

Name: _____

Address: _____

_____CDCR or ID Number: _____

(Court)

Petitioner	v.
Respondent	

PETITION FOR WRIT OF HABEAS CORPUS

No. _____

*(To be supplied by the Clerk of the Court)***INSTRUCTIONS—READ CAREFULLY**

- If you are challenging an order of commitment or a criminal conviction or sentence and are filing this petition in the superior court, you should file it in the county that made the order.
 - If you are challenging the conditions of your confinement and are filing this petition in the superior court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rules 4.551 (as amended January 1, 2024) and 8.380 (as amended January 1, 2020) of the California Rules of Court. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- | | | |
|--|--|--|
| <input type="checkbox"/> A conviction | <input type="checkbox"/> Parole | <input type="checkbox"/> A violation of the Racial Justice Act under Penal Code section 745(a) |
| <input type="checkbox"/> A sentence | <input type="checkbox"/> Credits | |
| <input type="checkbox"/> Jail or prison conditions | <input type="checkbox"/> Prison discipline | |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | | |

1. Your name: _____

2. a. Where are you incarcerated? _____

b. If you are not incarcerated, are you on supervised release, such as probation, parole, mandatory supervision, or postrelease community supervision?

- Yes (*specify*): _____
 No

3. Why are you in custody or on supervised release? Criminal conviction Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

b. Penal or other code sections: _____

c. Name and location of sentencing or committing court:

d. Case number: _____

e. Date convicted or committed: _____

f. Date sentenced/Date of judgment: _____

g. Length of sentence: _____

h. When do you expect to be released? _____

i. Were you represented by counsel in the trial court? Yes No *If yes, state the attorney's name and address:*

4. What was the LAST plea you entered? (*Check one*):

- Not guilty Guilty Nolo contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

- Jury Judge without a jury Submitted on transcript Awaiting trial

6. CLAIMS FOR RELIEF

Claim 1: State briefly your claim for relief. For example, "The trial court imposed an illegal enhancement," or "an expert witness violated the Racial Justice Act." (If you have additional claims for relief, use a separate page for each claim. State claim 2 on page 4. For additional claims, make copies of page 4 and number the additional claims in order.)

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. *If necessary, attach additional pages.* 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. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, *who did exactly what to violate your rights at what time (when) or place (where).*

b. Supporting documents:

Attach declarations, relevant records, transcripts, or other documents supporting your claim. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

c. Supporting cases, rules, or other authority (*optional*):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

Claim 2 or Claim _____ (*if applicable*):

a. Supporting facts:

b. Supporting documents:

c. Supporting cases, rules, or other authority:

7. Did you appeal from the conviction, sentence, or commitment? Yes No If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): _____
 - b. Result: _____ c. Date of decision: _____
 - d. Case number or citation of opinion, if known: _____
 - e. All issues raised:
 - (1) _____
 - (2) _____
 - (3) _____
 - f. Were you represented by counsel on appeal? Yes No If yes, state the attorney's name and address, if known:

8. Did you seek review in the California Supreme Court? Yes No If yes, give the following information:
- a. Result: _____ b. Date of decision: _____
 - c. Case number or citation of opinion, if known: _____
 - d. All issues raised:
 - (1) _____
 - (2) _____
 - (3) _____
9. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759):

10. Administrative review:
- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:

 - b. Did you seek the highest level of administrative review available? Yes No
Attach documents that show you have exhausted your administrative remedies. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
11. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, sentence, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767–769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)
 Yes If yes, continue with number 12. No If no, skip to number 14.

12. a. (1) Nature of proceeding (for example, "habeas corpus petition"): _____
(2) Name of court: _____
(3) Result (*attach order or explain why unavailable*): _____
(4) Date of decision: _____
(5) Case number or citation of opinion, if known: _____
(6) All issues raised:
(a) _____
(b) _____
(c) _____
- b. (1) Nature of proceeding: _____
(2) Name of court: _____
(3) Result (*attach order or explain why unavailable*): _____
(4) Date of decision: _____
(5) Case number or citation of opinion, if known: _____
(6) All issues raised:
(a) _____
(b) _____
(c) _____

13. If any of the courts listed in number 12 held a hearing, state name of court, date of hearing, nature of hearing, and result:

14. Explain any delay in discovering or presenting the claims for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; Pen. Code, § 1473(e).)

15. Are you presently represented by counsel? Yes No If yes, state the attorney's name and address, if known:

16. Do you have any petition, appeal, or other matter pending in any court? Yes No If yes, explain:

17. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

18. Answer the following questions if you are raising a claim of violation of the Racial Justice Act under Penal Code section 745(a):

- a. Indicate which of the following apply to the case in which you are making a claim for violation of Penal Code section 745(a) (*check all that apply*):
- (1) Judgment is not final (for example, because an appeal is pending),
 - (2) You are currently serving a sentence in the state prison or county jail under Penal Code 1170(h) for the felony conviction in which you are raising a Racial Justice Act claim,
 - (3) This petition is filed **on or after** January 1, 2025, and judgment became final for a felony conviction on or after January 1, 2015, or
 - (4) This petition is filed **on or after** January 1, 2026, and judgment is for a felony conviction.
- b. I request relief based on the following (*choose all that apply*):
- (1) The judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward me because of my race, ethnicity, or national origin.
 - (2) During in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about my race, ethnicity, or national origin. (Racially discriminatory language does not include relaying language used by someone else that is relevant to the case, or giving a racially neutral and unbiased physical description of the suspect.)
 - (3) I was charged with or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, **and** the prosecution more frequently sought or obtained convictions for more serious offenses against people who share my race, ethnicity, or national origin in the county where the convictions were sought or obtained.
 - (4) I received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense **and:**
 - (a) longer or more severe sentences were more frequently imposed for the same offense on defendants who share my race, ethnicity, or national origin than on others in that county; **and/or**
 - (b) longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins in that county.

c. Is your claim based on a statement or conduct by a judge? Yes No

If yes, please state the judge's name:

d. Do you want appointed counsel? Yes No

If yes, can you afford to hire counsel? Yes No

e. Do you request permission to amend a pending petition for writ of habeas corpus with this claim? Yes No

(1) If yes, in what court is your petition pending? _____

(2) If yes, what is the case number of your pending petition? _____

f. Do you request disclosure of evidence relevant to a potential violation of Penal Code section 745(a)? Yes No

(1) The type of records or information sought is described as follows:

(2) The reason the records or information are needed is as follows:

g. Are you raising this claim for the first time? Yes No

If no, are you raising it again because of new evidence that could not have been previously known to you?

(1) Yes (explain):

(2) No (explain):

If you need additional space to answer any question on this petition, add an extra page and indicate that your answer is "continued on additional page."

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: _____



(SIGNATURE OF PETITIONER)