

Superior Court of the District of Columbia

Criminal Division

UNITED STATES OF AMERICA

[DISTRICT OF COLUMBIA, if applicable]

V.

Case Number _____

[YOUR NAME]

MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE AND JUDGMENT

PURSUANT TO D.C. CODE § 23-110

I. PARTIES AND JURISDICTION.

1. Enter your full name: _____

2. Date of birth: _____

3. D.C.D.C. Number (if applicable): _____

4. Fed. Reg. number (if applicable): _____

5. Are you now:

a. On probation, parole or supervised release? _____ If "yes," what is your current home address? _____

b. In a correctional facility? _____ If "yes," which facility? _____

c. In some other status or residence? _____ If "yes," explain and give address:

6. Are you now serving any other sentence, or do you have another sentence to serve after completing the sentence you are challenging in the motion? _____

a. If "yes," what are terms for violation of probation, parole, or supervised release? _____

b. Enter name(s) of court(s) where sentence(s) was(were) imposed: _____

II. CASE HISTORY.

7. Provide the following information, or attach a copy of the Superior Court Judgment and Commitment Order or Judgment and Probation Order:

a. Enter the case number of the sentence and judgment you want to vacate, set aside or correct only : _____

b. Name of sentencing judge: _____

c. Name of attorney who represented you at trial/plea: _____

d. Name of attorney who represented you at sentencing (if different): _____

e. Date of sentence: _____

f. Term of sentence: _____

8. How were you found guilty?

a. Entered a guilty plea? _____

b. Found guilty by a jury? _____

c. Found guilty by a judge? _____

9. Did you appeal your conviction? _____

a. If "yes," enter Court of Appeals case number, if known: _____

b. What action did the Court of Appeals take? _____

10. Other than a direct appeal to the D.C. Court of Appeals, have you previously filed any other challenges to this sentence and judgment in any other court? _____ If "yes," did you file:

a. A petition for certiorari to the United States Supreme Court? _____

- b. A motion for correction or reduction of sentence? _____
- c. A previous motion to vacate, set aside or correct sentence and judgment? _____
- d. Another pleading? Explain. _____

11. If you previously filed a motion to vacate this sentence and judgment, list all of the grounds for relief you raised in that motion:

III. GROUNDS FOR RELIEF.

You may raise as many grounds (i.e., reasons) to vacate, set aside or correct the sentence and judgment as you believe are supported by the Constitution of the United States or the laws of the District of Columbia. *Remember that if you know of any reason you believe your conviction or sentence is unlawful and you do not raise it in this motion, you will probably lose the right to raise it later.*

For each reason, you should briefly state the legal basis for the claim. Then you should provide the facts about your case that support the claim. Provide as much specific information about your case and the reasons you believe the sentence or conviction is unlawful as possible. If you have a transcript of the trial or hearing, you should refer to the specific places in the transcript that show the error you believe the court made. You should, if possible, attach copies of transcript pages that support your claim. After that, you may attach additional legal arguments in support of the claim. Number each different claim, and attach the pages related to each claim in numerical order, followed by the conclusion page.

Legal Basis

a. Supporting Facts

b. Legal Argument

IV. CONCLUSION

Therefore, movant respectfully asks the Court to vacate, correct, or set aside the judgment and sentence and grant such other and further relief as may be warranted. I declare under penalty of perjury that the foregoing is true and correct.

Name _____

Date _____

Attachments (check if included):

___ Motion for appointment of counsel

___ Discovery requests