

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. \_\_\_\_\_  
(To be supplied by the court)

\_\_\_\_\_, Applicant,

v.

\_\_\_\_\_, Respondent,  
(Name of warden, superintendent, jailer, or other custodian)

and

The Attorney General  
of the State of: \_\_\_\_\_, Additional Respondent.

(Note: If you are attacking a judgment that imposed a sentence to be served in the future, you must fill in the name of the state where the judgment was entered. If you have a sentence to be served in the future pursuant to the judgment of a federal court, you should file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

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**APPLICATION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2254**

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**A. CONVICTION UNDER ATTACK**

1. Name and location of the court that entered the judgment of conviction you are attacking:

\_\_\_\_\_

2. Date the judgment of conviction was entered:

\_\_\_\_\_

3. Case number: \_\_\_\_\_
4. Describe the type and length of sentence imposed: \_\_\_\_\_
5. Are you serving a sentence that was imposed for a conviction other than the conviction you are attacking in this application?  Yes  No (CHECK ONE)
6. Nature of the offenses with which you were charged: (all counts) \_\_\_\_\_
7. On which counts were you convicted? \_\_\_\_\_
8. What was your plea? \_\_\_\_\_
9. If you pled guilty pursuant to a plea bargain, describe the terms and conditions of the plea: \_\_\_\_\_
10. Kind of trial:  Jury  Judge only (CHECK ONE)
11. Did you testify at trial?  Yes  No (CHECK ONE)

**B. DIRECT APPEAL**

1. Did you file a direct appeal?  Yes  No (CHECK ONE)
2. Name and location of court in which the direct appeal was filed: \_\_\_\_\_

3. Date and result of direct appeal (attach a copy of the decision if available): \_\_\_\_\_

4. Did you seek review in the state's highest court on direct appeal?  Yes  No (CHECK ONE)

5. Date and result of review in state's highest court (attach a copy of the decision if available): \_\_\_\_\_

6. List the claims raised on direct appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Were all claims raised on direct appeal presented to the state's highest court?  Yes  No (CHECK ONE)

8. If you did not file a direct appeal or if you did not present all of your claims to the state's highest court, explain why: \_\_\_\_\_  
\_\_\_\_\_

**C. POSTCONVICTION PROCEEDINGS**

1. Other than a direct appeal, have you initiated any postconviction proceedings with respect to the judgment under attack in any state or federal court?  Yes  No (CHECK ONE)

2. If you answered “Yes” to question 1., give the following information for each postconviction proceeding. If you have initiated more than one postconviction proceeding, use extra paper to list each proceeding using the format below.

A. Name and location of court: \_\_\_\_\_

B. Type of proceeding: \_\_\_\_\_

C. Date filed: \_\_\_\_\_

D. List the claims raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. Date and result (attach a copy of the decision if available): \_\_\_\_\_

F. Did you appeal?  Yes  No (CHECK ONE)

G. Date and result on appeal (attach a copy of the decision if available): \_\_\_\_\_

H. Did you appeal to the state’s highest court?  Yes  No (CHECK ONE)

I. Date and result of appeal to highest state court (attach a copy of the decision if available): \_\_\_\_\_

## D. CLAIMS

**CAUTION:** To proceed in federal court, you ordinarily must exhaust the remedies available to you in the state courts for each claim asserted in this action. If you fail to assert all your claims in this application, you may be barred from presenting additional claims at a later date.

State concisely every claim that you wish to assert in this action. For each claim, specify the right that allegedly has been violated and state all supporting facts that you consider important. You do not need to cite specific cases to support your claim(s). If you need additional space to describe any claim or to assert additional claims, use extra paper to continue the claim or to assert the additional claims. Identify clearly any additional pages that you attach to this form.

1. Have you fairly presented to the state's highest court each of the claims asserted in this action?  Yes  No (CHECK ONE)

2. If you answered "No" to question 1., list the claims that have not been fairly presented to the state's highest court and explain why:

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3. Claim One: 

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A. Supporting facts:

B. If this claim was not raised on direct appeal or in one of the state postconviction proceedings already described above, explain how you have exhausted state court remedies for this claim:

4. Claim Two: \_\_\_\_\_

A. Supporting Facts:

B. If this claim was not raised on direct appeal or in one of the state postconviction proceedings already described above, explain how you have exhausted state court remedies for this claim:

5. Claim Three: \_\_\_\_\_

A. Supporting facts:

B. If this claim was not raised on direct appeal or in one of the state postconviction proceedings already described above, explain how you have exhausted state court remedies for this claim:

**E. PRIOR APPLICATIONS**

1. Other than the instant action, have you filed any action in federal court challenging the conviction under attack in this action?  Yes  No (CHECK ONE)

2. If you answered “Yes” to question 1., give the following information for each prior federal court action challenging the conviction under attack in this action.

A. Name and location of court: \_\_\_\_\_

B. Case number: \_\_\_\_\_

C. Type of proceeding: \_\_\_\_\_

D. List the claims raised: \_\_\_\_\_

E. Date and result (attach a copy of the decision if available): \_\_\_\_\_

3. If the instant application is a second or successive application, have you obtained authorization from the United States Court of Appeals for the Tenth Circuit for this court to consider the application?  Yes  No (CHECK ONE)

**F. TIMELINESS OF APPLICATION**

If the judgment of conviction under attack in this action became final more than one year ago, explain why the application is not barred by the one-year limitation period in 28 U.S.C. § 2244(d). Attach additional pages, if necessary.

**G. OTHER CONVICTIONS**

- 1. Do you have any concurrent or future sentence(s) to be served after you complete the sentence imposed as a result of the conviction under attack?  

\_\_ Yes \_\_ No (CHECK ONE)
  
- 2. If you answered “Yes” to question 1., give the following information for each sentence:
  - A. Name and location of the court: \_\_\_\_\_
  - B. Case number: \_\_\_\_\_
  - C. Type and length of sentence: \_\_\_\_\_

**H. LEGAL REPRESENTATION**

- 1. List the names and address, if known, of each attorney who has represented you in proceedings regarding the conviction under attack:
  - A. Preliminary hearing: \_\_\_\_\_
  - B. Arraignment and plea: \_\_\_\_\_
  - C. Trial \_\_\_\_\_
  - D. Sentencing: \_\_\_\_\_
  - E. Appeal: \_\_\_\_\_
  - F. Postconviction proceedings: \_\_\_\_\_
  - G. Appeal from any adverse ruling in postconviction proceedings: \_\_\_\_\_

**I. REQUEST FOR RELIEF**

I request the following relief:

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Original Signature)

Applicant's prisoner identification number and complete mailing address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondents' names and complete mailing addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_