WAWD instructions-revised Page 1 12/12/2016

## Petition for Relief From a Conviction or Sentence By a Person in State Custody

(Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus)

## Instructions

- 1. To use this form, you must be a person who is currently serving a sentence under a judgment against you in a state court. You are asking for relief from the conviction or the sentence. This form is your petition for relief.
- 2. You may also use this form to challenge a state judgment that imposed a sentence to be served in the future, but you must fill in the name of the state where the judgment was entered. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.
- 3. Make sure the form is typed or neatly written.
- 4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
- 5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
- 6. You must pay a fee of \$5. If the fee is paid, your petition will be filed. If you cannot pay the fee, you may ask to proceed in forma pauperis (as a poor person). To do that, you must fill out the last page of this form. Also, you must submit a certificate signed by an officer at the institution where you are confined showing the amount of money that the institution is holding for you. If your account exceeds \$ , you must pay the filing fee.
- 7. In this petition, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different court (either in the same state or in different states), you must file a separate petition.
- 8. When you have completed the form, send the original and \_\_\_\_ copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court for Address City, State Zip Code

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you. **NOTE:** If you are housed at a Department of Corrections facility subject to the Prisoner Electronic Filing Initiative pursuant to General Orders 02-15 and 06-16, you may fulfill this mailing requirement by submitting your documents to the appropriate person at your facility who will transmit your documents electronically to the US District court. Your facility will receive documents filed in your case electronically on your behalf.

- 9. <u>CAUTION:</u> You must include in this petition all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
- 10. <u>CAPITAL CASES:</u> If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

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

United	l States District Court	District:		
Name	(under which you were convicted):			Docket or Case No.:
Dless	of Confinement.		Drigor en Ma	
Place	of Confinement :		Prisoner No.:	
Petitio	ner (include the name under which you were convicted)	Respondent	authorized person h	aving custody of petitioner)
	V.			
The A	Manusa Cananala (de Sura a C			
The A	ttorney General of the State of:			
	PETIT	TON		
1.	(a) Name and location of court that entered the judgmen	nt of conviction	n you are challer	nging:
	(b) Criminal docket or case number (if you know):			
2.	(a) Date of the judgment of conviction (if you know):			
	(b) Date of sentencing:			
3.	Length of sentence:			
4.	In this case, were you convicted on more than one coun	nt or of more th	an one crime?	Yes No
5.	Identify all crimes of which you were convicted and set	ntenced in this	case:	
6.	(a) What was your plea? (Check one)			
	• (1) Not guilty	• (3)	Nolo contende	ere (no contest)
	<b>5</b> (2) Guilty	• (4)	Insanity plea	

(a) If	you went to trial, what kind of trial did you have? (Check one)
(c) II	<sup>2</sup> Jury Judge only
Did	ou testify at a pretrial hearing, trial, or a post-trial hearing?
Diu y	Yes No
Dida	ou appeal from the judgment of conviction?
Diay	Yes No
Ifvo	did appeal, answer the following:
-	
	ame of court:
	ocket or case number (if you know):
(c) R	
	ate of result (if you know):
	tation to the case (if you know):
(1) (3)	ounds raised:
(g) D	id you seek further review by a higher state court? Yes 'No
(0)	If yes, answer the following:
	(1) Name of court:
	(2) Docket or case number (if you know):
	(3) Result:

		(5) Citation to the case (if you know):
		(6) Grounds raised:
	(h) Die	d you file a petition for certiorari in the United States Supreme Court? Yes No
		If yes, answer the following:
		(1) Docket or case number (if you know):
		(2) Result:
		(3) Date of result (if you know):
		(4) Citation to the case (if you know):
10.	Other	than the direct appeals listed above, have you previously filed any other petitions, applications, or motions
	concer	rning this judgment of conviction in any state court? Yes No
11.	If your	answer to Question 10 was "Yes," give the following information:
	(a)	(1) Name of court:
		(2) Docket or case number (if you know):
		(3) Date of filing (if you know):
		(4) Nature of the proceeding:
		(5) Grounds raised:
		(6) Did you receive a hearing where evidence was given on your petition, application, or motion?
		Yes No
		(7) Result:
		(8) Date of result (if you know):

	d any second petition, application, or motion, give the same information:  Name of court:
(2) I	Docket or case number (if you know):
(3) I	Date of filing (if you know):
(4) 1	Nature of the proceeding:
(5) (	Grounds raised:
_	
<u>.</u>	
(6) I	Did you receive a hearing where evidence was given on your petition, application, or motion?
,	Yes 'No
(7) I	Result:
(8) I	Date of result (if you know):
(c) If you file	d any third petition, application, or motion, give the same information:
$(1)\mathrm{N}$	Name of court:
(2) I	Docket or case number (if you know):
(3) I	Date of filing (if you know):
(4) 1	Nature of the proceeding:
(5) (	Grounds raised:
_	
-	

