

FORM TO BE USED BY PRISONERS FILING A

PETITION FOR DNA TESTING

UNDER MONT. CODE ANN. § 46-21-110

NAME \_\_\_\_\_

PRISON NUMBER \_\_\_\_\_

PLACE OF CONFINEMENT \_\_\_\_\_

CRIMINAL CAUSE NUMBER \_\_\_\_\_

\_\_\_\_\_, Petitioner,  
(Full Name)

v.

STATE OF MONTANA, Respondent.

Instructions

1. To use this form, you must be a convicted felon serving a term of incarceration. You must swear that you did not commit the felony for which you were convicted and that DNA testing will support your claim of innocence.
2. This form is appropriate for petitioners who are not represented by an attorney. If you are represented, consult your attorney.
3. The petition must be neatly handwritten or typed. It must be filed in the court that entered the judgment of conviction.
4. You must tell the truth and sign the form. The form must also be notarized. If you make a false statement of a material fact you may be prosecuted for perjury.

PETITION FOR DNA TESTING

1. I was convicted of the following criminal offense(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Judgment on these offenses was entered on (date) \_\_\_\_\_.
  
3. I received the following sentence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Check one: ( ) I pled guilty to these offenses.  
( ) I pled not guilty to these offenses.
  
5. Check one: ( ) I appealed to the Montana Supreme Court.  
( ) I did not appeal to the Montana Supreme Court.
  
6. I am not represented by an attorney and do not have the ability to present a prima facie case that the evidence to be tested has been subject to a chain of custody sufficient to establish that the evidence has not been substituted, tampered with, degraded, contaminated, altered or replaced in any material aspect.
  
7. Under penalty of perjury, I assert that I was not the perpetrator of the felony that resulted in my conviction, and that the DNA testing is relevant to my assertion of innocence.
  
8. Check one: ( ) I have previously filed a petition for DNA testing under § 46-21-110  
( ) I have not previously filed a petition for DNA testing under § 46-21-110
  
9. If you previously filed a petition for DNA testing, give the following information:  
  
Name of Court: \_\_\_\_\_  
  
Nature of Proceeding: \_\_\_\_\_  
  
Grounds Raised: \_\_\_\_\_

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Result: \_\_\_\_\_

10. Has there been any previous DNA testing or other known biological testing by the prosecution or the defense?

(    ) Yes      (    ) No

If yes, state the results: \_\_\_\_\_

\_\_\_\_\_

11. If possible, identify what evidence should be tested and what kind of testing should be done:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Explain, in light of all the evidence, how the requested testing would establish your innocence of the felony:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Explain why the identity of the perpetrator was, or should have been, a significant issue in the case:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. I was represented by the following attorneys:

At trial: \_\_\_\_\_

At sentencing: \_\_\_\_\_

On appeal: \_\_\_\_\_

Petitioner prays that the Court order a responsive pleading from the State and grant any relief to which Petitioner may be entitled.

STATE OF MONTANA )

: ss.

County of \_\_\_\_\_ )

I, the petitioner above named, being duly sworn, states as follows:

I have read the foregoing petition for DNA testing and know the contents thereof, and the same is true of my own knowledge, information and belief.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of Petitioner)

SUBSCRIBED and SWORN to before me this \_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, by \_\_\_\_\_ (name of Petitioner).

\_\_\_\_\_  
Signature notary

\_\_\_\_\_  
Name -- typed, stamped or printed  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Petition for  
DNA Testing was sent by U.S. mail to the following:

Montana Attorney General  
P.O. Box 201401  
Helena, MT 59620

County Attorney

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(address)

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