

In the  
Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128



ORDER AMENDING INDIANA RULES OF PROCEDURE FOR  
POST-CONVICTION RELIEF

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court’s inherent authority to supervise the administration of all courts of this state, Indiana Post-Conviction Relief Rule 1, Appendix to Rule PC 1 is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

FORM FOR SUCCESSIVE POST-CONVICTION  
RELIEF RULE 1 PETITIONS

(To Be Filed With Petition For Post-Conviction Relief)

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY

STATE OF INDIANA

_____	)	
Full Name of Movant	)	
	)	
_____	)	Cause No. _____
Prison Number (if any)	)	(To be supplied by the Clerk of the Court)
	)	
v.	)	
	)	
State of Indiana,	)	
	)	
Respondent	)	

INSTRUCTIONS--READ CAREFULLY

If you have previously filed a Petition for Post-Conviction Relief directed to this conviction or these convictions and the earlier petition was decided on the merits, you must fill out this form and file it along with your Petition. It must be legibly handwritten or typewritten, signed by the petitioner before a person authorized to take oaths and properly notarized. Since this must be signed under oath, any false statement of a material fact herein may serve as the basis of prosecution and conviction for perjury. Exercise care to be sure all answers are true and correct.

You must mail the original and two copies of this form along with your petition to the Clerk of the Supreme Court and Court of Appeals, 200 West Washington Street, Room [217216](#), Indianapolis, IN 46204-2732. The Clerk will refer your petition to the Supreme Court in death penalty cases and the Indiana Court of Appeals in all other cases. The court will then decide whether your petition may be filed in the trial court where your first Post-Conviction Remedy Rule 1 petition was adjudicated.

NOTE: The court will allow a second or successive petition for post-conviction relief to be filed if the petitioner establishes a reasonable possibility that the petitioner is entitled to post-conviction relief. However, a petitioner does not establish a reasonable possibility that the petitioner is entitled to post-conviction relief where, for example, (1) if the petitioner only alleges grounds for relief that are not different from those which have already been decided on the merits, or (2) if the only grounds alleged, even if different, should have been alleged in an earlier proceeding.

In addition to this form, you may submit no more than fifteen (15) pages, double-spaced, to provide supporting facts. You may also submit exhibits. Any citation of authorities should be avoided and is only appropriate if there has been a change in the law since the judgment you were attacking was entered. Your answer(s) should be confined to relevant facts and must not include legal arguments.

1. Were you represented by an attorney on your prior Petition for Post-Conviction Relief?  
Yes \_\_\_ No \_\_\_

If yes, name(s) and address(es) of attorney(s).

\_\_\_\_\_

Proceedings at which each attorney represented you:

Drafting Petition for Post-Conviction Relief \_\_\_\_\_

Hearing of Petition for Post-Conviction Relief \_\_\_\_\_

Appeal of denial of Petition for Post-Conviction Relief \_\_\_\_



This amendment shall take effect January 1, 2011.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 21<sup>st</sup> day of September, 2010.

/s/Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.