

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

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

UNITED STATES OF AMERICA,

v.

\_\_\_\_\_, Movant.

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**MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE  
PURSUANT TO 28 U.S.C. § 2255**

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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. Date and result of 10<sup>th</sup> Circuit decision (attach a copy of the decision if available): \_\_\_\_\_
3. Date and result of any appeal to the United States Supreme Court (attach a copy of the decision if available): \_\_\_\_\_
4. List the claims raised on direct appeal: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. If you did not file a direct appeal, explain why:

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### C. POSTCONVICTION PROCEEDINGS

1. Other than a direct appeal, have you initiated any postconviction proceedings with respect to the judgment under attack?

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:

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B. Type of proceeding:

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C. Date filed:

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D. List the claims raised:

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

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F. Did you appeal?

Yes  No (CHECK ONE)

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

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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)

#### D. CLAIMS

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. Did you raise on direct appeal or in a prior action any of the claims you are asserting in this motion?  Yes  No (CHECK ONE)

2. If you answered “Yes” to question 1., state which claims previously were raised and explain why those claims are being raised again:

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3. If you answered “No” to question 1., state which claims were not raised previously and explain why those claims were not raised on direct appeal or in a prior action:

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4. Claim One: \_\_\_\_\_

A. Supporting facts:

5. Claim Two: \_\_\_\_\_

A. Supporting Facts:

6. Claim Three: \_\_\_\_\_

A. Supporting facts:

7. Claim Four: \_\_\_\_\_

A. Supporting facts:

**E. 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: \_\_\_\_\_

**F. 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: \_\_\_\_\_

**G. REQUEST FOR RELIEF**

I request the following relief:

**DECLARATION UNDER PENALTY OF PERJURY**

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

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

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

Movant's prisoner identification number and complete mailing address:

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