

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN THE MATTER OF:	*	
UNIFORM PROCEDURES FOR	*	
DISPOSITION OF HABEAS	*	STANDING ORDER NO. 14
CORPUS PETITIONS IN	*	
CAPITAL CASES	*	

It is hereby ORDERED that the following special procedural and filing requirements applicable to habeas corpus capital cases only be adopted in this district.

Checklist forms for petitioner, respondent, and amicus curiae or intervenor are adopted for use in this district in habeas corpus capital cases. The checklists are attached as an exhibit to this order.

Prior to or concurrent with the filing of a petition for habeas corpus in a capital case, the petitioner will obtain from the Clerk of this Court a copy of the checklist. Advance preparation of the checklist will facilitate the processing of these cases. When the checklist has been completed, a copy will be served upon all parties and filed with the Clerk of the Court. The Clerk will furnish the respondent or any intervenor with the copy of the appropriate checklist. The respondent and/or intervenor will complete the checklist as appropriate, file the completed checklist, and serve a copy on all opposing parties.

The checklist requires an index tab to be placed on the first page of each exhibit. The petitioner shall use red index tabs and shall sequentially number the tabs commencing with the number P-1. Respondent shall employ blue index tabs and shall sequentially number the tabs commencing with the number R-1. Intervenors shall employ green index tabs and shall sequentially number the index tabs commencing with the number X-1.

Any exhibit referred to in the pleadings will be included and appropriately tabbed. If any pleading, deposition, or transcript is referred to in the pleadings and cannot be located, an explanation will be made as to the reason the exhibit is not physically attached.

DONE this 24th day of April, 1985.

/s/
WILLIAM BREVARD HAND
CHIEF JUDGE

/s/
EMMETT R. COX
DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
_____ DIVISION**

Petitioner,

Case # _____

v.

Respondent

PETITIONER'S HABEAS CORPUS CHECKLIST

I. General Case Information:

(A) Date of State Court Conviction: _____

(B) County of State Court Conviction: _____

(C) Name of Petitioner's Co-Defendants: _____

(D) Date Petition Filed in District Court:

II. Record of State Court Criminal Trial:

If any portion of the state court criminal trial record or transcript is to be submitted in support of the petition, petitioner's counsel must index tab each portion or phase of the record indicated below:

(a) Guilt/Innocence Phase of the Trial Proceedings:

(1) Voir Dire Examination Tab # _____

- (a) Petitioner's Appellate Brief Tab # _____
- (b) State's Appellate Brief Tab # _____
- (c) Appellate Court's Dispositive Opinion/Order Tab # _____

IV. Petitioner's Collateral Proceedings:

If any portion of a Coram Nobis or State Habeas proceeding record or transcript is to be submitted in support of the petition, petitioner's counsel must index tab each portion or phase of the record indicated below:

(a) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____
- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____

(6) Petitioner's Direct State Court Appeal of this Decision:

- (A) Petitioner's Brief: Tab # _____
- (B) State's Brief: Tab # _____
- (C) Court's Dispositive Order/Opinion: Tab # _____

(b) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____
- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____

(6) Petitioner's Direct State Court Appeal of this Decision:

- (A) Petitioner's Brief: Tab # _____
- (B) State's Brief: Tab # _____
- (C) Court's Dispositive Order/Opinion: Tab # _____

(c) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____

- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____
- (6) Petitioner's Direct State Court Appeal of this Decision:
 - (A) Petitioner's Brief: Tab # _____
 - (B) State's Brief: Tab # _____
 - (C) Court's Dispositive Order/Opinion: Tab # _____

V. Prior Federal Habeas Corpus Proceedings:

If any portion of a prior federal habeas corpus record or transcript is to be submitted in support of the petition, petitioner's must summarize the decision of the prior federal habeas corpus case, and must index tab each portion or phase of the record indicated below:

- (a) District Court Case Number: _____
 - (1) Name of the District Court: _____
 - (2) Relief Granted (if any): _____

 - (3) Is the Record of this Proceeding to be Included in this Proceeding?
 _____ NO _____ YES Tab # _____
 - (4) If appealed, Court of Appeals Case Number: . _____
 - (5) Court of Appeals Citation: _____
 - (6) Court of Appeals Disposition: Tab # _____
- (b) District Court Case Number: _____
 - (1) Name of the District Court: _____
 - (2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?
_____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

(c) District Court Case Number: _____

(1) Name of the District Court: _____

(2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?
_____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

Respectfully submitted,

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
_____ DIVISION**

Petitioner,

Case # _____

v.