	(6) Did you receive a hearing where evidence was given on your petition, application, or motion?
	Yes No
	(7) Result:
	(8) Date of result (if you know):
	(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application,
	or motion?
	(1) First petition: Yes No
	(2) Second petition: Yes No
	(3) Third petition: Yes No
	(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:
12.	For this petition, state every ground on which you claim 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 grounds. State the facts supporting each ground.
	CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
GRO	UND ONE:
(a) Su	apporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b) If	you did not exhaust your state remedies on Ground One, explain why:

If you appealed from the judgment of conviction, did you raise this issue?  If you did not raise this issue in your direct appeal, explain why:	,	Yes	,	No
If you did not raise this issue in your direct appeal, explain why:				
onviction Proceedings:				
Did you raise this issue through a post-conviction motion or petition for habeas corp	pus i	n a state	rial co	ourt?
Yes No				
) If your answer to Question (d)(1) is "Yes," state:				
pe of motion or petition:				
ame and location of the court where the motion or petition was filed:				
ocket or case number (if you know):				
ate of the court's decision:				
esult (attach a copy of the court's opinion or order, if available):				
) Did you receive a hearing on your motion or petition?	,	Yes	,	No
Did you appeal from the denial of your motion or petition?	,	Yes	,	No
) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?	,	Yes	,	No
) If your answer to Question (d)(4) is "Yes," state:				
ame and location of the court where the appeal was filed:				
ocket or case number (if you know):				
ate of the court's decision:				
esult (attach a copy of the court's opinion or order, if available):				
) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did n	ot ra	nise this is	ssue:	
	Per of motion or petition:  In and location of the court where the motion or petition was filed:  In and location of the court where the motion or petition was filed:  In and location of the court where the motion or petition was filed:  In a copy of the court's decision:  In a copy of the court's opinion or order, if available):  In a poid you receive a hearing on your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  In and location of the court where the appeal was filed:  In and location of the court where the appeal was filed:  In and location of the court where the appeal was filed:  In a copy of the court's decision:  In a copy of the court's opinion or order, if available):	Per of motion or petition:  In an and location of the court where the motion or petition was filed:  In an and location of the court where the motion or petition was filed:  In an and location of the court where the motion or petition was filed:  In a copy of the court's decision:  In a copy of the court's opinion or order, if available):  In a poid you receive a hearing on your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the appeal?  In a poid you appeal from the appeal was filed:  In an and location of the court where the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal was filed:  In a poid you appeal from the appeal you appeal from the appeal?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition?  In a poid you appeal from the denial of your motion or petition	"Yes "No Off your answer to Question (d)(1) is "Yes," state:  "yee of motion or petition:  "yee and location of the court where the motion or petition was filed:  "yee of the court's decision:  "yee of the court's decision:  "yee of the court's opinion or order, if available):  "yee of the court's decision:  "yee of the court's opinion or order, if available):  "yee of the your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  "yee of the your answer to Question (d)(4) is "Yes," state:  "yee and location of the court where the appeal was filed:  "yeeket or case number (if you know):  "yee of the court's decision:  "yes of the court's opinion or order, if available):	If your answer to Question (d)(1) is "Yes," state:  pe of motion or petition:  me and location of the court where the motion or petition was filed:  pocket or case number (if you know):  te of the court's decision:  pull (attach a copy of the court's opinion or order, if available):  Did you receive a hearing on your motion or petition?  Did you appeal from the denial of your motion or petition?  Tyes  Plif your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?  Yes  Plif your answer to Question (d)(4) is "Yes," state:  me and location of the court where the appeal was filed:  pocket or case number (if you know):  te of the court's decision:

	ther Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have to exhaust your state remedies on Ground One:
	to exhaust your state remedies on Ground One.
GRO	OUND TWO:
(a) Su	apporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b) If	you did not exhaust your state remedies on Ground Two, explain why:
(c)	Direct Appeal of Ground Two:
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
	(2) If you did <u>not</u> raise this issue in your direct appeal, explain why:
(d)	Post-Conviction Proceedings:
	(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
	Yes No
	(2) If your answer to Question (d)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

	(3) Did you receive a hearing on your motion or petition?	,	Yes	,	No
	(4) Did you appeal from the denial of your motion or petition?	,	Yes	,	No
	(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?	,	Yes	,	No
	(6) If your answer to Question (d)(4) is "Yes," state:				
	Name and location of the court where the appeal was filed:				
	Docket or case number (if you know):				
	Date of the court's decision:				
	Result (attach a copy of the court's opinion or order, if available):				
	(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did n	ot ra	ise this is	ssue:	
	Other Remedies: Describe any other procedures (such as habeas corpus, administrativ	e rer	nedies, et	c.) tha	ıt yo
	have used to exhaust your state remedies on Ground Two :				
N	D THREE:				
р	orting facts (Do not argue or cite law. Just state the specific facts that support your clair	n.):			

ou did not exhaust your state remedies on Ground Three, explain why:				
Direct Appeal of Ground Three:				
(1) If you appealed from the judgment of conviction, did you raise this issue?	,	Yes	,	No
(2) If you did not raise this issue in your direct appeal, explain why:				
Post-Conviction Proceedings:				
(1) Did you raise this issue through a post-conviction motion or petition for habeas cor	pus i	n a state	trial c	ourt'.
Yes No				
(2) If your answer to Question (d)(1) is "Yes," state:				
Type of motion or petition:				
Name and location of the court where the motion or petition was filed:				
Docket or case number (if you know):				
Date of the court's decision:				
Result (attach a copy of the court's opinion or order, if available):				
(3) Did you receive a hearing on your motion or petition?	,	Yes	,	No
(4) Did you appeal from the denial of your motion or petition?	,	Yes	,	No
(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?	,	Yes	,	No
(6) If your answer to Question (d)(4) is "Yes," state:				
Name and location of the court where the appeal was filed:				
Docket or case number (if you know):				
Date of the court's decision:				

