

**Checklist
For Use Upon Receipt of a PCR Application**

Applicant's Name: _____
This PCR Case #: _____

Preliminary Matters

- Get criminal trial files, exhibits, depositions, and transcripts
- Get prior PCR files, exhibits, depositions, briefs, rulings, and appellate opinion(s)
- Get direct appeal opinion(s) and both side's appellate briefing (consider calling Attorney General's office to have the text of prior appellate briefing e-mailed, faxed, or mailed to you -- check to see if a federal habeas action was filed).
- Make a chart comparing claims raised in prior appeals and collateral actions (state PCRs, federal habeas) to the issues being raised in this PCR
- Assuming ineffectiveness claims are being raised, call or visit defendant's prior first and second chair trial, postconviction, and appellate attorneys to alert them to the claims against them; Get their take on these claims; inquire if there is useful attorney-client correspondence or other file materials refuting prisoner's claims; obtain affidavits or schedule depositions as prudent; send copies of the PCR application to the attorneys for their review and thoughts.

Time-Bar? Waiver? Piecemeal?

- Is this action time-barred (over 3 years since procedendo)?
- Are claims waived or barred because applicant:
 - pled guilty?
 - failed to file a motion in arrest of judgment?
 - failed to raise or preserve the precise issue at the trial court level?
 - failed to take a direct appeal?
 - failed to raise or preserve the precise issue in a direct appeal?
 - failed to resist a Rule 6.104 dismissal?
 - failed to seek further review? (this is only an arguable claim)
 - already had the merits addressed in a direct appeal?
 - already had the merits addressed in a prior federal habeas action?
 - already had a prior PCR? ("piecemeal" claims)