Respondent

RESPONDENT'S HABEAS CORPUS CHECKLIST

I. General Case Information:

(A) Date Petition Filed in the District Court: _____

(B) Date the District Court Ordered the Filing of an Answer: _____

(C) Date Respondent's Answer Filed: _____

II. Record of State Court Criminal Trial: _____

If any portion of the state court criminal trial record or transcript is to be submitted by the Respondent in opposition of the petition, respondent's counsel must index tab each portion or phase of the record indicated below:

(a) Guilt/Innocence Phase of the Trial Proceedings:

- (1) Voir Dire Examination Tab # _____
- (2) State's Opening Statement Tab # _____
- (3) Petitioner's Opening Statement Tab # _____
- (4) State's Case in Chief Tab # _____
- (5) Petitioner's Case Tab # _____
- (6) State's Closing Argument Tab # _____

IV. Petitioner's Collateral Proceedings:

If any portion of a Coram Nobis or State Habeas proceeding record or transcript is to be submitted in opposition of the petition, respondent's counsel must index tab each portion or phase of the record indicated below:

(a) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____
- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____

(6) Petitioner's Direct State Court Appeal of this Decision:

- (A) Petitioner's Brief: Tab # _____
- (B) State's Brief: Tab # _____
- (C) Court's Dispositive Order/Opinion: Tab # _____

(b) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____
- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____

(6) Petitioner's Direct State Court Appeal of this Decision:

- (A) Petitioner's Brief: Tab # _____
- (B) State's Brief: Tab # _____
- (C) Court's Dispositive Order/Opinion: Tab # _____

(c) Coram Nobis/Habeas Corpus Proceeding Dated: _____

- (1) Petitioner's Petition: Tab # _____
- (2) State's Response: Tab # _____
- (3) Was there an evidentiary hearing? _____ YES _____ NO
- (4) Transcript of evidentiary hearing: Tab # _____
- (5) Court's Dispositive Order/Opinion: Tab # _____

(6) Petitioner's Direct State Court Appeal of this Decision:

- (A) Petitioner's Brief: Tab # _____
- (B) State's Brief: Tab # _____
- (C) Court's Dispositive Order/Opinion: Tab # _____

V. Prior Federal Habeas Corpus Proceedings:

If any portion of a prior federal habeas corpus record or transcript is to be submitted in opposition of the petition, respondent's counsel must summarize the prior federal habeas corpus proceedings, and must index tab each portion or phase of the record indicated below:

(a) District Court Case Number: _____

(1) Name of the District Court: _____

(2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?
 _____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

(b) District Court Case Number: _____

(1) Name of the District Court: _____

(2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?
 _____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

(c) District Court Case Number: _____

(1) Name of the District Court: _____

(2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?

_____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

Respectfully submitted,

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
_____ DIVISION**

Petitioner,

Case # _____

v.

Respondent

AMICUS CURIAE/INTERVENER'S HABEAS CORPUS CHECKLIST

I. General Case Information:

(A) Date Petition Filed in the District Court: _____

(B) Date the District Court Ordered the Filing of an Answer: _____

(C) Date Respondent's Answer Filed: _____

II. Record of State Court Criminal Trial: _____

If any portion of the state court criminal trial record or transcript is to be submitted by the Respondent in opposition of the petition, respondent's counsel must index tab each portion or phase of the record indicated below:

(a) Guilt/Innocence Phase of the Trial Proceedings:

- (1) Voir Dire Examination Tab # _____
- (2) State's Opening Statement Tab # _____
- (3) Petitioner's Opening Statement Tab # _____
- (4) State's Case in Chief Tab # _____
- (5) Petitioner's Case Tab # _____
- (6) State's Closing Argument Tab # _____
- (7) Petitioner's Closing Argument Tab # _____
- (8) Trial Judge's Instructions to the Jury Tab # _____

- (9) Petitioner’s Objections to the Instructions Tab # _____
- (10) Jury’s Verdict Tab # _____

(b) Sentencing Phase of the Trial:

- (1) State’s Opening Statements to the Jury Tab # _____
- (2) Petitioner’s Opening Statements to the Jury Tab # _____
- (3) State’s Case Tab # _____
- (4) Petitioner’s Case Tab # _____
- (5) State’s Closing Arguments to the Jury Tab # _____
- (6) Petitioner’s Closing Arguments to the Jury Tab # _____
- (7) Trial Court’s Instructions to the Jury Tab # _____
- (8) Petitioner’s Objections to the Instructions Tab # _____
- (9) Jury’s Recommendation Tab # _____
- (10) Sentencing Hearing Before the Trial Judge Tab # _____
- (11) Presentence Investigation Report Tab # _____
- (12) Sentence Tab # _____

