

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENTS TO RAP 16.7--PERSONAL)
RESTRAINT PETITION – FORM OF PETITION)
AND RAP FORM 17--PERSONAL RESTRAINT)
PETITION FOR PERSON CONFINED BY STATE)
OR LOCAL GOVERNMENT)

ORDER

NO. 25700-A-1546

_____)
The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 16.7--Personal Restraint Petition – Form of Petition and RAP Form 17--Personal Restraint Petition for Person Confined by State or Local Government, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2024.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2024. Comments may be sent to the following

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ORDER

IN THE MATTER OF THE SUGGESTED AMENDMENTS TO RAP 16.7--PERSONAL
RESTRAINT PETITION – FORM OF PETITION AND RAP FORM 17--PERSONAL
RESTRAINT PETITION FOR PERSON CONFINED BY STATE OR LOCAL
GOVERNMENT

addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 3rd day of October, 2023.

For the Court


González, C.J.

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

RAP 16.7 – Personal Restraint Petition - - Form of Petition RAP Form 17 – Personal Restraint Petition for Person Confined by State or Local Government

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: Add “1. My anticipated release date is _____.” to Section A

of the Personal Restraint Petition Form, renumber the existing inquiries in

Section A, and amend RAP 16.7(a)(1) to reflect the addition to the form.

Requesting the petitioner’s anticipated release date assists the court with case

prioritization and increases the likelihood that a successful petitioner will

obtain meaningful relief before the matter becomes moot.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule and form amendment.

RAP 16.7
PERSONAL RESTRAINT PETITION--FORM OF PETITION

(a) Generally. Under the titles indicated, the petition should set forth:

(1) *Status of Petitioner.* The restraint on petitioner; the place where petitioner is held in custody and anticipated release date, if confined; the judgment, sentence, or other order or authority upon which petitioners restraint is based, identified by date of entry, court, and cause number; any appeals taken from that judgment, sentence or order; and a statement of each other petition or collateral attack as that term is defined in RCW 10.73.090, whether filed in federal court or state court, filed with regard to the same allegedly unlawful restraint, identified by the date filed, the court, the disposition made by the court, and the date of disposition.

...

See RAP 18.17 for document formatting requirements.

**RAP FORM 17. Personal Restraint Petition for Person
Confined by State or Local Government**

[Rule 16.7]

No. [appellate court]

[Put name of appellate court that you want to hear your case.]
OF THE STATE OF WASHINGTON

[Put your name here.],)
)
) PERSONAL RESTRAINT
) PETITION
)
) Petitioner.

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of this form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I,

(full name and address)

apply for relief from confinement. I am____am not____now in custody serving a sentence upon conviction of a crime. (If not

serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order:

_____.

(identify type of order)

1. My anticipated release date is _____.

~~1.2.~~ The court in which I was sentenced is _____.

~~2.3.~~ I was convicted of the crime(s) of

_____.

~~3.4.~~ I was sentenced after trial ____, after plea of guilty ____ on

_____.

(date of sentence) The judge who imposed sentence was

_____.

(name of trial court judge)

2. My lawyer at trial court was

(name and address if known; if none, write "none")

_____.

3. I did ____ did not ____ appeal from the decision of the

trial court. (If the answer is that I did), I appealed to

_____.

(name of court or courts to which appeal was taken)

My lawyer on appeal was

_____.

(name and address if known; if none, write "none")

The decision of the appellate court was _____ was not _____
published. (If the answer is that it was published, and I have
this information), the decision is published in

(volume number, Washington Appellate Reports or

_____.

Washington Reports, and page number)

4. Since my conviction I have _____ have not _____ asked a
court for some relief from my sentence other than I have
already written above. (If the answer is that I have asked), the
court I asked was _____

_____.

(name of court or courts in which relief was sought)

Relief was denied on

_____.

(date of decision or, if more than one, dates of all decisions)

5. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was

_____.

(name and address if known; if none, write "none")

6. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here:

_____.

B. GROUNDS FOR RELIEF

(If I claim more than one reason for relief from confinement, I attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.). I claim that I have _____(number) reason(s) for this

court to grant me relief from the conviction and sentence described in Part A.

_____Ground

(First, Second, etc.)

1. I should be given a new trial or released from confinement because (Here state legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement.):

_____.

2. The following facts are important when considering my case (After each fact statement, put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that, also.):

_____.

3. The following reported court decisions (include

citations if possible) in cases similar to mine show the error I believe happened in my case (If none are known, state "None known".): _____

_____.

4. The following statutes and constitutional provisions should be considered by the court (If none are known, state "None known".):

_____.

5. This petition is the best way I know to get the relief I want, and no other way will work as well because

_____.

C. STATEMENT OF FINANCES

If you cannot afford to pay the filing fee or cannot afford

to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do ___ do not ___ ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.

2. I have a spendable balance of \$_____ in my prison or institution account.

3. I do ___ do not ___ ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am ___ am not ___ employed. My salary or wages amount to \$_____ a month. My employer is

_____.

(name and address)

5. During the past 12 months I did ___ did not ___ get any money from a business, profession or other form of self-employment. (If I did, it was _____ and the total income I got was \$_____.)

(kind of self-employment)

6. During the past 12 months, I

did did not get any rent payments. If so, the total

amount I got was \$_____.

_____ get any interest. If so, the total amount I

got was \$_____.

_____ get any dividends. If so, the total amount I

got was \$_____.

_____ get any other money. If so, the amount of

money I got was \$_____.

7. _____ have any cash except as said in answer 2.

If so, the total amount of cash I have

is \$_____.

_____ have any savings accounts or checking

accounts. If so, the amount in all

accounts is \$_____.

_____ own stocks, bonds, or notes. If so, their

total value is \$_____.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

9. I am _____ am not _____ married. If I am married, my wife or husband's name and address is

_____.

10. All of the persons who need me to support them are

listed here.

Name and Address	Relationship	Age
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11. All the bills I owe are listed here.

Name of creditor	Address	Amount
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you owe money to

D. REQUEST FOR RELIEF

I want this court to:

___ vacate my conviction and give me a new trial

___ vacate my conviction and dismiss the criminal

charges against me without a new trial

___ other (specify)

E. OATH OF PETITIONER

THE STATE OF WASHINGTON)
) ss.
County of _____)

After being first duly sworn, on oath, I depose and say:

That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

[sign here]

SUBSCRIBED AND SWORN to before me this ____ day
of _____.

Notary Public in and for the State of Washington, residing at:

If a notary is not available, explain why none is available
and indicate who can be contacted to help you find a notary:

Then sign below:

I declare that I have examined this petition and to the best
of my knowledge and belief it is true and correct.

[If the petition is prepared using word processing
software, include the following statement: This document
contains _____ words, excluding the parts of the document
exempted from the word count by RAP 18.17.]

_____ [date].

[sign here]

[Adopted effective July 1, 1976; Amended effective September 1, 1990; September 1, 2006; November 21, 2006; September 1, 2021.]