

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE )  
v. ) No. \_\_\_\_\_  
) (to be supplied by Prothonotary)  
)  
\_\_\_\_\_  
Name of Movant on Indictment )  
)  
)  
\_\_\_\_\_  
Correct Full Name of Movant )

**MOTION FOR POSTCONVICTION RELIEF**

# MOTION FOR POSTCONVICTION RELIEF

## 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 courts 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 post-conviction 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)