

APPENDIX F
COURT OF CRIMINAL APPEALS OF TEXAS
APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07
INSTRUCTIONS

1. You must use the complete form, which begins on the following page, to file an application for a writ of habeas corpus seeking relief from a final felony conviction under Article 11.07 of the Code of Criminal Procedure. (This form is not for death-penalty cases, probated sentences which have not been revoked, or misdemeanors.)
2. The clerk of the trial court in which you were convicted will make this form available to you, on request, without charge.
3. You must file the entire writ application form, including those sections that do not apply to you. If any pages are missing from the form, or if the form has been downloaded and the questions have been renumbered or omitted, your entire application will be returned as non-compliant. If your application is returned as non-compliant, the clerk of the trial court will write a note of the defect on your application and return the form to you without filing it.
4. You must make a separate application on a separate form for each judgment of conviction you seek relief from. Even if the judgments were entered in the same court on the same day, you must make a separate application for each one.
5. Answer every item that applies to you on the form. You may use additional pages only if you need them for item 17, the facts supporting your ground for relief. Do not attach any additional pages for any other item 17.
6. You must include all grounds for relief on the application form as provided by the instructions under item 17. You must also briefly summarize the facts of your claim on the application form as provided by the instructions under item 17.
7. Do not cite cases or other law in this application form. Do not make legal arguments in this form. Legal citations and arguments may be made in a separate memorandum.
8. You must verify the application by signing either the Oath Before Notary Public or the Inmate's Declaration, which are at the end of this form on pages 11 and 12. You may be prosecuted and convicted for aggravated perjury if you make any false statement of a material fact in this application.
9. When the application is fully completed, mail the original to the clerk of the convicting district court. Keep a copy of the application for your records.
10. You must notify the clerk of the convicting district court of any change in address after you have filed your application.

Case No. _____
(The Clerk of the convicting court will fill this line in.)

IN THE COURT OF CRIMINAL APPEALS
APPLICATION FOR A WRIT OF HABEAS CORPUS SEEKING RELIEF FROM FINAL
FELONY CONVICTION UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

NAME: _____

DATE OF BIRTH: _____

PLACE OF CONFINEMENT: _____

TDCJ-CID NUMBER: _____ SID NUMBER: _____

(1) This application concerns (check all that apply):

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> a conviction | <input type="checkbox"/> parole |
| <input type="checkbox"/> a sentence | <input type="checkbox"/> mandatory supervision |
| <input type="checkbox"/> time credit | <input type="checkbox"/> out-of-time appeal or petition
for discretionary review |

(2) What district court entered the judgment of the conviction you want relief from?
(Include the court number and county.)

(3) What was the case number in the trial court?

(4) What was the name of the trial judge?

(5) Were you represented by counsel? If yes, provide the attorney's name:

(6) What was the date that the judgment was entered?

(7) For what offense were you convicted and what was the sentence?

(8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

(9) What was the please you entered? (Check one.)

- | | |
|---|--|
| <input type="checkbox"/> guilty-open plea | <input type="checkbox"/> guilty-plea bargain |
| <input type="checkbox"/> not guilty | <input type="checkbox"/> <i>nolo contendere</i> / no contest |

If you entered different pleas to counts in a multi-count indictment, please explain:

(10) What kind of trial did you have?

- no jury jury for guilt and punishment
 jury for guilt, judge for punishment

(11) Did you testify at trial? If yes, at what phase of the trial did you testify?

(12) Did you appeal from the judgment of conviction?

- yes no

If you did appeal, answer the following questions:

- (A) What court of appeals did you appeal to? _____
(B) What was the case number? _____
(C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

(D) What was the decision and the date of the decision? _____

(13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

- yes no

If you did file a petition for discretionary review, answer the following questions:

- (A) What was the case number? _____
(B) What was the decision and the date of the decision? _____

(14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

- yes no

If you answered yes, answer the following questions:

- (A) What was the Court of Criminal Appeals' writ number? _____
(B) What was the decision and the date of the decision? _____
(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

(15) Do you currently have a petition or appeal pending in any other state or federal court?

yes

no

If you answered yes, please provide the name of the court and the case number:

(16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

yes

no

If you answered yes, answer the following questions:

(A) What date did you present the claim? _____

(B) Did you receive a decision and, if yes, what was the date of the decision?

If you answered no, please explain why you have not submitted your claim:

(17) Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.*

If you have more than four grounds, use page 10 of the form, which you may copy as many times a needed to give you a separate page for each ground, with each ground numbered in sequence.

You may attach a memorandum of the law to the form application if you want to present legal authorities, but the court will *not* consider grounds for relief in a memorandum of law that were not stated on the form application. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

GROUND ONE:

FACTS SUPPORTING GROUND ONE:

GROUND TWO:

FACTS SUPPORTING GROUND TWO:

GROUND THREE:

FACTS SUPPORTING GROUND THREE:

GROUND FOUR:

FACTS SUPPORTING GROUND FOUR:

GROUND:

FACTS SUPPORTING GROUND:

WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

(Complete EITHER the “oath before a notary public” OR the “inmate’s declaration.”)

OATH BEFORE NOTARY PUBLIC

STATE OF TEXAS, COUNTY OF _____, BEING FIRST DULY SWORN, UNDER OATH, SAYS: THAT HE/SHE IS THE APPLICANT IN THIS ACTION AND KNOWS THE CONTENT OF THE ABOVE APPLICATION AND ACCORDING TO APPLICANT’S BELIEF, THE FACTS STATED IN THE APPLICATION ARE TRUE.

Signature of Applicant

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____

Signature of Notary Public

INMATE’S DECLARATION

I, _____, BEING PRESENTLY INCARCERATED IN _____ DECLARE UNDER PENALTY OF PERJURY THAT, ACCORDING TO MY BELIEF, THE FACTS STATED IN THE APPLICATION ARE TRUE AND CORRECT.

SIGNED ON _____

Signature of Applicant

Signature of Attorney

Attorney Name: _____

SBOT Number: _____

Address: _____

Telephone:

Amended March 5, 2007, effective March 5, 2007.