

APPENDIX A-Criminal

Notice of Intention to File First Petition for Writ of Habeas Corpus by Person in State Custody under Sentence of Death

The undersigned, being either counsel in the Indiana courts for a person under a sentence of death imposed by an Indiana court or such a person, hereby gives notice to the Clerk of the United States District Court for the Southern District of Indiana that such person will in the near future file a petition attacking such sentence or the underlying conviction or both.

The name of the person under sentence of death is _____, his inmate number within the Department of Correction is _____ and he is presently confined at the _____ (insert name of the institution where confined). In connection with this Notice the following representations are made:

1. The sentence of death was imposed by the _____ (insert name of court) in cause number _____ ;
2. The sentence and the underlying conviction have been appealed to the Indiana Supreme Court and the appeal and postconviction proceedings were concluded in that Court on _____ (insert dates of decision of the Indiana Supreme Court on direct appeal and, if applicable, on the denial of postconviction relief);
3. The person under sentence of death will/will not (select one) be represented by counsel when a petition for relief is presented to the United States District Court;
4. There is presently no date of execution set; or an execution date of _____ (insert date);
5. The person under sentence of death will/will not (select one) seek a stay of execution before/upon (select one) the filing of the petition for relief referred to in this Notice and will/will not (select one) be seeking the appointment of counsel to represent him in the proceeding.

6. This Notice is accompanied by the \$30.00 docketing fee prescribed by 28 U.S.C. § 1914(a) or submitted by or on behalf of a person without sufficient funds to prepay the \$20.00 docketing fee.

Date: _____

(Signature)

(Name)