

Notice of Habeas Corpus Rights

O.C.G.A. § 9-14-42; 40-13-33

(Non-death cases)

Defendant: _____

Case No.: _____

Notice

If you believe that under these Court proceedings there was a substantial denial of your rights under the Constitution of the United States or the Constitution of Georgia, or if you wish to challenge the composition of the grand jury or trial jury in this case, you can do so by filing a Petition for Writ of Habeas Corpus.

Time Limits

Such Petition for Writ of Habeas Corpus must be filed within the following time limits:

- 1. 180 days for a traffic offense; or
- 2. one year for a misdemeanor.

Measurement of Time Limit

The time limit is measured beginning from the later of the following dates:

- 1. The date your conviction becoming final. Your conviction become final:
 - (a) upon conclusion of direct appeal; or
 - (b) upon expiration of time for filing for direct appeal. Time for filing for direct appeal expires 30 days after the later of:
 - (1) sentencing; or
 - (2) the Court's ruling denying your motion for new trial; or
 - (3) the Court's ruling denying your motion for out-of-time appeal.
- 2. The date an impediment to your filing a petition is removed, provided you were prevented from filing a petition by state action in violation of the Constitution or laws of the United States or the State of Georgia.
- 3. The date on which a new right is recognized by the Supreme Court of the United States or the Supreme Court of Georgia, provided that your petition is based on such newly-recognized right.
- 4. The date on which the facts supporting your petition could have been discovered through the exercise of due diligence, provided your petition is based on newly-discovered facts.

Acknowledgment *(initial the line that applies)*

_____ I can read, and have read the above notice.

_____ The above notice has been read to me by _____.

I acknowledge same on this _____ day of _____, 20_____.

_____ (Signature)

_____ (Printed name)

I read the above to the named Defendant on the _____ day of _____, 20_____.

_____ (Signature)

_____ (Printed name)