UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DIVISION

Petitioner,

v. Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**RESPONDENT’S HABEAS CORPUS CHECKLIST**

**I. General Case Information:**

1. Date Petition Filed in the District Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Date District Court Ordered the Filing of an Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. Date Respondent’s Answer Filed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**II. Record of State Court Criminal Trial:**

If any portion of the state court criminal trial record or transcript is to be submitted by the

Respondent in opposition of the petition, Respondent’s counsel must index tab each portion or phrase of the record indicated below:

(A) Pretrial Proceedings:

(1) Indictment------------------------------------------------------------------ A

(B) Guilt/Innocence Phase of the Trial Proceedings:

(1) Voir Dire Examination--------------------------------------------------- B

(2) State’s Opening Statement-------------------------------------------- C

(3) Petitioner’s Opening Statement-------------------------------------- D

(4) State’s Case in Chief---------------------------------------------------- E

(5) Petitioner’s Case in Chief---------------------------------------------- F

(6) State’s Closing Argument---------------------------------------------- G

(7) Petitioner’s Closing Argument---------------------------------------- H

(8) State’s Rebuttal Argument--------------------------------------------- I

(9) Trial Court’s Instructions to Jury-------------------------------------- J

(10) Jury’s Verdict------------------------------------------------------------- K

(C) Sentencing Phase of the Trial

(1) State’s Opening Statement-------------------------------------------- L

(2) Petitioner’s Opening Statement-------------------------------------- M

(3) State’s Case--------------------------------------------------------------- N

(4) Petitioner’s Case--------------------------------------------------------- O

(5) State’s Closing Arguments-------------------------------------------- P

(6) Petitioner’s Closing Arguments-------------------------------------- Q

(7) Trial Court’s Instructions to the Jury-------------------------------- R

(8) Jury’s Recommendation----------------------------------------------- S

(9) Sentencing Hearing Before the Trial Judge----------------------- T

(10) Sentence------------------------------------------------------------------ U

(11) Court’s Findings in Support of Death------------------------------ V

**III. Petitioner’s Direct State Court Appeal**

If any portion of the direct state court appeal record or transcript is to be submitted in opposition of the petition, Respondent’s counsel must index tab each portion or phrase of the record indicated below:

(1) Petitioner’s Brief to the Florida Supreme Court--------------------------- W

(2) State’s Answer Brief to the Florida Supreme Court---------------------- X

(3) Supreme Court’s Dispositive Opinion/Order-------------------------------- Y

(4) Petition for Writ of Certiorari---------------------------------------------------- Z

(5) Brief of Respondent in Opposition-------------------------------------------- AA

(6) Order--------------------------------------------------------------------------------- BB

**IV. Petitioner’s Collateral Proceedings Under Florida’s Rule 3.851 Motion to Vacate, Set Aside, or Correct Sentence**

If any portion of a Rule 3.851 collateral proceeding record or transcript is to be submitted in opposition of the petition, Respondent’s counsel must index tab each portion or phrase of the record indicated below:

(A) Rule 3.851 Proceeding Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(1) Petitioner’s Rule 3.851 Motion--------------------------------------- CC

(2) Petitioner’s Amended Rule 3.851 Motion------------------------- DD

(3) State’s Response------------------------------------------------------- EE

(4) Petitioner’s Reply------------------------------------------------------- FF

(5) Was there an evidentiary hearing? \_\_\_ YES \_\_\_ NO

(6) Transcript of the evidentiary hearing------------------------------ GG

(7) Court’s Dispositive Opinion/Order--------------------------------- HH

(B) Petitioner’s State Court Appeal of this Rule 3.851 Decision:

(1) Petitioner’s Initial Brief------------------------------------------------ II

(2) State’s Answer Brief-------------------------------------------------- JJ

(3) Court’s Dispositive Opinion/Order-------------------------------- KK

(C) State Habeas Proceedings:

(1) Petitioner’s Writ of Habeas Corpus ----------------------------- LL

(2) State’s Response---------------------------------------------------- MM

(3) Court’s Dispositive Opinion/Order------------------------------- NN

**V. Prior Federal Habeas Corpus Proceedings:**

If any portion of a prior federal habeas corpus record or transcript is to be submitted in support of the petition, Respondent’s counsel must summarize the decision of the prior federal habeas corpus case, and must index tab each portion or phrase of the record indicated below:

(A) District Court Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(1) Name of the District Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(2) Date Petition was filed in District Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(3) Relief Granted (if any): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(4) Is the record of this proceeding to be included in current proceeding?

\_\_\_ NO \_\_\_ YES

(5) If appealed, Court of Appeals Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(6) Court of Appeals Citation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(7) Court of Appeals Disposition: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respectfully Submitted,