

IN THE
CIRCUIT COURT OF _____ COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Respondent,)	Cir. Ct. No. _____
)	
-vs-)	
)	
(Insert your name here),)	Honorable
)	(Insert judge's name here),
Petitioner)	Judge Presiding.

ILLINOIS PETITION FOR POST-CONVICTION RELIEF FORM

Pursuant to 725 ILCS 5/122-1, Petitioner (insert your name here) comes before the court and asks that the judgment in Cook County Indictment No. (Insert your indictment number here) be vacated.

In support of this request Petitioner states:

1. On (insert the date you were sentenced here) Petitioner was sentenced by (insert the judge's name here) following a (insert the type of proceedings here: i.e., whether you entered a guilty plea, had a bench trial or jury trial) for the offense of (insert the type of offense here: e.g., ann.gd-EQbh.gzy) in indictment No. (insert your indictment number here).

2. (State here whether or not you filed any appeal(s) from your conviction.)

For example:

Petitioner filed a Notice of Appeal on January 15, 2000. The appeal was docketed in the Illinois Appellate Court as Number 00000. Petitioner's conviction and sentence were affirmed by the Appellate Court on March 1, 2002. A petition for leave to appeal to the Illinois Supreme Court was denied on November 10, 2002.

Or

No direct appeal was taken from the above conviction.

3. (If you are filing your petition after the due date, include facts here explaining why the delay is not due to your culpable negligence.)
4. Petitioner's rights under the Constitution of the United States and the State of

Illinois were substantially denied in that:

(Here you must state facts showing that in the proceedings resulting in your conviction or sentence you were substantially denied a right under the Constitution of the United States or the State of Illinois, or both.)

For example:

Petitioner was denied his right to the effective assistance of trial counsel where defense counsel failed to interview and call as witnesses two people who could have corroborated Petitioner's alibi. Prior to trial, I informed my trial attorney that at the time of the offense I was at the home of my friends, John Smith and Jane Smith. I told my trial attorney where the Smiths lived and that they were willing to speak with him and testify on my behalf. Trial counsel never spoke to John and Jane Smith. Trial counsel told me that he had tried to contact the Smiths, but that he was unable to locate them. This explanation is unbelievable because I told my attorney where the Smiths lived and to this day they still live at the same address. Because these witnesses would have testified that I was with them at the time of the offense in this case, my attorney was ineffective for failing to interview them and call them to testify at my trial.

OR

Petitioner was denied his right to the effective assistance of appellate counsel where appellate counsel failed to raise a meritorious issue on direct appeal. I was sentenced to 50 years for first degree murder, while my co-defendant was only sentenced to 30 years. My co-defendant and I had similar criminal backgrounds. My co-defendant had prior convictions for robbery, unlawful use of a weapon by a felon and possession of a controlled substance, while I had prior convictions for possession of a stolen motor vehicle, delivery of a controlled substance, and unlawful use of a weapon. My co-defendant was 22 years old at the time of the offense and I was 21 years old at the time of the offense. The State claimed at trial that my co-defendant and I were equally involved in the offense for which we were convicted. My appellate counsel was ineffective for failing to argue that my sentence was unfairly disparate to that of my codefendant.

5. (If you are not attaching affidavits or other documentation, include facts here explaining why you were unable to obtain the affidavits or other documentation.)

For example: I have tried to obtain an affidavit from witness X but have been unable to do so because I am incarcerated and indigent, and unable to locate witness X's current address without assistance from the court; OR

I have written to my public defender and asked for copies of the police reports referenced herein, but my public defender refuses to send them to me.

6. Petitioner is without any income or assets with which to procure counsel.

Petitioner therefore desires that counsel be appointed to represent him in his proceeding.

(sign your name on this line)
(type or sign your name here)
Petitioner

I swear that the facts stated in this petition are true and correct in substance and in fact.

(sign your name on this line) (type
or sign your name here)
Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME
thisday of (year)

(Have notary public sign and notarize the petition)

NOTARY PUBLIC

c. Proof of Service: You must send your original petition, along with a copy of the petition, to the clerk of the court in which your conviction took place. You must also send a copy of the petition to the State's Attorney.

