

John Stuart P405881
 Name and Prisoner/Booking Number
4th Ave Jail
 Place of Confinement
201 S. 4th Ave
 Mailing Address
Phoenix AZ 85003
 City, State, Zip Code

MICHAEL K. JEANES, CLERK
 BY S. Keiron DEP
 FILED

08 NOV 24 PM 3:43

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA Plaintiff
 -vs-
JOHN C. STUART
Defendant (FIRST, MI, LAST)

CASE NO.
CR-2008-006332-001 DT

**NOTICE OF
 POST-CONVICTION
 RELIEF**

Instructions: When the notice is complete, file it with the clerk of the superior court of the county in which the conviction occurred.

A person unable to pay costs of this proceeding and to obtain the services of a lawyer without substantial personal or family hardship should indicate this by requesting counsel in Question 8 of this notice and execute the affidavit of indigency on page 3. In the event an attorney is not appointed, a Request for Preparation of Post-Conviction Relief Record form must be filed by the defendant if some portion of the record is needed and has not previously been obtained.

No issue which has already been raised and decided on appeal or in a previous petition for post-conviction relief may be used as a basis for a successive petition for post-conviction relief.

1. Defendant's Name: JOHN STUART
 Defendant's prison number (if any): _____
2. Defendant's address: 201 S. 4 Ave, Phoenix AZ 85003
3. (A) Defendant was convicted of the following crimes: ARS §§ 13-1002, 39-161, 13-702.01, 13-707, 13-802
- (B) Defendant was sentenced on September 22, 20 08, to a term of 4 months, commencing on April 10, 20 08, following a:
 - Trial by jury
 - Trial to Judge without a Jury
 - Plea of Guilty
 - Plea of No Contest
 - Probation Revocation Admission
 - Probation Revocation Violation Hearing in the Superior Court
 in _____ County with judicial officer _____ presiding.

(C) The file number of the case was CR- 2008-006332-001 DT.

4. Defendant has taken the following actions to secure relief from his convictions or sentences:

(A) Direct Appeal: Yes No

(B) Previous Rule 32 Proceedings: Yes No

5. Defendant was represented by the following lawyers at: (provide name of counsel and counsel's address, if known)

Trial or change of plea: Jeremy Giesle

Sentencing hearing: Jeremy Giesle

Appeal (if any): N/A

Previous Rule 32 proceedings (if any): N/A

6. Is the defendant raising a claim of ineffective assistance of counsel? Yes No

7. Defendant is presently represented by a lawyer? Yes No

If yes, provide name and address: _____

8. If you are not currently represented by a lawyer, do you want the court to appoint a lawyer for this proceeding? Yes No

9. Respond to this section only if this is an untimely notice or the defendant has filed a previous Rule 32 petition in this case.

(A) Is a claim pursuant to Rule 32.1(d), (e), (f), (g) or (h) being raised in this petition?
 Yes No

(B) If yes, state the specific exception:

- The defendant is being held in custody after the sentence imposed has expired.
- Newly discovered material facts exist which probably would have changed the verdict or sentence.
- The defendant's failure to file a timely notice of post-conviction relief or notice of appeal was without fault on the defendant's part.
- There has been a significant change in the law that would probably overturn the conviction or sentence.
- Facts exist which establish by clear and convincing evidence that the defendant is actually innocent.

(C) State the facts that support the claim and the reasons for not raising the claim in the previous petition or in a timely manner:

I am requesting post-conviction relief. I understand that I must include in my petition every ground for relief which is known and which has not been raised and decided previously. I also understand that failure to raise any known ground for relief in my petition will prohibit me from raising it at any future date.

10-05-08
Date

[Signature]
Defendant

AFFIDAVIT OF INDIGENCY

I have requested the appointment of a lawyer to represent me in post conviction proceedings. I swear under oath and penalty of perjury that I am indigent and because of my poverty I am financially unable to pay for the cost of a lawyer to represent me without incurring substantial hardship to myself or my family.

10-05-08 10/21/08
Date

[Signature]
Defendant

State of Arizona)
County of) ss.

Subscribed and sworn to or affirmed before me on:
10-21-08
Date

My Commission Expires
11-9-2010



**MARICOPA COUNTY SHERIFF'S OFFICE
JOSEPH M. ARPAIO, SHERIFF**

CERTIFICATION

I hereby certify that on this date NOVEMBER 24, 2008,

I filed the attached original with the Clerk of the Civil Division of the Superior Court, Maricopa County, State of Arizona.

I further certify that copies of the original have been forwarded to:

Judge/Comm. PAUL McMURDIE, Superior Court, Maricopa County, State of Arizona.

County Attorney, Maricopa County, State of Arizona. JAMES BEENE

Public Defender, Maricopa County, State of Arizona. _____

Attorney General Office _____

Advisory Counsel _____

Probation Officer _____

Adult Probation Department, Maricopa County, State of Arizona. _____

Legal Defender _____

Legal Advocate _____

Other _____

Clerk of the Superior Court, ACLU, Arizona Court of Appeals Division One, Arizona Supreme Court

Inmate Legal Services has processed this document in an "as-is" condition.

Inmate Legal Services has processed this document as per the inmate request.



INMATE LEGAL SERVICES
Maricopa County, Sheriff's Office
201 S. 4th Avenue
Phoenix, AZ 85003