

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR _____ COUNTY

STATE OF DELAWARE

v.

)
) No. _____
) (to be supplied by Prothonotary)
)

Name of Movant on Indictment
)
)
)

Correct Full Name of Movant
)

MOTION FOR POSTCONVICTION RELIEF

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INSTRUCTIONS

- (1) This motion must be legibly handwritten or typewritten, and signed by the movant under penalty of perjury.
- (2) All grounds for relief and supporting facts must be included, and all questions must be answered briefly in the proper space on the form.
- (3) Additional pages are not permitted. If more room is needed, use the reverse side of the sheet.
- (4) No citation of authorities is required. If legal arguments are submitted, this should be done in a separate memorandum.
- (5) Only convictions that were included in the same plea agreement or were tried together may be challenged in a single motion.
- (6) When the motion is completed, the original must be mailed to the Prothonotary in the county in which the judgment of conviction was entered. No fee is required.
- (7) The motion will be accepted if it conforms to these instructions. Otherwise, it will be returned with a notation as to the deficiency.

To return by mail:

New Castle County Prothonotary
500 North King Street, Suite 500
Lower Level 1
Wilmington, DE 19801

Kent County Prothonotary
38 The Green
Dover, DE 19901

Sussex County Prothonotary
1 The Circle, Suite 2
Georgetown, DE 19947

MOTION

1. County in which you were convicted _____
2. Judge who imposed sentence _____
3. Date sentence was imposed _____
4. Offense(s) for which you were sentenced and length of sentence (s):

5. Do you have any sentence(s) to serve other than the sentence(s) imposed because of the judgment(s) under attack in this motion? Yes () No ()
If your answer is "yes," give the following information:
Name and location of court(s) which imposed the other sentence(s):

Date sentence(s) imposed: _____

Length of sentence(s) _____
6. What was the basis for the judgment(s) of conviction? (Check one)
Plea of guilty ()
Plea of guilty without admission of guilt ("Robinson plea") ()
Plea of nolo contendere ()
Verdict of jury ()
Finding of judge (non-jury trial) ()
7. Judge who accepted plea or presided at trial _____
8. Did you take the witness stand and testify? (Check one)
No trial () Yes () No ()
9. Did you appeal from the judgment of conviction? Yes () No ()
If your answer is "yes," give the following information:

Case number of appeal _____

Date of court's final order or opinion _____

10. Other than a direct appeal from the judgment(s) of conviction, have you filed any other motion(s) or petition(s) seeking relief from the judgment(s) in state or federal court?
Yes () No () How many? ()
If your answer is "yes," give the following information as to each:

Nature of proceeding(s) _____

Grounds raised _____

Was there an evidentiary hearing? _____

Case number of proceeding(s) _____

Date(s) of court's final order(s) or opinion(s) _____

Did you appeal the result(s)? _____

11. Give the name of each attorney who represented you at the following stages of the proceedings relating to the judgment(s) under attack in this motion:

At plea of guilty or trial _____

On appeal _____

In any postconviction proceeding _____

12. State every ground on which you claim that your rights were violated. If you fail to set forth all grounds in this motion, you may be barred from raising additional grounds at a later date. You must state facts in support of the ground(s) which you claim. For your information, the following is a list of frequently raised grounds for relief (you may also raise grounds that are not listed here): double jeopardy; illegal detention, arrest, or search and seizure; coerced confession or guilty plea; uninformed waiver of the right to counsel, to remain silent, or to speedy trial; denial of the right to confront witnesses, to subpoena witnesses, to testify, or to effective assistance of counsel; suppression of favorable evidence; unfulfilled plea agreement.

Ground one: _____

Supporting facts (state the facts briefly without citing cases):

Ground two: _____

Supporting facts (state the facts briefly without citing cases):

Ground three: _____

Supporting facts (state the facts briefly without citing cases):

If any of the grounds listed were not previously raised, state briefly what grounds were not raised, and give your reason(s) for not doing so: _____

Wherefore, movant asks that the court grant him all relief to which he may be entitled in this proceeding.

Signature of attorney (if any)

I declare the truth of the above under penalty of perjury.

Date Signed

Signature of Movant
(Notarization not required)