INTHE

CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLNOIS,)

Respondent,)	
Cir. Ct.. No.)	_____ -vs-
)	Honorable
(your name)(Your judge's name))	
)	Judge Presiding.
Petitioner,)	
)	

PROOF OF SERVICE

You are hereby notified that on (date that you placed the petition in the prison mail system), I placed the attached petition for post-conviction relief and motion to proceed in forma pauperis in the prison mail system at (name of your institution) to be mailed to the Clerk of the Circuit Court of Cook County.

TO:

Clerk of the Circuit Court of Cook County
 2650 South California
 Chicago, Illinois 60608

Cook County State's Attorney
 300 Daley Center
 Chicago, Illinois 60602

 Your Name
 Your Address

SUBSCRIBED AND SWORN TO BEFORE ME
 thisday of, (year)

(Have notary public sign and notarize the proof of service)

NOTARY PUBLIC

D. Affidavit: If you are attaching affidavits in support of your post-conviction petition, they should follow this basic format.

STATE OF ILLNOIS

COUNTY OF COOK

AFFIDAVIT

(Name of Affiant), being first duly sworn on oath, deposes and says the following:

1. (Include here the substance of what the affiant is swearing to. The affiant should include as much detail as possible about the facts that support the claims in your petition.)

(Signature of Affiant)

Name of Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this
 _____day of _____, (year)

(Have notary public sign and notarize the affidavit)

NOTARY PUBLIC

E. Motion to Proceed in Forma Pauperis and Appoint Counsel

If you are indigent (poor and cannot afford to hire an attorney or pay the docket fee), you should attach to your Petition a motion to proceed as a poor person and to have counsel appointed to represent you. Be sure to sign it on the line above the word "Petitioner" in the lower right hand corner. Be sure to have your signature notarized as you did for the Petition.

in THE
 CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS,)

Respondent,)

Cir. Ct. No.)

(your name)(Your judge's name))

Petitioner,)

_____ -vs-

Honorable

Judge Presiding.

MOTION TO PROCEED FORMA PAUPERIS AND TO APPOINT COUNSEL

Petitioner, (your name), comes before the Court and respectfully requests that he be permitted to file the attached Petition for Post-Conviction Relief in forma pauperis and to have an attorney appointed to represent him in this proceeding.

In support of this request, Petitioner states:

1. That he is presently incarcerated in (name of correctional center).
2. That he is without any income or assets with which to pay for the cost of this litigation or to procure counsel.

Wherefore, Petitioner prays that he be granted leave to file and to proceed in forma pauperis in the above-captioned Petition for Post-Conviction Relief and to have counsel appointed to represent him in this proceeding.

PETITIONER

R SUBSCRIBED AND SWORN To BEFORE ME this day of, (year)

(Have a notary public sign and notarize the motion)

NOTARY PUBLIC

F. Where to File the Petition and Motion:

File the original Petition, Proof of Service, Affidavit, and Motion to Proceed in Forma Pauperis together with a copy of each with the Clerk of the Court that convicted you. The original is the one that you have notarized.

If you were convicted in Cook County, send the above Petition and Motion to:

Clerk of the Circuit Court of Cook County
2650 South California
Chicago, Illinois 60608

You must also serve a copy of the petition on the State's Attorney. Send a copy of the petition to:

Cook County State's Attorney
300 Daley Center
Chicago, Illinois 60602

Once the Clerk of the Circuit Court has received your Petition and Motion it will be docketed and the Court may appoint counsel to assist you. It is difficult to say how long this will take, but you can probably plan on waiting at least a month before hearing anything from the Court. The Court may also dismiss the petition without appointing counsel, if the petition is deemed frivolous or patently without merit.

G. Appeal:

If the trial court dismisses your petition without a hearing or denies your relief after a hearing, the Clerk of the trial court will send you a copy of the order denying relief and advise you of your right to appeal. If you wish to appeal you must indicate your intention to appeal to the trial court WITHN 30 DAYS FROM THE DATE THE ORDER DENYNG RELIEF WAS ENTERED. You may indicate you intention to appeal by filing a notice of appeal in the trial court. If you are unable to file a notice of appeal, a simple letter to the trial court stating that you wish to appeal and are indigent and wish counsel to be appointed on appeal will be sufficient.