

1 Full Name _____

2 _____
3 Complete Mailing Address _____

4 Telephone Number _____

5 Attorney Bar Number (if applicable) _____

6 Representing: Self (without legal counsel)
7 Legal Counsel for Petitioner

8 IN THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION
9 IN THE STATE OF ARIZONA
10 CIVIL DIVISION

11 _____,) Case No.: _____
12 Petitioner,) (to be assigned by the Court at filing)

13 (full name))
14 vs.)

15 _____,) **PETITION FOR WRIT OF**

16 Respondent.)
17)

HABEAS CORPUS

18 **PART ONE: CONVICTION AND/OR SENTENCE UNDER ATTACK**

19 1. Date judgment of conviction was entered: _____

20 2. Case number: _____

21 3. State each offense of which you were convicted and the sentence for each: _____

22 _____

23 _____

24 _____

25 4. When do you expect to be released? _____

5. Were you represented by legal counsel? Yes _____ No _____ If "Yes," state your legal
counsel's name and address: _____

6. What was your plea? Not Guilty _____ Guilty _____ No Contest _____

7. If you entered a plea of guilty pursuant to a plea bargain, state the terms and conditions of
the agreement: _____

1 8. Kind of trial: Jury _____ Bench _____ None (pled guilty) _____

2 9. If you had a trial, did you testify at trial? Yes _____ No _____

3 10. Are you presently serving a sentence imposed for a conviction other than the conviction
4 under attack in this petition? Yes _____ No _____ If "Yes," please state details of the other
conviction and sentence: _____

5 _____
6 _____
7 **PART TWO: CLAIMS**

8 State concisely every claim that you are being held unlawfully. Briefly state the Tohono
9 O'odham constitutional provision, Indian Civil Rights Act provision, or other applicable law
10 upon which you bring the claim, but do not make legal arguments. Briefly summarize the facts
11 supporting each claim. If necessary, you may attach extra pages stating additional claims. You
12 should raise in this petition all claims for relief which relate to the conviction under attack. In
13 order to proceed, you ordinarily must exhaust all the remedies available to you in the Tohono
14 O'odham trial and appellate courts as to each claim on which you request relief by this petition.
CAUTION: You must state facts, not conclusions. For example, if you are claiming
incompetence of counsel, you must state facts specifically setting forth what your attorney did
or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the
denial of your petition. A rule of thumb to follow is, *who* did exactly *what* to violate your rights
at what time (*when*) or place (*where*).

15 **First Claim:**

16 **1. Ground:** _____

17 **2. Supporting Facts:** _____

18 **Second Claim:**

19 **1. Ground:** _____

20 **2. Supporting Facts:** _____

21 _____
22 **Third Claim:**

23 **1. Ground:** _____

24 **2. Supporting Facts:** _____

1 **PART THREE: CASE HISTORY – DIRECT APPEAL AFTER CONVICTION**

- 2 1. Did you file a direct appeal from the judgment of conviction? Yes _____ No _____
- 3 2. Appellate case number: _____
- 4 3. Date of decision: _____
- 5 4. Were you represented by legal counsel on appeal? Yes _____ No _____ If yes, state
- 6 your legal counsel's name and address: _____
- 7
- 8 5. Specify the claims raised in your direct appeal which are the same as any claims raised in
- 9 this petition: _____
- 10 _____
- 11 _____
- 12 6. Attach copies of any Tohono O'odham Court of Appeals decisions.
- 13 7. If you did not file a direct appeal, explain briefly why you did not: _____
- 14 _____
- 15 _____

16 **PART FOUR: CASE HISTORY – POST-CONVICTION PROCEEDINGS**

17 If you have filed any Post-Conviction Relief Petitions, Habeas Corpus Petitions, or other

18 post-conviction applications or motions **with respect to this judgment** in any court, complete

19 the following for each such motion or petition. If necessary, you may attach extra pages stating

20 additional court actions you pursued.

- 21 1. Name of First Motion or Petition: _____
- 22 Date Filed: _____
- 23 Name of court: _____
- 24 Specify the claims raised which are the same as any claims raised in this petition: _____
- 25 _____
- 26 _____
- 27 Evidentiary hearing held? Yes _____ No _____
- 28 Result: _____
- 29 Date of Result: _____
- 30 Did you appeal? Yes _____ No _____
- 31 Appellate case number: _____
- 32 Case decided by what court? _____
- 33 If the appeal was heard by a court other than the Tohono O'odham Court of Appeals, did
- 34 you appeal or ask for review with a higher court? Yes _____ No _____
- 35 Name of court: _____
- 36 Date court denied review or date of decision: _____
- 37 Attach copies of any appellate decisions.
- 38
- 39 2. Name of Second Motion or Petition: _____
- 40 Date Filed: _____
- 41 Name of court: _____
- 42 Specify the claims raised which are the same as any claims raised in this petition: _____

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Evidentiary hearing held? Yes _____ No _____

Result: _____

Date of Result: _____

Did you appeal? Yes _____ No _____

Appellate case number: _____

Case decided by what court? _____

If the appeal was heard by a court other than the Tohono O’odham Court of Appeals, did you appeal or ask for review with a higher court? Yes _____ No _____

Name of court: _____

Date court denied review or date of decision: _____

Attach copies of any appellate decisions.

PART FIVE: NEW CLAIMS

If any of the claims listed in this petition were not previously presented in any other petition or court, state briefly which claims were not so presented, and give your reasons for not presenting them: _____

PART SIX: PREVIOUS OR PENDING ACTIONS

Do you have any petition, motion, or appeal now pending in the Tohono O’odham Criminal or Appellate Courts, or any other court regarding the conviction or sentence challenged in this petition, or do you plan to file one in the future? Yes _____ No _____

If “Yes,” state the following:

1. Name of the court: _____

2. Case Number: _____

3. Type of Proceeding: _____

4. Claims Raised or to be Raised: _____

PART SEVEN: RELIEF REQUESTED

Wherefore, Petitioner requests that the court grant him/her such relief to which he/she may be entitled in this proceeding. My preferred relief is: _____

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