

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 this form to file an application for a writ of habeas corpus seeking relief from a final felony conviction (other than a death-penalty case), under Code of Criminal Procedure article 11.07.**
- 2. The clerk of the court in which you were convicted will make this form available to you, on request, without charge.**
- 3. If you do not follow the instructions on this form, the clerk of the 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 18, the facts supporting your ground for relief. Do not attach any additional pages for any other item.**
- 6. You must include all grounds for relief, and all facts supporting each ground for relief, in the application you file seeking relief from any judgment of conviction.**
- 7. Do not cite cases or other law in this application. Do not make legal arguments in this application. 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. 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.**

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

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**

_____/_____/_____
NAME OF APPLICANT (Please print full name) DATE OF BIRTH

PLACE OF CONFINEMENT TDCJ-ID NUMBER

- (1) What court entered the judgment of conviction you want relief from?
(Give the number and county of the court.)

- (2) What was the cause number in the trial court? _____
- (3) What was the trial judge's name? _____
- (4) What was the date of judgment? _____
- (5) What was the length of sentence? _____
- (6) Who assessed punishment? (Check one) (a) Judge (); (b) Jury ()
- (7) What offense or offenses were you were convicted of (all counts)?

(8) What was your plea? (Check one)

- (a) Not guilty**
- (b) Guilty**
- (c) Nolo Contendere**

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

(9) Did you have a jury trial?(check one)

- (a) Jury**
- (b) Judge only**

(10) Did you testify at the guilt/innocence phase of trial? Yes () No ()

(11) Did you testify at the sentencing phase of trial? Yes () No ()

(12) Did you appeal from the judgment of conviction? Yes () No ()

(13) If you did appeal, answer the following questions:

(a) Which court of appeals? _____

(b) What was the cause Number? _____

(c) What was the decision? _____

(d) What was the date of the decision? _____

(e) Did you file a petition for discretionary review? Yes () No ()

(f) If your answer to (e) was “yes,” answer the following questions:

(g) What was the cause number in the Court of Criminal Appeals?

(h) What was the decision? _____

(i) What was the date of decision? _____

(17) If you are presenting a claim for time credit, have you presented the claim to the time credit resolution system of the Texas Department of Criminal Justice--Institutional Division?

Yes ()

No ()

(a) If your answer to (17) was “yes,” answer the following questions:

What was the date of decision? _____

Why are you not satisfied with the decision? _____

(b) If your answer to (17) was “no,” why have you not presented the claim to the time credit resolution system of the Texas Department of Criminal Justice--Institutional Division?

(18) State concisely every ground on which you claim that you are being unlawfully confined. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the grounds.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. The grounds you may raise are not limited to those listed below. However, you should raise in this application all available grounds (relating to this conviction) on which you base your allegations that you are being unlawfully confined.

If you claim one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not simply check any of the grounds listed below.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.**
- (b) Conviction obtained by use of coerced confession.**
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.**
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.**
- (e) Conviction obtained by a violation of the privilege against self-incrimination.**
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.**
- (g) Conviction obtained by a violation of the protection against double jeopardy.**
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and empaneled.**
- (i) Denial of effective assistance of counsel.**
- (j) Denial of right of appeal.**
- (k) Denial of time credits on sentence.**
- (l) Improper revocation of parole or mandatory supervision.**
- (m) Illegal sentence.**
- (n) Invalid or defective indictment.**
- (o) No evidence or insufficient evidence.**

(A) What is your Ground Number One: _____

What are the FACTS (tell your story briefly without citing cases or law): _____

(B) What is your Ground Number Two: _____

What are the FACTS (tell your story briefly without citing cases or law): _____

(C) What is your Ground Number Three: _____

What are the FACTS (tell your story briefly without citing cases or law): _____

(D) What is your Ground Number Four: _____

What are the FACTS (tell your story briefly without citing cases or law): _____

Wherefore, applicant prays that the Court grant applicant relief to which he may be entitled in this proceeding.

VERIFICATION

(Complete either the Oath Before 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 is the applicant in this action and knows the content of the above

application and according to the applicant's belief, the foregoing allegations of the application are true.

Signature of applicant

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of

Notary Public

Inmate's Declaration

I, _____,
(inmate's name)

_____, being presently incarcerated in
(inmate's identifying number from TDCJ or county jail)

(name of TDCJ unit or county jail)

declare under penalty of perjury that according to my belief the foregoing information and allegations of the application are true and correct.

Signed on _____
(date)

Signature of applicant

Signature of attorney (if any)

Address of Attorney:

