutes. If you want to submit a legal brief or arguments, attach a separate memorandum.

### **CAUTION**:

If you do not present every ground in this petition, you may be barred from doing so later.]

GROUND ONE: [Briefly describe your claim.]		
Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]		
Did you present Ground One to the Indiana Supreme Court? Yes - Explain when and how. No - Explain why not.		
GROUND TWO: [Briefly describe your claim.]		
Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]		
Did you present Ground Two to the Indiana Supreme Court? Yes - Explain when and how. No - Explain why not.		

GROUND THREE: [Briefly describe your claim.]		
Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]		
Did you present Ground Three to the Indiana Supreme Court? Yes - Explain when and how. No - Explain why not.		
GROUND FOUR: [Briefly describe your claim.]		
Supporting Facts: [Do not argue or cite law. Just state the specific facts that support your claim.]		
Did you present Ground Four to the Indiana Supreme Court? Yes - Explain when and how. No - Explain why not.		

### **TIMELINESS OF PETITION**

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
  - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

9. Explain why this petition is timely under the provisions of 28 U.S.C.	.C. § 2244(d).
RELIEF	
I ask for the following relief:	
	or any other relief to which I may be entitled
	or any other relief to which i may be entitled
DECLARATION AND SIGNATURE	
I placed this petition in the prison mail system on/ [Do not fill in this date and time until you give this petition to	
I declare under <u>penalty of perjury</u> that all of the statemen promptly notify the court of any change of address.	ents in this petition are true and agree to
Signature	Prisoner Number