(c) Pretrial proceedings:

- (1) Motion(s) to Suppress: Tab # _____
Tab # _____
Tab # _____

- (2) Hearing(s) on Motion(s) to Suppress: Tab # _____
Tab # _____
Tab # _____

- (3) Trial Court’s Rulings on Motion(s): Tab # _____
Tab # _____
Tab # _____

III. Petitioner’s Direct State Court Appeal

If any portion of the direct state court appeal record or transcript is to be submitted in opposition of the petition, respondent’s counsel must index tab each portion or phase of the record indicated below:

- (a) Petitioner’s Appellate Brief Tab # _____
- (b) State’s Appellate Brief Tab # _____
- (c) Appellate Court’s Dispositive Opinion/Order Tab # _____

IV. Petitioner’s Collateral Proceedings:

If any portion of a Coram Nobis or State Habeas proceeding record or transcript is to be submitted in opposition of the petition, respondent's counsel must index tab each portion or phase of the record indicated below:

- (a) Coram Nobis/Habeas Corpus Proceeding Dated: _____
 - (1) Petitioner's Petition: Tab # _____
 - (2) State's Response: Tab # _____
 - (3) Was there an evidentiary hearing? _____ YES _____ NO
 - (4) Transcript of evidentiary hearing: Tab # _____
 - (5) Court's Dispositive Order/Opinion: Tab # _____

 - (6) Petitioner's Direct State Court Appeal of this Decision:
 - (A) Petitioner's Brief: Tab # _____
 - (B) State's Brief: Tab # _____
 - (C) Court's Dispositive Order/Opinion: Tab # _____

- (b) Coram Nobis/Habeas Corpus Proceeding Dated: _____
 - (1) Petitioner's Petition: Tab # _____
 - (2) State's Response: Tab # _____
 - (3) Was there an evidentiary hearing? _____ YES _____ NO
 - (4) Transcript of evidentiary hearing: Tab # _____
 - (5) Court's Dispositive Order/Opinion: Tab # _____

 - (6) Petitioner's Direct State Court Appeal of this Decision:
 - (A) Petitioner's Brief: Tab # _____
 - (B) State's Brief: Tab # _____
 - (C) Court's Dispositive Order/Opinion: Tab # _____

- (c) Coram Nobis/Habeas Corpus Proceeding Dated: _____
 - (1) Petitioner's Petition: Tab # _____
 - (2) State's Response: Tab # _____
 - (3) Was there an evidentiary hearing? _____ YES _____ NO
 - (4) Transcript of evidentiary hearing: Tab # _____
 - (5) Court's Dispositive Order/Opinion: Tab # _____

 - (6) Petitioner's Direct State Court Appeal of this Decision:
 - (A) Petitioner's Brief: Tab # _____
 - (B) State's Brief: Tab # _____
 - (C) Court's Dispositive Order/Opinion: Tab # _____

V. Prior Federal Habeas Corpus Proceedings:

If any portion of a prior federal habeas corpus record or transcript is to be submitted in opposition of the petition, respondent's counsel must summarize the prior federal habeas corpus proceedings, and must index tab each portion or phase of the record indicated below:

- (a) District Court Case Number: _____
- (1) Name of the District Court: _____
- (2) Relief Granted (if any): _____

- (3) Is the Record of this Proceeding to be Included in this Proceeding?
_____ NO _____ YES Tab # _____
- (4) If appealed, Court of Appeals Case Number: _____
- (5) Court of Appeals Citation: _____
- (6) Court of Appeals Disposition: Tab # _____

- (b) District Court Case Number: _____
- (1) Name of the District Court: _____
- (2) Relief Granted (if any): _____

- (3) Is the Record of this Proceeding to be Included in this Proceeding?
_____ NO _____ YES Tab # _____
- (4) If appealed, Court of Appeals Case Number: _____
- (5) Court of Appeals Citation: _____
- (6) Court of Appeals Disposition: Tab # _____

(c) District Court Case Number: _____

(1) Name of the District Court: _____

(2) Relief Granted (if any): _____

(3) Is the Record of this Proceeding to be Included in this Proceeding?

_____ NO _____ YES Tab # _____

(4) If appealed, Court of Appeals Case Number: _____

(5) Court of Appeals Citation: _____

(6) Court of Appeals Disposition: Tab # _____

Respectfully submitted,