	(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:
(e)	Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:
GROU	UND FOUR:
(a) Sup	oporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b) If y	ou did not exhaust your state remedies on Ground Four, explain why:
(c)	Direct Appeal of Ground Four:
	(1) If you appealed from the judgment of conviction, did you raise this issue? Yes No
	(2) If you did not raise this issue in your direct appeal, explain why:
(d)	Post-Conviction Proceedings:
	(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?
	Yes No
	(2) If your answer to Question (d)(1) is "Yes," state:
	Type of motion or petition:

(e)

Name and location of the court where the motion or petition was filed:				
Docket or case number (if you know):				
Date of the court's decision:				
Result (attach a copy of the court's opinion or order, if available):				
(3) Did you receive a hearing on your motion or petition?	,	Yes	,	No
(4) Did you appeal from the denial of your motion or petition?	,	Yes	,	No
(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?	,	Yes	,	No
(6) If your answer to Question (d)(4) is "Yes," state:				
Name and location of the court where the appeal was filed:				
Docket or case number (if you know):				
Date of the court's decision:				
Result (attach a copy of the court's opinion or order, if available):				
(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did n	not ra	ise this i	ssue:	
Other Remedies: Describe any other procedures (such as habeas corpus, administrative	e rei	nedies, e	tc.) th	at you
have used to exhaust your state remedies on Ground Four:				

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? "Yes "No  If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:  (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, whi ground or grounds have not been presented, and state your reasons for not presenting them:  Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? "Yes "No  If "Yes," 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 for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.  Do 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? "Yes "No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issueraised.  Do 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? "Yes "No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issueraised.		answer these additional questions about the petition you are filing:
Bround or grounds have not been presented, and state your reasons for not presenting them:  Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition?  Yes  No  If "Yes," 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 for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.  Do 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?  Yes  No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issue raised.	(a)	having jurisdiction? 'Yes' No  If your answer is "No," state which grounds have not been so presented and give your reason(s) for not
that you challenge in this petition?   Yes   No  If "Yes," 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 for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.  Do 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?   Yes   No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues a state of the court, the docket or case number, the type of proceeding, and the issues the state of the court, the docket or case number, the type of proceeding, and the issues that the proceeding is the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding is not proceeding.	(b)	Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:
that you challenge in this petition?   Yes   No  If "Yes," 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 for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.  Do 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?   Yes   No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues a state of the court, the docket or case number, the type of proceeding, and the issues the state of the court, the docket or case number, the type of proceeding, and the issues that the proceeding is the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding, and the issues that the name and location of the court, the docket or case number, the type of proceeding is not proceeding.		
the judgment you are challenging? Yes No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issuraised	If "Ye	s" state the name and location of the court, the docket or case number, the type of proceeding, the issues
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the judgment you are challenging? Yes No  If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issuraised	raised	, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy
If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issuraised	raised	, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy
raised	of any	the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  u have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for
	of any  Do you the jud	the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.
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	raised, of any	the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy court opinion or order, if available.  The date of the court's decision or application or applica
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Give the name and address, if you know, of each attorney who represented you in the following stages of the	
judgment you are challenging:	
(a) At preliminary hearing:	
(b) At arraignment and plea:	
(c) At trial:	
(d) At sentencing:	
(e) On appeal:	
(f) In any post-conviction proceeding:	
(g) On appeal from any ruling against you in a post-conviction proceeding:	
Do you have any future sentence to serve after you complete the sentence for the judgment that you are	
challenging? 'Yes' No	
(a) If so, give name and location of court that imposed the other sentence you will serve in the future:	
(b) Give the date the other sentence was imposed:	
(c) Give the length of the other sentence:	
(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the	
future? Yes 'No	
TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain	
why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*	
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- (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
  - the date on which the judgment became final by the conclusion of direct review or the expiration (A) 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
  - the date on which the factual predicate of the claim or claims presented could have been (D) discovered through the exercise of due diligence.

<sup>\*</sup> The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

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(2)

respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.
Therefore, petitioner asks that the Court grant the following relief:
or any other relief to which petitioner may be entitled.
Signature of Attorney (if any)
Signature of Attorney (if any)
I declare (or certify, verify, or state) 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).
(monai, auto, year).
Executed (signed) on (date).
Signature of Petitioner
If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

The time during which a properly filed application for State post-conviction or other collateral review with