

Defendant's Name: _____

Case No. _____

<p align="center">Notice of Habeas Corpus Rights</p> <p align="center">O.C.G.A. § 9-14-42; 40-13-33 (Non-death cases)</p>
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Blue Ridge Judicial Circuit - Superior Court - Cherokee County - Georgia

NOTICE

- 1) If you believe that under these Court proceedings, there was a substantial **denial of your rights under the Constitution of the United States or of the Constitution of Georgia**, or
- 2) if you wish to challenge the **composition of the grand or trial jury** in your case, you must do so within the following time limits, else these issues are waived.

LIMITS DEFINED

Any action brought pursuant to this article shall be filed within

- 1) **180 days for traffic offenses;**
- 2) **one year in the case of a misdemeanor;** or
- 3) **within four years in the case of a felony**

as measured from:

- 1) Your conviction becoming final, [i.e.,
 - a. The **judgment of conviction becoming final by the conclusion of direct review** {appeal}
 - b. or the **expiration of time for seeking such review**, which would be calculated as thirty (30) days from
 - i. sentencing or
 - ii. ruling on motion for new trial or
 - iii. ruling on motion for out of time appeal];
- 2) The date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if the petitioner was prevented from filing such state action;
- 3) The date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right was newly recognized by said courts and made retroactively applicable to cases on collateral review; or
- 4) The date on which the facts supporting the claims presented could have been discovered through the exercise of due diligence.

ACKNOWLEDGMENT

(check the box that applies)

- I can read, have read the above and
- The above has been read to me by _____, and

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

_____ (Signature)

_____ (Printed Name)

I have read the above to the named Defendant on the _____ day _____ 20_____.
(if applicable)

_____ (Signature)

_____ (Printed Name)